

MEETING OF THE PARLIAMENT

Wednesday 20 December 2000

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Scottish Parliament

Wednesday 20 December 2000

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): Good morning. Our leader for time for reflection is Rev Alexander G Horsburgh, the Church of Scotland chaplain to the University of Stirling.

Rev Alexander G Horsburgh (Church of Scotland Chaplain to the University of Stirling): We read in the gospel of Luke, verses 46 to 55:

"And Mary said,
'My soul magnifies the Lord,
and my spirit rejoices in God my Saviour,
for he has looked with favour on the lowliness of his servant.
Surely, from now on all generations will call me blessed;
for the Mighty One has done great things for me,
and holy is his name.
His mercy is for those who fear him
from generation to generation.
He has shown strength with his arm;
he has scattered the proud in the thoughts of their hearts.
He has brought down the powerful from their thrones,
and lifted up the lowly;
he has filled the hungry with good things,
and sent the rich away empty.
He has helped his servant Israel,
in remembrance of his mercy,
according to the promise he made to our ancestors,
to Abraham and to his descendants for ever."

The song that Mary sang in response to the knowledge that she was pregnant with the Christ is a song of revolution, a manifesto for radical change; however, the words come from the mouth of one of the least powerful—a young, single mother, a woman in a society which listened only to men. The very identity of the singer challenges the social order of her day, and the song in her heart and on her lips challenges and disturbs in equal measure. However, the song also cheers, offering a message of hope to the lowly, who will be lifted, and to the hungry, who will be filled with good things. It is a song of restoration, of the restoration of the world to the way God wills it to be.

In Luke's gospel, the song of Mary acts as a mission statement, informing the reader that the Christ to be born of this powerless mother has an agenda that challenges the status quo through its bias for the poor, the outcast and the marginalised. Christmas, which is so often a time of comfort and cosy inward-looking celebration, is actually the time when our minds should most firmly be on those at the fringes—the very young,

the very old and those with no support or no resources. It is a time to listen to the uncomfortable messages and heed the warnings; to adopt Mary's manifesto and make it our agenda. Can we, as a Parliament, as a Church, as a nation, do that?

Mary's song of trust in God at the time of her pregnancy reminds us that the world is always pregnant with the love of God. It is through our actions that that love is born.

I will end with a prayer.

Father of all,
bless us all this Christmas time.
Be merciful to us and enlist us
in your work of justice and of service to those in need,
so that, so far as we are able,
none of our sisters or brothers may be left outside,
but all may be included.
In the name of Christ,
who was born in weakness
yet who reigns in strength,
we pray.
Amen.

Business Motions

The Presiding Officer (Sir David Steel): The first item of business is the consideration of Parliamentary Bureau motions. The first is S1M-1482, in the name of Tom McCabe on behalf of the bureau, which sets out the business programme.

Motion moved,

That the Parliament agrees:

(a) as an addition to the Business Motion agreed on 14 December 2000

Wednesday 20 December 2000

after the first Parliamentary Bureau Motions, insert

followed by Ministerial Statement on the Fisheries Council

and, (b) the following programme of business

Wednesday 10 January 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement

followed by Stage 1 Debate on the Leasehold Casualties (Scotland) Bill

5.00 pm Decision Time

followed by Members' Business

Thursday 11 January 2001

9.30 am Parliamentary Bureau Motions

followed by Ministerial Statement

followed by Stage 3 Debate on the Salmon Conservation (Scotland) Bill

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Stalking and Harassment

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-1436 Lloyd Quinan: Autistic Spectrum Disorder Provision—[Tavish Scott.]

The Presiding Officer: As no member wishes to speak against the motion, I will put the question. The question is, that motion S1M-1482, in the name of Tom McCabe, be agreed to.

Motion agreed to.

The Presiding Officer: The next business motion for consideration is S1M-1488, in the name of Tom McCabe, which is the timetabling motion for today's stage 3 debate on the Transport

(Scotland) Bill.

09:35

The Deputy Minister for Parliament (Tavish Scott): In moving the motion, I should tell the chamber that it has been agreed by all the main political parties. It provides four and a half hours for the consideration of amendments. The purpose of the timetabling motion is to structure debate and to ensure sufficient time for the later groupings in particular.

I move,

That the Parliament agrees that the time for consideration of Stage 3 of the Transport (Scotland) Bill be allocated as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins)—

Group 1 to Group 2 – no later than 30 minutes

Group 3 to Group 15 – no later than 1 hour 45 minutes

Group 16 to Group 17 – no later than 2 hours 30 minutes

Group 18 to Group 22 – no later than 3 hours 30 minutes

Group 23 to Group 29 – no later than 4 hours 30 minutes

Motion to pass the Bill – no later than 5 hours

followed by Stage 3 Debate on the Transport (Scotland) Bill.

The Presiding Officer: As no member has asked to speak against the motion, I will put the question. The question is, that motion S1M-1488, in the name of Tom McCabe, be agreed to.

Motion agreed to.

Fisheries Council

The Presiding Officer (Sir David Steel): The next item of business is a statement by Rhona Brankin, the Deputy Minister for Rural Development, on the fisheries council. As the minister will take questions at the end of the statement, there should be no interventions during it.

09:36

The Deputy Minister for Rural Development (Rhona Brankin): I am pleased to have the opportunity to make a statement to Parliament on the outcome of last week's meeting of the fisheries council, which I want to put into context. Although we agree that we face a tough and testing time, fishing is an industry with a real future.

There is no doubt that the discussions about total allowable catches—TACs—were this year among the most difficult ever. We simply cannot ignore the fact that fish stocks are in a very poor state; neither is there a magic solution that will allow us to work towards the recovery of stocks without reducing the amount of fishing effort. Some reduction in TACs was inevitable; indeed, it was essential for the long-term sustainability of the fisheries and the communities dependent on them.

I make no excuses for taking some tough decisions. It is not in the best interests of the fishing industry to put short-term quota gains before long-term sustainability. However, in the light of the scientific assessments and the generally poor uptake of this year's quota, the outcome of the council is not as bad as some would claim. In fact, in keeping with the motion passed earlier this month by the Parliament, we have pressed successfully for a better deal for Scottish fishermen on a number of key stocks. We have done that in a way that will not lead to unsustainable pressure on those stocks in the longer term.

Before I give members some examples of the progress that we have made, I will say a few words about North sea whiting. I was very disappointed with the outcome of that negotiation and I share the fishing industry's frustration. We did everything possible to get the best available deal on whiting. We invoked the Hague preference and argued strongly for a split between the industrial bycatch and the human consumption elements of the TAC that was more favourable to our interests than was recommended in the scientific advice.

Despite a substantial amount of lobbying, which culminated in a direct bilateral discussion with Commissioner Fischler, it was clear that the

Commission would not move beyond our Hague preference level. In order to achieve that, and to mitigate the impact of the Hague preference on other member states, the industrial bycatch figure was adjusted and given to the UK, although not to the extent that we would have liked.

Contrary to public perception, the remaining industrial bycatch element has not been allocated to Denmark. Rather, it remains unallocated, which may be helpful in the longer term. Members should be in no doubt that I intend to monitor closely the take-up of the industrial bycatch element. If it looks unlikely that that element will be taken up, I shall certainly seek to have it moved to the human consumption fishery.

I can announce—and am encouraged by—an agreement reached with Denmark to have discussions about the North sea sand eel fishery, including considering the possibility of reducing the present TAC and adjusting the bycatch element. I intend to meet the Danish minister early in the new year.

The end result on whiting in the North sea, however, is a quota for the UK that is more than 6,000 tonnes down on last year. That will result in a loss to the UK industry of around £3.5 million. We understand the fishing industry's disappointment.

It is important to look also at the other side of the negotiating balance sheet. I cite some examples of the negotiating gains that were made by the Executive throughout the TAC-setting process. For North sea haddock, the initial Commission line was to set a TAC of 42,000 tonnes. That would have given the UK a share of just over 25,000 tonnes. In the EU Norway negotiations, we managed to argue the TAC up to 61,000 tonnes and to get a transfer from Norway of more than 6,000 tonnes. The successful invocation of the Hague preference at the council gave the UK an allocation of 41,780 tonnes—more than 16,000 tonnes, or 65 per cent, above what our allocation would have been according to the original Commission proposal. That extra fish is worth £16 million to the Scottish industry, which places the whiting issue in a better context.

The Commission proposed a 20 per cent cut in the TAC of nephrops. We pressed for a rollover TAC on the basis that there was no new scientific advice, but the Commission remained concerned about the level of cod bycatch in the nephrops fisheries. Finally, a 10 per cent cut was agreed, subject to a declaration from the Commission to the effect that, if member states could prove a small cod bycatch, the TAC could be rolled over. We have already undertaken some work to demonstrate that, and the Executive will make all possible efforts to secure an increase in the TAC where that is appropriate. Our success in

mitigating the cuts in nephrops TACs will result in fishing opportunities beyond the Commission's proposals, worth £3.5 million in the North sea and £3 million in the west of Scotland.

In pre-council discussions with the industry, progress with nephrops was identified as the industry's major target, and that progress has been achieved. The industry also asked me to seek reduced cuts in west of Scotland haddock, monkfish and herring, and I delivered a better deal on all those. Proposed reductions of 39 per cent for haddock, 25 per cent for monkfish and 27 per cent for herring were successfully opposed. The final outcome was for cuts of 27 per cent for haddock, 20 per cent for monkfish and 13 per cent for herring. That will lead to quota gains of some £2 million on the original proposals.

The Executive has delivered on its promise to get the best available deal for the Scottish industry, and I am content that we have done so in a way that is compatible with the scientific advice on longer-term sustainability. Our initial analysis suggests that, apart from those for North sea cod and whiting and possibly for west of Scotland monkfish, the 2001 catch quotas will be higher than the 2000 quotas. Nevertheless, the Executive understands that these are difficult times for the Scottish industry.

Fisheries are vital to many coastal communities, and the Executive is committed to ensuring that they will be sustainable. We believe that the industry has a sustainable future, but we must overcome the immediate difficulties on the catching side and for the fish processors. It is our intention to work in partnership with the industry and with the other stakeholders to tackle those difficult issues.

I have set up an action group to examine the issues that face the processing sector. That group has met on several occasions and is making good progress. On the catching side, I have agreed to meet the Scottish Fishermen's Federation early in the new year to consider the options for dealing with the impacts of the poor state of fish stocks and the associated quota reductions. The First Minister has expressed his willingness to meet industry representatives to discuss the way forward.

I am also pleased to announce that Scottish Enterprise has agreed to resource an initiative to examine the Scottish fishing industry as a whole. The initiative will be aimed at refocusing the industry and identifying the scope for restructuring that key industry. We will consult further with the industry in due course about what needs to be done. Scottish Enterprise is a key player in the action group for the processing sector, to which I referred earlier.

In summary, the Executive fully appreciates the difficulties that face the industry. We did everything possible at the December council to minimise those difficulties and we have achieved a substantial amount. Nevertheless, more needs to be done. The Executive is committed to ensuring the long-term, sustainable future of the fishing industry and we will do everything in our power—working in partnership with the industry—to turn that vision into reality. We must learn the lessons of the short-term issues that face us, and we must also be prepared to look to the future of the industry and plan accordingly.

Richard Lochhead (North-East Scotland) (SNP): I thank the minister for giving the Scottish National Party a copy of her statement in advance.

The fishing industry expected a tough year ahead, but not one quite as tough as is now anticipated, following the Government's failure last week to stand up for our fishermen in Europe. The minister's statement proves that new Labour members are masters of spin. I lost count of the number of times that she used the words success, progress and gains. The reality is that the industry will lose anything between £60 million and £100 million of income as a result of the cuts that were agreed by Rhona Brankin last week. Hundreds, if not thousands, of jobs are now on the line in Scotland's fishing communities.

Our fishing communities have been left to pick up the pieces following the minister's complete failure to win a good deal for Scotland last week. However, I remind members that that is not entirely Rhona Brankin's fault; the First Minister is also responsible. He sacked the former Deputy Minister for Rural Affairs with responsibility for fisheries only weeks before the most important negotiations in decades. At the time, the industry warned the First Minister that that was a foolish action, and that view has been vindicated.

Mr Jamie McGrigor (Highlands and Islands) (Con): On a point of order. I thought that members were supposed to be asking questions, not making speeches.

The Presiding Officer: You are right, Mr McGrigor. A certain amount of latitude is afforded to the Opposition spokesperson in replying to the statement. However, that reply should be in the form of questions.

Richard Lochhead: Rubbing salt into the wound is the minister's monumental Brussels blunder that will allow 6,000 tonnes of whiting that should be caught and processed by the Scottish industry to be transferred to the Danish industrial fishery. That is a slap in the face for our fishermen, who have adopted conservation measures only to see those young fish hoovered up by the Danish industry.

Why is the Danish industrial fishery being spared the pain that is being inflicted on the Scottish industry, and why did the minister allow Denmark to gain at Scotland's expense? Will the minister speak to the Commission and demand the decommissioning of the Danish industrial fishery or a ban in the interests of conservation?

In the past few days, we have heard enough warm words from the minister. This morning, we are looking for commitments, not just another fudge in the form of another task force that will take months to report. Can the minister give us a commitment that new money will be made available for decommissioning, a temporary tie-up of the fleet and other conservation measures to ensure that the industry is able to cope with the difficulties that lie ahead? Can she tell us whether she has requested more financial aid for the industry from Europe and the UK Treasury?

The industry is asking not for ifs, buts or maybes, but for a clear-cut commitment that the Government will deliver new funding to rescue it from the deal that the minister secured last week.

Rhona Brankin: I remind Richard Lochhead of what he said last week on "Newsnight Scotland". He said that we should accept the fact that there must be short-term pain for a long-term gain in rural communities.

We are confident that the deal that we secured at last week's council was the best possible for the Scottish fishing industry, and I am in no doubt about that. We have held talks with the Scottish Fishermen's Federation and we have said that we must consider the implications of the council. We must also examine the proposals that are coming out of the cod recovery plan, and we have asked the industry to approach us with suggestions for the best way forward in future.

I have said it before and I say it again: we rule nothing out and we rule nothing in. I have announced that Scottish Enterprise will set up an initiative to review the fishing industry, and we are already reviewing the fish processing sector. One of the fishermen's organisations has said that there is too much doom and gloom concerning the fishing industry. We believe that there is a future for the fishing industry. Let us not talk that industry down.

Mr McGrigor: I thank the minister for her statement but regret that I have to say that the Conservative party is desperately disappointed for Scottish fishermen. Can she explain why every bottom-trawl fishery has had to take cuts except for the industrial fisheries? Why did not she insist on a cut of at least 25 per cent in the catch of the industrial fishing industry, which is the one that is the most harmful to the conservation of stocks, especially the stocks of the Norway pout fish?

Surely the minister agrees that it would have been better for our desperate processors to have had the whiting to process rather than having it end up as fish meal for pigs in Denmark. What part did the French presidency of the EU play in reaching a settlement on whiting? How many jobs will the industry lose as a result of the cuts? Why is there any cut in the prawn quota when the scientific evidence on the stock has remained unchanged?

Why did the minister not push other countries to use conservation measures to address the long-term problem? Why does she not mention any decommissioning programme or any socio-economic help for fishermen and their families to protect the core of the Scottish fishing fleet? Will she plan for a subsidised lay-off for new vessels and plan a set-aside scheme for fishermen similar to that which operates in relation to Scotland's farmers? Will she address those issues immediately?

Rhona Brankin: As I said in my speech—

Mr Alex Salmond (Banff and Buchan) (SNP): Statement.

Rhona Brankin: I thank Mr Salmond. As I said in my statement, we have said that we will be talking to the Danes as a matter of urgency about industrial fishing. We have concerns about that. As I said to Mr Lochhead, it is too early to say how many jobs will be involved. I have said to the fishing industry that we must sit down and consider the implications of the December council and the implications of any cod recovery plan. Many loose figures have been bandied about and I do not want to bandy any more.

We have secured the best possible deal on prawns and have got the cut in that quota down to 10 per cent. The Commission has said that if we can prove scientifically that there is a lower cod bycatch, we will be able to roll over the TAC. We will work hard to reach that point.

I will repeat what I have already said on decommissioning. At this stage, we do not rule anything out and we do not rule anything in. We will seek the best possible sustainable future for the Scottish fishing industry.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I was interested to hear the minister say that, apart from the quotas for North sea cod and whiting, the 2001 quotas that she negotiated will be higher than the 2000 catches. Given that fact, it is amazing that we hear doom and gloom in the chamber today.

Does the minister agree that this is the most opportune moment to radically review the structure of the fisheries operations through Scottish Enterprise? I understand that it is up to individual

member states to submit proposals for the restructuring of the fishing fleet. Will the minister radically review the situation and present proposals that come out of that review, especially in relation to compensation, to the European Commission?

Rhona Brankin: I am glad that we have heard some recognition of the significant achievements that we made at that council. The quotas that we achieved on the west coast are higher than the amount of fish that were caught last year.

On restructuring, I agree that we should take this opportunity to examine carefully the Scottish fishing industry. The Scottish Fishermen's Federation, to which I spoke in Aberdeen on Monday, agrees with that view. We have to look to the future. The scientific advice is accepted by everyone. The fishermen have not caught their quota for cod for this year. We have an opportunity to examine the industry and its future. We need to have discussions about restructuring the industry. That is what I have been able to announce today.

The Presiding Officer: We come now to back-bench questions. We have a long list of members who would like to ask questions so I appeal for short questions and answers.

Lewis Macdonald (Aberdeen Central) (Lab): The minister will be aware of the work of the action group on fish processing and the role of Scottish Enterprise. Does she recognise that the fish processing industry, like the catching sector, accepts the need for restructuring? Will she continue to give a high priority to securing the future of the processing industry in the city of Aberdeen as well as in rural areas and to protecting the jobs of the thousands of people who work in that industry?

Rhona Brankin: I met representatives of the action group on fish processing on Monday and was given an interim report. I agree that there is a need for us to have a long, hard look at the reprocessing sector and for some restructuring. The action group is examining some possible short-term measures and long-term restructuring measures. We have to think about the whole of the fishing sector, from the catchers to the secondary processors and the markets. I will do that in the coming months.

Mr Salmond: Does the minister accept that there is a difficulty with the image of her coming back from a Council of Ministers meeting covered in glory at a time when the fishing communities believe that they are about to be covered in poverty? Does she accept that every fishing organisation views the outcome of the council meeting for our negotiating position as either dismal or disastrous? Does she further accept that the measures that she is calling for have been

called for by Scottish fishermen for the past 10 years?

Given that the Spanish industry has received £200 million a year for the past five years to help its fishing communities, would the minister care to put a figure on the sum that she will provide to Scotland's fishing communities in their hour of need?

Rhona Brankin: Once more, I repeat that we believe that there is a secure future for the Scottish fishing industry. There is far too much doom and gloom. As Mr Lochhead accepted on "Newsnight Scotland" last week, we accept that there will be difficulties for the Scottish fishing community. The Scottish fishermen understand that. The Executive and I are working hard to make the future of the industry secure.

At this stage, I am not prepared to bandy figures about. Far too many figures have been loosely bandied about. I will repeat what I have said: we will sit down with the fishing industry and examine calmly the implications for the industry and we will seek to take measures that will ensure a secure but sustainable—that is the key word—fishing industry.

Elaine Thomson (Aberdeen North) (Lab): I welcome the minister's announcement that Scottish Enterprise has agreed to an initiative to help the industry restructure and that the Scottish Enterprise Grampian working group is making good progress. Does the minister agree that the fishing industry supports many jobs and communities and that that fact makes it vital that all avenues of support are explored to ensure that Scotland continues to have a sustainable fishing industry?

Rhona Brankin: The initiative that we are taking, which is being led by Scottish Enterprise, and the announcement that I made today are important. The fishing industry is a vitally important sector in the Scottish economy. It tends to be concentrated in coastal communities. We need to have a long look at the fishing industry to ensure that we have a strong fishing industry in the future. The fish processing sector is an important part of the industry.

Alex Johnstone (North-East Scotland) (Con): If memory serves, last year, John Home Robertson, the then Deputy Minister for Rural Affairs, came to the Rural Affairs Committee to discuss issues relating to the fishing industry. Might I take this opportunity to invite the minister to come back to the Rural Affairs Committee to discuss the issues raised today in a more constructive and less confrontational manner?

Rhona Brankin: I welcome that invitation. Far too many figures have been bandied about. We need to think about the issues seriously and plan

for the future in a calm and rational way. I would be happy to discuss the matter further in the Rural Affairs Committee.

Rhoda Grant (Highlands and Islands) (Lab): I welcome the news that the UK has secured a good deal on nephrops and that the cut in the TAC has been reduced. Many of the fishermen in fragile communities on the west coast in my constituency are dependent on the prawn fishery, which is vital to the local economy. Many of those fishermen use static gear, which has no bycatch. Will the minister use that information to seek a further reduction in the TAC cut?

Rhona Brankin: As I said in my statement, we have managed to secure a better deal for nephrops but, with proper scientific advice, we can do even better. The problem with nephrops is the cod bycatch. However, on the initial scientific advice, there appears to be quite a difference between the size of bycatch in inshore and in deeper waters. We need to get better scientific advice on that, and I hope that we can secure an even better deal on nephrops in the light of that advice.

Robin Harper (Lothians) (Green): Can the minister confirm the current view that the common fisheries policy has consistently failed us over the past 20 years; that it has failed to produce reductions in fishing effort in European Union waters; that quotas and TACs should eventually be got rid of; and that the only way to reduce fishing effort is to cut the total number of boats in Europe?

Does the minister agree that we need to look at the bigger picture? Twelve of the world's 14 major fisheries are severely overfished. We should ensure that the steps we in Europe and Scotland take avoid pressurising stocks elsewhere, particularly deep-sea stocks in the Atlantic—which, it seems, the French are now exploiting to the full—and off the west coast of Africa, where boats are taking advantage of the weak policing of the seas.

Rhona Brankin: I thank Mr Harper, who raises some important points. In the spring, a review of the common fisheries policy will commence. We indeed have some concerns about how the CFP has operated. As we see the perilous state that some of our stocks are in, we want to avoid what happened in Newfoundland, where steps were taken far too late—the cod stocks there have never recovered. We must avoid such a situation here at all costs.

Mr Harper referred to deep-sea stocks. It was one of our key objectives at the December council to safeguard them, and we secured that. The French were keen to set TACs for deep-water stocks. We simply do not think that the scientific

advice is available, and we have to get that advice in the course of the next year. I agree that we must examine the whole fishing effort with regard to the size and health of the available stocks.

Euan Robson (Roxburgh and Berwickshire) (LD): Is the minister aware that the cod bycatch in the nephrops fishery in area IVb of the North sea, which is vital for some of my constituents in Berwickshire, is said to be negligible? Will she ensure that the North sea bycatch is disaggregated by area, so that any recovered quota can be assigned appropriately?

Rhona Brankin: I accept that we need to consider further the levels of bycatch caught in the nephrops fishery, and I accept that the bycatch is significantly less in some areas. We will set in train the work to consider the situation straight away, and I hope that we will be able to secure a better deal for prawn fishermen.

Mr David Davidson (North-East Scotland) (Con): What part did the minister play in the recent negotiations? Did she ask for anything different from what Elliot Morley was asking for? Can she detail the measures that she intends to put in place until the stocks recover and until the two Scottish Enterprise groups report back? People need help now.

Rhona Brankin: Obviously, I work very closely with Elliot Morley. We comprise the United Kingdom delegation; indeed, the Northern Ireland Minister of Agriculture and Rural Development was also at the December council. In my discussions before the meeting with fishing industry representatives and with Elliot Morley, I argued strongly on our key objectives for the Scottish fishing industry. Mr Davidson can be assured of that.

As I have said to other members, we recognise that there will be tough times ahead for the industry. I have already put measures in place. Scottish Enterprise is setting up an initiative to examine the whole fishing industry. I have already had discussions with fishermen's organisations. Early in the new year, we will sit down in the cold light of day and look calmly at the figures. I rule nothing out and nothing in.

Mr John Home Robertson (East Lothian) (Lab): Rhona Brankin has made the best of a very difficult job. The industry understands fine that her decisions had to be taken; it is a pity that the Scottish National Party cannot grasp that fact.

On the difficult point of the transfer of whiting from a human consumption fishery in order to cover a bycatch in the industrial fishery, the minister has already acknowledged that the proposal is incomprehensible. What was the role of the European presidency on that part of the package? The minister said that she had a

bilateral discussion with Franz Fischler to discuss that point. How did he seek to justify that perverse aspect of the package? What can be done to turn that round?

Rhona Brankin: We have already arranged to have discussions with the Danes to deal with the issue of bycatch. I am particularly concerned that we have the best possible scientific advice about the actual bycatch of whiting in the industrial fishery. We do not believe that we currently have that information, so we will seek further advice: we will ask the Commission on what scientific advice it based its decision. We indeed had bilateral discussions with Commissioner Fischler on the issue, as well as with the presidency. We were told that whiting was an imperilled species, and that the Commission wanted to make absolutely sure that there was no overfishing for whiting. We will return to the scientific advice and we will reopen our discussions with Denmark.

George Lyon (Argyll and Bute) (LD): The Commission has left the door open on prawn quotas, providing, I understand, that the Executive presents scientific evidence to it on cod bycatch. Can the minister specifically state the time scale to which the Scottish Executive is working to gather that evidence? When does the Executive hope to present that evidence to the Commission? Will the Commission take that decision, or will the matter need to go back to the Council of Ministers before the prawn quota can be adjusted, if the Executive can present scientific evidence to suggest that there is an absence of cod bycatch in prawn fishing?

Rhona Brankin: As I have said, and as George Lyon has reiterated, we have a possibility to improve the situation for prawn fishermen. I cannot provide a time scale for that, but I would be happy to meet George—and anybody else with an interest in prawn fishing—to discuss the matter. Indeed, I am happy to meet anybody to discuss fishing issues, and I am pleased at the good turnout in the chamber for this morning's statement.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister acknowledge that Highlands and Islands Enterprise covers Mallaig, the coastal communities of Moray and Lochinver, which all depend on fishing? Will those areas be fully involved in the action group that was announced today? HIE has not been mentioned in that regard.

As there is no scientific evidence to support a cut in nephrops quotas, and as the minister accepted that there is no justification or need for such a cut, why was that not resisted? Will she visit the Mallaig and North West Fisheries Association early in the new year to discuss how a rollover can be achieved? Does she recall that,

yesterday, the Prime Minister called the millennium dome a great success? Are we really expected to believe that this rotten deal is, likewise, a great success?

Rhona Brankin: I remind Fergus Ewing that I lived in the Highlands for 25 years. Of course it is Scottish Enterprise that is putting up the money to fund the initiative, given that the whole of Scotland, with its fishing interests, is involved. I really think that Fergus's first question was not necessary.

I am of course happy to meet representatives of any of the fishermen's associations to discuss any of the issues that have been raised this morning. As for the nephrops situation, the problem is that the scientific advice is not clear at this stage. There is evidence that the cod bycatch is very low in some areas; there is also evidence to suggest that it is very high in other areas. I reiterate that I am happy to meet anybody who wishes to discuss the fishing industry with me. My door is open.

Phil Gallie (South of Scotland) (Con): Will the minister confirm her earlier comment that west coast TACs are up? Does she agree that the prawn TAC has gone down by about 10 per cent? That comes in addition to last year's reductions. Will she acknowledge the particular difficulties of fishermen working in the Clyde estuary? Will she come to the south-west to meet fishermen there?

Rhona Brankin: I accept that fishermen in some areas will have some difficulties. I reiterate that the deal that we secured for the west coast was the best possible deal. For many of the species concerned, the TAC that was agreed was above what the fishermen caught this year. I would be delighted to meet the fishermen to whom Phil Gallie referred at an early stage.

Iain Smith (North-East Fife) (LD): I welcome the proposals to address the issue of the North sea sand eel fisheries and the partial restoration of the nephrops quota. The minister recognised that those in the east neuk of Fife who rely on the prawn fisheries are concerned that they will face pressure from other fishermen who will want to take part of the quota on which they depend. What measures will the minister take to ensure that fishermen in Pittenweem and other small harbours are protected from the pressure of other small boats that will try to enter prawn fishing?

Rhona Brankin: That is a good question. I recognise the reliance on prawn fishery in the east neuk of Fife. We need to obtain scientific advice as soon as possible to ensure that we can improve the prospects for prawn fishermen.

Maureen Macmillan (Highlands and Islands) (Lab): As the minister said in her statement, it is important to sustain the fish processing industry. Does she agree that part of the answer lies in

treating fish not as a commodity but as a high-class food? Ironically, the scarcity of fish has raised its profile as a gourmet dish. Will the minister support the training schemes that the industry is promoting to educate all those who catch and process fish on the best way of handling it to preserve its quality so that it can fetch the highest price?

Rhona Brankin: That is an important point. We need to consider the whole industry and, as I have said, that is what we will do. We will examine the industry right through from the catch to the table. Many complex issues are involved. For the first time ever, we will look at the industry as a whole.

The Presiding Officer: I thank the minister and all other members for their co-operation in getting through the large number of questions in the allotted time.

Transport (Scotland) Bill: Stage 3

The Presiding Officer (Sir David Steel): We now move to stage 3 of the Transport (Scotland) Bill. I will make the usual announcement about the procedure that will be followed. First, we will deal with amendments to the bill, and in the afternoon there will be a debate on the question that the bill be passed.

For the first part of this morning's proceedings, members should have a copy of SP Bill 18A, as amended at stage 2; the marshalled list, which contains the amendments that I have selected for debate; and the groupings. Each amendment will be disposed of in turn and, where appropriate, I will invite the minister to move en bloc Executive amendments that have already been debated and that are consecutive in the marshalled list. The aim of that procedure is to save time, but I will employ it only if members agree. I am quite prepared to put the question on amendments individually where there is a request for me to do so.

An amendment that has been moved may be withdrawn with the agreement of members present. It is of course possible for members to choose not to move amendments if they change their minds. The electronic voting system will be used for all the divisions. I will allow an extended voting period of two minutes for the first division that occurs after each debate on a group of amendments. I hope that that is clear to everybody.

Section 1—Joint transport strategies

10:15

Bruce Crawford (Mid Scotland and Fife) (SNP): As I said on 4 October during the stage 2 debate in the Transport and the Environment Committee, the purpose of inserting

"the environmental, social and economic impact of the strategy"

is to ensure that local transport authorities in particular are absolutely clear about what will be acceptable as the minimum core content of any joint transport strategy. Members will see that amendment 1 is starred on the marshalled list, which indicates that it has been altered—to include "and any other". The introduction of those words to make the amendment generally acceptable is the result of the minister's very constructive approach. The minister has dealt constructively with many of the amendments that have been proposed.

The words “such matters to include” were chosen to ensure that other important relevant issues are not excluded. It would have been wrong to construct an amendment that would prevent a joint transport strategy from considering other relevant issues. Equally, I believe that it would be wrong for a transport bill not to state what is expected as a minimum core in any joint transport strategy.

As well as dealing properly with technical aspects of what any joint strategy should contain, a transport bill should surely direct transport authorities to consider, as a minimum, the environmental, social and economic impact of what they are attempting to achieve. Those key factors are the backbone of any issues that are related to sustainability and what a joint transport strategy should attempt to achieve. It would have been remarkable if the first transport bill passed in the Parliament did not have at its heart a fundamental statement that the central purpose of any joint transport strategy should be underpinned by sustainability. That is the primary purpose of the amendment.

Amendment 1 is designed also to produce a secondary advantage. It would make abundantly clear to any future reader the minimum matters that any joint strategy might be expected to explore and discuss. Any individual, community or organisation with an interest would be provided with a clear view of what they can legitimately expect to find in a strategy. That can only be good for accountability, transparency and understanding a transport authority's objectives. Indeed, at stage 2 the minister agreed with the spirit of what my amendment attempted to do. I was delighted to receive the minister's suggestion of the extra words, which will enable amendment 1 to be passed.

I move amendment 1.

The Minister for Transport (Sarah Boyack): This is a very straightforward issue. We debated a similar amendment at stage 2. Although I was happy then to acknowledge the central importance of environmental, social and economic considerations, I was concerned that the amendment that was proposed at that stage would have been unduly prescriptive. I certainly do not want to be unreasonable. I agree with the objectives of amendment 1 and am pleased that Bruce Crawford has agreed to a minor drafting change to the amendment that was originally lodged. There is now no disagreement between us on the substance of the amendment and I am happy to support it.

Amendment 1 agreed to.

The Deputy Presiding Officer (Patricia Ferguson): Amendment 6, in the name of Bruce

Crawford, is grouped with amendments 7 and 8.

Bruce Crawford: If amendment 6 were passed, it would no longer be for a public body to decide whether it should consult; it would be required to consult. The majority of public bodies would consult and would not need to be told to do so, but consultation on any order should be a prerequisite. Amendment 6 would enable those who can legitimately expect to be consulted to say to public bodies, “Hey, hold on a minute, public body. I have something important to say and I expect you to listen to me.” For that reason, “may” should be replaced by “shall”.

I cannot imagine circumstances in which a public body might decide not to consult. Nor can I imagine that a public body might take an affirmative decision not to consult. Can the minister give an example of circumstances in which a transport authority may decide not to consult when it introduces an order? Consultation invariably leads to positive outcomes when the public body listens and is prepared to move its position. I cannot think of any good reason for a public body not to consult on an order.

I move amendment 6.

Fiona McLeod (West of Scotland) (SNP): Amendments 6 and 7 are intended to ensure that the principle of consultation is enshrined at the beginning of the bill and applies throughout it. Amendment 7 moves us on from consultation of those whom bodies think appropriate, to consultation of those “who have an interest”. It is important to accept that we do not always know who has an interest and who is the appropriate body to consult, so the requirement should be to consult all those who have an interest.

I was pleased that at stage 2 the minister accepted many of the arguments on consultation. If we want the public to use public transport, we have to listen to their views. That means that we have to listen to all the views—of users and of potential users of public transport. We have to listen to potential users to understand why they are not using public transport.

The Subordinate Legislation Committee's report raised the concern about the fact that there are times when consultation under the bill will be statutory and times when it will be inferred and accepted. The committee had a long debate with civil servants about the concept in law of statutory consultation versus reasonableness. It is important to ensure that people are consulted at the heart of the bill's provisions on transport strategies. After all, the Parliament's watchwords are openness, accessibility and accountability and if consultation is included at the beginning of the bill, it will flow through the rest of it.

Sarah Boyack: During stage 2, Bruce Crawford,

Fiona McLeod and I engaged in long-running debates on the consultative provisions in the bill. Both Bruce Crawford and Fiona McLeod sought absolute assurances that X would consult on this or that issue, or that X would always consult Y, but we cannot cater for every conceivable circumstance—that would lead to legislative madness.

It is impossible to guarantee in primary legislation that absolutely everyone who has any interest will be consulted in every conceivable circumstance. That is why in this bill, as in others, the primary powers are crafted in general terms and the details will be set out in guidance and regulations.

Consultation goes to the heart of the new transport policies that the Executive is pursuing. We cannot hope to achieve our aspirations for transport across Scotland without the widest possible support from those who will be affected by them, whether they are motorists, public transport users, young people, elderly people or people with disabilities.

We must consider each proposal to enshrine consultation in the primary legislation in its own terms. During stage 2, Bruce Crawford made the point that natural justice suggests that ministers should consult relevant bodies before introducing an enforcement direction under section 2. I do not accept that consultation is required where there has been a failure to prepare or submit a strategy, as failure to do either would be a clear breach of the duty to prepare a joint strategy under section 1.

However, I accept that it would be appropriate for the Executive to consult the public body and, by extension, any other appropriate persons, should the Executive propose to issue a direction on the ground of “other exceptional circumstances” as set out in section 2(1)(b). Amendment 8 would require the Executive to consult in such circumstances.

By contrast, amendments 6 and 7 merely tinker with the bill, and to questionable effect. Amendment 6 requires public bodies to consult, but amendment 7 requires them to consult only such “individuals and agencies” as the public bodies “consider to be representative”. The use of “consider” in amendment 7 might undermine a requirement.

Amendment 7 would allow public bodies to consult those who are

“representative of those who have an interest in the proposed strategy”

rather than appropriate persons. That is more, rather than less, restrictive. With the best will in the world, I cannot see what value amendment 6

or amendment 7 would add to the bill. I ask Parliament to reject both and to support amendment 8.

Bruce Crawford: I asked the minister to detail the circumstances in which a public body might not have consulted on a proposed strategy the persons whom it considered to be appropriate to consult. I have heard nothing from her, at any stage, about any situation in which she thinks it appropriate for a public body not to consult.

Had the minister spoken about circumstances in which it might have been appropriate to say, “No, here is a good reason for us not to consult,” I might have been more relaxed about the “may” remaining in section 1(3), but I have not heard her say that. I therefore ask Parliament to support amendment 6.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division in this group, I will allow two minutes for the vote.

FOR

Adam, Brian (North-East Scotland) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Godman, Trish (West Renfrewshire) (Lab)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 19, Against 66, Abstentions 0.

Amendment 6 disagreed to.

Amendment 7 moved—[Fiona McLeod].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are members agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)

Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 18, Against 66, Abstentions 0.

Amendment 7 disagreed to.

Section 2—Directions

Amendment 8 moved—[Sarah Boyack]—and agreed to.

Section 3—Quality partnership schemes

The Deputy Presiding Officer: Amendment 9 is in the name of the minister and is grouped with amendments 10 to 16 and 20.

Sarah Boyack: These amendments, which are technical, relate to the making of orders under the Road Traffic Regulation Act 1984. They reflect the fact that, under section 121A of that act, the traffic authority for the making of such orders on trunk roads is both the Scottish ministers and/or the secretary of state, depending on whether the functions are devolved or reserved. The secretary of state could be the responsible traffic authority in respect of Crown roads, which may be trunk roads such as those in and around Ministry of Defence property or establishments. The Scottish ministers are the traffic authority for the exercise of other traffic authority functions. The amendments clarify the position.

Amendment 20 is a small, technical but important amendment that I lodged to clarify that section 8(4) does not apply to variations of the type to which section 8(3) applies. Section 8(3) variations involve those who require a traffic regulation order, while section 8(4) involves all other variations, such as those that do not require a traffic regulation order.

I move amendment 9.

Amendment 9 agreed to.

Amendments 10 to 14 moved—[Sarah Boyack]—and agreed to.

Section 4—Consultation as to proposed quality partnership scheme

Amendments 15 and 16 moved—[Sarah Boyack]—and agreed to.

The Deputy Presiding Officer: Amendment 59, in the name of the minister, is grouped with amendments 17 and 60.

10:30

Sarah Boyack: Amendments 59 and 60 were promised in response to amendments lodged by Bruce Crawford at stage 2. His amendments highlighted the fact that the previous drafting of the bill was not as tight as it might have been. Section 4 concerns consultation on proposed quality partnership schemes. Section 13 concerns consultation on quality contracts. Both provisions provide for consultation in certain circumstances with certain English authorities. In particular, they provide for consultation in cases in which the relevant Scottish authority considers that the proposed scheme is likely to affect any part of the area of the English authority concerned. Amendments 59 and 60 make it clearer to which English authorities that requirement will apply—those authorities that have substantive transport functions.

I am grateful for the thoughtful amendment—amendment 17—that Des McNulty has lodged, which revisits the logic behind the duration of quality partnership schemes. At stage 2, I accepted the principle of Des McNulty's earlier amendment. His revised amendment removes any doubt about the ability of local authorities to set up a quality partnership scheme for a minimum period of three years and for a maximum period of seven years. That allows for a much more flexible approach than does the current drafting.

A minimum of three years will enable local authorities to test the water and to explore whether a quality partnership would be effective in their area, without either the local authority or the bus operator having to commit to large-scale investment. The maximum period of seven years for the operation of any individual quality partnership enables local authorities and bus operators to review the success of existing partnerships with a view to deciding whether they should be improved further.

I move amendment 59 and commend amendment 17.

Des McNulty (Clydebank and Milngavie) (Lab): I am grateful to the minister for accepting the terms of amendment 17, which are in line with the wishes of the Transport and the Environment Committee. I commend the amendment.

Amendment 59 agreed to.

Section 5—Making of quality partnership

Amendment 17 moved—[Des McNulty]—and agreed to.

Section 6—Postponement of quality partnership scheme

The Deputy Presiding Officer: Amendment 18,

in the name of the minister, is grouped with amendment 19.

Sarah Boyack: Amendments 18 and 19 are small technical amendments that require local authorities to consult and give notice to operators that are likely to be affected by the postponement of a quality partnership scheme. They reflect the amendments made to section 16, which deals with the postponement of quality contract schemes, which were discussed at stage 2.

I move amendment 18.

Amendment 18 agreed to.

Amendment 19 moved—[Sarah Boyack]—and agreed to.

Section 8—Variation or revocation of quality partnership scheme

Amendment 20 moved—[Sarah Boyack]—and agreed to.

Section 12—Quality contract schemes

The Deputy Presiding Officer: Amendment 21, in the name of the minister, is grouped with amendments 22, 30, 34 and 35.

Sarah Boyack: The purpose of the amendments in this group is to clarify the process for exclusions under quality contract schemes. They are relatively technical amendments.

I move amendment 21.

Amendment 21 agreed to.

Amendment 22 moved—[Sarah Boyack]—and agreed to.

Section 12A—Proposed quality contract scheme

The Deputy Presiding Officer: Amendment 23, in the name of the minister, is grouped with amendments 61 and 62.

Sarah Boyack: Amendment 23 makes it clear that the date on which a scheme will come into operation applies to each local service within the scheme. Policy is not affected by amendments 61 and 62, which are technical.

I move amendment 23.

Amendment 23 agreed to.

Section 13—Consultation as to proposed quality contract scheme

Amendment 60 moved—[Sarah Boyack]—and agreed to.

Section 15—Approval of proposed quality contract scheme

Amendments 61 and 62 moved—[Sarah Boyack]—and agreed to.

Section 15A—Commencement of quality contract scheme

The Deputy Presiding Officer: Amendment 63, in the name of the minister, is grouped with amendments 24, 25 and 28.

Sarah Boyack: This is a small group of amendments, most of which are technical and do not deliver any material change in policy. Amendment 63 deals with situations in which a quality contract scheme does not specify the date on which a particular quality contract will come into operation. Section 15A(1)(b) provides for a date to be negotiated between the authority and the operator. Amendment 63 ensures that that date is “as is specified in or determined under the quality contract”

rather than simply the date that is notified in local papers. The notification provisions are still required.

Sections 15A(2) and 18(7) relate to notification of the commencement of a quality contract. Amendments 24 and 28 consolidate those provisions in a single section—section 15A. The amendments do not effect any change in policy.

Amendment 25 is a technical amendment that adjusts the running order of the quality contract provisions so that the flow is more logical and is consistent throughout the quality contract process.

I move amendment 63.

Amendment 63 agreed to.

Amendments 24 and 25 moved—[Sarah Boyack]—and agreed to.

Section 18—Tendering for quality contracts

The Deputy Presiding Officer: Amendment 26, in the name of the minister, is grouped with amendments 27 and 29.

Sarah Boyack: Amendments 26 and 27 are consequential to amendments that were made at stage 2. They must be read together and aim to clarify section 18(3) on the date on which a quality contract scheme comes into operation. That section already specifies that the maximum period of a quality contract shall not exceed seven years.

Amendment 29 requires local authorities that make quality contracts that are urgently required, in response to a situation in which action is needed to secure bus provision, to specify in any tender that the contract must not exceed seven years. The amendment ensures consistency with the maximum length of contracts in other

provisions for quality contracts.

I move amendment 26.

Amendment 26 agreed to.

Amendments 27 and 28 moved—[Sarah Boyack]—and agreed to.

Section 19—Exceptions from section 18(1)

Amendment 29 moved—[Sarah Boyack]—and agreed to.

Section 17—Effect of quality contract scheme

Amendment 30 moved—[Sarah Boyack]—and agreed to.

Section 27—Consultation as to proposed ticketing scheme

The Deputy Presiding Officer: We now come to amendment 64, which is grouped with amendments 65 and 31.

Sarah Boyack: The amendments clarify provisions on consultation about ticketing schemes and the provision of information about local bus services. I am grateful to the Royal National Institute for the Blind for drawing the Executive's attention to two sections of the bill where, inadvertently, it might not require sufficiently wide consultation on the implementation of ticketing schemes and information about bus services. Although I have not used the exact terms of the amendments suggested by the RNIB, we acknowledge that in section 27 we may not have expressly encompassed potential bus users; the amendments seek to remedy that.

Amendments 64 and 65 set the scene for wide consultation, and again I assure the Parliament that I will be urging local authorities to consult very widely. We have already discussed consultation today and the bill makes wide provision for consultation on various aspects. We have deliberately not sought to be prescriptive about every single special interest group, but I want to make it clear that I expect consultation to include groups representing those who do not currently use bus services but who might do so if appropriate improvements were put in place to make it easier for them to travel by bus. More people now have the choice to travel on buses—I am sure that everyone in the chamber agrees with that.

Section 30 is about the provision of local bus information that local authorities consider should be made available to the public. As currently drafted, the definition of local bus information does not specify the provision of information on fares for local bus services. Along with good information

about bus routes and timetables, most people want clear information about fares, especially if there is an exact fare requirement. Amendment 31 extends the definition of information on local bus services to include fares and, I hope, will encourage more people to use bus services.

I move amendment 64.

Amendment 64 agreed to.

Section 30—Information about bus services

Amendments 65 and 31 moved—[Sarah Boyack]—and agreed to.

Section 33—Agreements providing for service subsidies

The Deputy Presiding Officer: We now come to amendment 32, which is grouped with amendment 33.

Sarah Boyack: Amendment 32 clarifies that, in issuing invitations to tender for local bus services, authorities should have regard to their local transport strategies and to the general policies formulated by the local authority. Amendment 33 is a technical amendment; the definition of "local transport strategy" is given in section 76(1).

I move amendment 32.

Amendment 32 agreed to.

Amendment 33 moved—[Sarah Boyack]—and agreed to.

Section 35—Penalties

Amendment 34 moved—[Sarah Boyack]—and agreed to.

Section 36—Repayment of grants towards bus fuel duty

Amendment 35 moved—[Sarah Boyack]—and agreed to.

10:45

The Deputy Presiding Officer: We now come to amendment 66.

Sarah Boyack: Amendment 66 is a technical drafting amendment to new subsection (3A). Under section 36, the penalty that the traffic commissioner can determine in respect of unregistered or unreliable local services can be varied from a minimum of 1 per cent to a maximum of 20 per cent. The traffic commissioner's adjudication will depend on the severity of the offence. The use of the word "determined" rather than "mentioned" ensures drafting consistency in section 36 and emphasises that the amount is a formal decision of the traffic commissioner.

I move amendment 66.

Amendment 66 agreed to.

Section 36A—Bus User Complaints Tribunal

The Deputy Presiding Officer: We now come to amendment 36, which is grouped with amendments 37 and 38.

Sarah Boyack: The bus user complaints tribunal is an important addition to ensure that customers who use buses have a proper place to make complaints. The amendments enable the regulation of that process to be established. The tribunal will enable bus users to have their complaints properly considered and acted on. It is important in the context of the wider powers and improvements in the bus industry.

I move amendment 36.

Mr Murray Tosh (South of Scotland) (Con): Members will be delighted to know that I have a question rather than a speech. [MEMBERS: "Hear, hear."] I am always glad to please Mr Finnie, as I have this morning. Will the minister clarify the purpose of laying before the Parliament copies of any reports made under amendment 37? Is that simply for information, or will there be something that will go to the Transport and the Environment Committee for approval?

Sarah Boyack: It is important that such reports are brought to the Parliament, so that it is aware of what is being proposed. We are keen that the new requirements are transparent and that we can monitor them. It is an opportunity for the Transport and the Environment Committee and the Parliament to have sight of what is being proposed.

Amendment 36 agreed to.

Amendments 37 and 38 moved—[Sarah Boyack]—and agreed to.

Section 37A—Power to obtain information about local services

The Deputy Presiding Officer: We now come to amendment 67.

Sarah Boyack: Amendment 67 was suggested to the Executive after stage 2 by the Association of Transport Co-ordinating Officers. It extends the circumstances in which information about journeys, fares and distances that a local authority may have collected from a bus operator can be disclosed to third parties. Section 37A allows a local authority to obtain information on the patronage, fares and routes of an operator of local services. If the existing operator notified a local authority or the traffic commissioner that they were about to cease to operate a service, or if they ceased to operate a service without giving proper

notice, this provision would come into effect. It would allow the local authority to use information that it had obtained under section 37A in immediate negotiations or tendering procedures with potential new operators that might step in to run the service on a supported basis.

The amendment will allow more speedy and effective action for the local transport authority to secure continuing bus services.

I move amendment 67.

Amendment 67 agreed to.

After section 37B

The Deputy Presiding Officer: We now come to amendment 68, which is grouped with amendments 39 and 74.

Sarah Boyack: Amendment 68 is important to the pursuit of better bus services. It adds a new condition to the registration of bus services. Although the wording is rather complex, the effect is clear. The amendment will require any new bus service or variation of service to be run for a minimum of 90 days. That provision will give bus passengers greater security in the knowledge that the bus service will not be subject to chopping and changing. The measure will go a long way towards ensuring greater stability in the bus market.

I am grateful to Cathy Jamieson for lodging amendment 39, which I fully support. We discussed the issue at stage 2 and I accepted the principle behind the proposal to provide Scottish ministers with enabling powers to impose fixed dates for bus timetable changes. I must emphasise that we recognised—I noted the comments from the Confederation of Passenger Transport and others—that although in some circumstances there could be disadvantages in limiting flexibility, in other circumstances there might be positive benefits to users in limiting timetable changes. At stage 2, I said that the Executive would be willing to support such an amendment, provided that the intent to provide stability was maintained, while enabling a degree of flexibility to respond to unanticipated circumstances. Amendment 39 goes a considerable way towards achieving that.

An important part of the amendment is the power for Scottish ministers to set by order fixed dates for changes within one or more local authorities. Neither the local authorities nor I would want to destabilise local bus services that are operating satisfactorily. However, within a specific area, if bus operators are not able or are unwilling to deliver a suitable and satisfactory level of service for customers—and, in the light of the provisions of the bill, potential customers—the amendment will enable transport authorities to request my approval for the option of fixed

registration dates.

Amendment 74 represents a further tightening of the registration and information framework. The local authorities tell us—this has been disputed by bus operators—that, often, the first indication that they receive that a service is to be changed or withdrawn is when they receive a copy of the new registration details. Local authorities argue that that makes it very difficult to plan and deliver supported services where that is considered appropriate.

Amendment 74 allows me to make regulations in connection with applications for the registration of services, among other things. I intend to use that to introduce a statutory requirement for operators to consult transport authorities 14 days before they register changes with the traffic commissioner—that would be 14 days on top of the 56 days' notice that they are formally required to give.

The Convention of Scottish Local Authorities and the Association of Transport Co-ordinating Officers have expressed support for such a measure, as has the Confederation of Passenger Transport. There is a general agreement that, in order to encourage growth in the use of public transport, we need to ensure stability in bus services. People need to know what services are available and when they will turn up. The research and consultation that we have carried out indicate that stability and reliability are key factors in generating confidence among users. Together with our provisions for better information, ticketing arrangements and access to quality partnerships, amendments 68 and 74, in my name, and amendment 39, in the name of Cathy Jamieson, will be welcomed in helping to secure improved bus services on a voluntary basis.

The bill is about working in partnership. If local authorities and bus operators approach their operations in such a way, I am confident that the quality and quantity of bus services in Scotland can be improved significantly. I emphasise that although I am keen to see progress in the partnership approach, I will not hesitate to use the powers when I have been persuaded that it is necessary to do so. They are an important backstop. The ball is in the bus operators' court; there is an opportunity to work in partnership with local authorities. In our best practice advice, I will encourage local authorities to do that. That provides us with a new toolkit to allow bus operators and local authorities to work together.

I support amendment 39 in the name of Cathy Jamieson.

I move amendment 68.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I am grateful to the minister and the Executive for supporting amendment 39.

I lodged the amendment at stage 2 to respond to some of the criticisms made by users of bus services, who want a more stable service. One of the main complaints of bus users is that they cannot rely on public transport services because timetable changes take place without consultation and easily accessible notification. I realise that there is some controversy around the matter and that some bus operators have concerns. They believe that the amendment would make the format too rigid and would not give the flexibility necessary to allow them to respond to changes in school rolls or make adjustments for safety reasons. For example, it has been mentioned that some routes are discontinued because of particular difficulties when drivers or passengers have been subject to acts of vandalism or violence.

I believe, as does the minister, that amendment 39 gives the flexibility that is required. There is an option to vary the timetables and routes when it is in the public interest. That would deal with those criticisms. It is important that we send a clear message that public transport is important and that it must be regular and reliable. Public transport must operate in the interests of the users—the people who rely on the system to get around. Amendment 39 gives us the opportunity to ensure that and will increase confidence in the bus industry.

Mr Tosh: The minister and Cathy Jamieson both indicated that there is concern in the bus industry about the potential impact of amendment 39. The parts of the bill that affect buses have gone through on a largely consensual basis. Representatives of the industry have attempted to work closely with the minister and the minister has attempted to work on a consensual basis, too. However, at this point there are lingering concerns.

The point that has been put to the members of the Transport and the Environment Committee—and possibly to all members—is that the system may be over-rigid and may prevent desirable changes to bus timetables. As I understand it, the traffic commissioner would have the power to introduce changes to bus timetables in exceptional circumstances. The concern rests on what is meant by exceptional. If that means almost never, it is a cause for concern; if it means that the commissioner will respond to a good case being argued, it is of less concern. Members will appreciate that I have no first-hand experience of operating buses and have no feel for how critical that point is. However, representatives of a range of bus companies have expressed considerable concern about how the commissioner will exercise his or her discretion and how rigid the system may prove to be. The minister must satisfy us that the commissioner will be guided to use that discretion

flexibly, before we can support the amendment.

Fiona McLeod: I want to echo Murray Tosh's comments. Will the minister assure us that there will be enough flexibility? How do we allow for emergency timetables to meet emergency situations when the amendment refers to

"specifying dates as the only dates . . . as may be specified in the regulations"?

We need to know that there will be sufficient flexibility. I am thinking of the current rail disruption and the emergency rail timetables. We need to be able to implement emergency bus timetables to ensure an integrated transport service. If my train is arriving 15 minutes later, there is no point in my bus arriving to meet the train 15 minutes earlier. I seek an assurance on the necessary flexibility.

11:00

Donald Gorrie (Central Scotland) (LD): The basis on which I understand the amendments, and support them, is not that the bus companies can change timetables only four times a year, but that they can announce changes only four times a year for the forthcoming three months. Some of the arguments have been advanced on a different basis, and assume that bus companies can change timetables only four times a year. It seems quite reasonable to say that in the spring the companies will announce changes in the timetables that will take account of Easter holidays, school holidays, local fetes and that type of thing, and people will know reasonably in advance what services there will be. If I have got that entirely wrong, I hope that the minister will correct me, and I will take a different view.

I acknowledge that the operators are concerned, but the flexibility that the minister suggests is satisfactory. If she could explain the business of emergencies to the satisfaction of Murray Tosh and others, that would be helpful.

For years, many of us have had numerous complaints from the public about constant changes to bus timetables, and complaints from local councils about trying to deal with the changes. We have to try to stop that. I am sure that most good bus companies do not constantly change their timetables, but as in any human activity, some bus companies are less well run. There must be rules to control them, and on that basis I am happy to support the amendments.

Trish Godman (West Renfrewshire) (Lab): I am seeking clarification. I am sure that the minister will agree that certain communities are under curfew because of cutbacks, particularly in my own constituency, where Arriva buses today announced cutbacks, so that it will not be possible to travel from Paisley to Erskine after 8 o'clock at night, or from Glasgow to Erskine after 9 o'clock at

night. Can the minister assure me that the amendments will address that issue? Arriva is doing what was done with telephone masts: it is getting in before the bill becomes an act. Will the minister assure me that the matter will be attended to?

Nora Radcliffe (Gordon) (LD): I, too, was lobbied by the Confederation of Passenger Transport on some of the practical difficulties if the amendments are passed. The confederation raised examples of where the measure could militate against flexibility: amended school times; rerouting a school run; changed shift patterns at a factory; and a new housing or shopping development requiring bus services. The confederation points out that if residents or shoppers do not have access to public transport at the outset, which is a critical time, and they make other travel arrangements, they are lost as regular bus users.

The confederation also asks: if there are to be fixed dates, how are those dates to be decided? School dates vary around Scotland, and bus services run cross-boundary. The confederation claims that it is a perception rather than a reality that there are frequent changes to services. Statistics from the traffic commissioner show that there is the equivalent of one change per local authority per week, and they are split almost 50:50 between commercial and tendered networks.

The confederation accepts that there needs to be stability for passengers, but it thinks that flexibility is being discarded and bureaucracy imposed. It asks about the logistics of local authority and traffic commissioner staff processing bus service changes that are concentrated at four points in the year, instead of spread throughout the year. I would welcome the minister's reaction to the practical difficulties that the industry foresees if the amendments are passed.

Sarah Boyack: It is important that I respond to the questions that have been raised. First, I wish to clarify that the power that is suggested in Cathy Jamieson's amendment 39 is an enabling power; it is not a power that I would expect to see automatically applied en bloc across Scotland. It is a power to be used in the event of a major problem in a local authority area, where action is required and where a local authority has been able to make an extremely good case that we need to have a special order.

I emphasise that I do not foresee a blanket application across Scotland. We certainly did not discuss the power in those terms at stage 2. We were considering issues such as school holiday changes and interaction with other modes of transport that have less frequent timetable changes. I reassure the bus industry that I do not feel that there will be a blanket application of the

measures across Scotland; I see this as a power to be used when a good case has been made that it should be used.

The comments about exceptional circumstances are important. The role of the traffic commissioner is important, as someone who stands apart from local authorities and the bus companies and acts in the public interest. The examples that Nora Radcliffe gave were examples where there is scope for adequate notice to be given. If a new shopping centre is being built, it will not appear overnight. As a minister who formerly was responsible for planning, I know that those things take time, and changes can be anticipated. School holidays are planned well in advance. Where a case can be made that there is an exceptional circumstance, the case will still be able to be made.

I stress that the power that we are supporting is an enabling power, and it must be seen in that light. One of the interesting points that has emerged in the past month when we have all been looking at the issue is that, as Nora Radcliffe said, 50 per cent of the changes that are made to timetables are made at the behest of local authorities, so it is important that the discussion is kept in proportion, and that it is not elevated. There is a balance to be struck in the bill, and I see the power being used when there is a good argument to use it. It is a power that can be used where there is a specific issue, and I do not expect to see it being applied in a blanket fashion across the country. I hope that my comments reassure the bus industry, which has a vision of set dates when every single change will be specified. That is not at all what we have in mind, and it is not what the provision would enable.

I will comment briefly on Trish Godman's points. I am aware of the concerns that have been expressed by people who are served by the Arriva bus company. The decision that Arriva took on bus services to Erskine was a commercial decision. It is worth stressing that under the bill, advance notification of withdrawals and route changes to local bus services will be required to be registered with the traffic commissioner subject to 56 days' notice, which is an increase on the current notice of 42 days. That is not a huge change, but it is an important change for local communities. Less than 56 days' notice could be given only in exceptional circumstances, when notification is agreed at the discretion of the traffic commissioner.

We are keen that stability is maintained by the new powers in the bill. There is the opportunity to have quality contracts where a local authority can make the case that it is in the wider public interest, but again, there must be ministerial agreement before that option is used. There is a toolkit of measures, and it is important that they are used

where appropriate.

It might be helpful if I tell members that in Scotland as a whole, the figures suggest that local authorities are spending less on tendered bus services than they did several years ago, and that the volume of subsidised services across Scotland, measured in bus kilometres, is higher now than it was in the 1980s, so we have strong support for subsidised bus services across Scotland.

Our bill gives a range of options to local authorities, for example, the requirement that operators that are cancelling services give 14 days' notice to the relevant transport authority. That is important because, as I said earlier, it gives local authorities time to plan, so that they are not landed with an instant withdrawal. If a local authority feels that it is an important social service, and it is not being provided by a private bus company, it can step in and provide a tender process to replace that service.

We are improving the opportunities for local authorities to work with bus companies. The regulations are being tightened up, but that is reasonable, and it is in the interests of having a healthy bus market and a healthy relationship between local authorities and the bus companies.

Amendment 68 agreed to.

Amendment 39 moved—[Cathy Jamieson]—and agreed to.

Section 42—Confirmation of orders

The Deputy Presiding Officer: I call David McLetchie to speak to amendment 69, which is grouped with amendments 40 to 44.

David McLetchie (Lothians) (Con): I am happy to speak to and move amendment 69, which is in my name.

The Scottish Conservatives continue to oppose the concept of city entry tolls and road charging schemes as laid out in the bill. We have consistently opposed those new taxes on motorists. That is why we will move a reasoned amendment to the final question on the bill later today. I recognise that we are the only party in Parliament to hold such a principled view. The unholy trinity of Labour, the Liberal Democrats and the SNP will force the measure through, but I believe that they will come to regret their vendetta against Scotland's motorists.

As a local MSP, I am especially concerned that the people who are most likely to be affected by the new toll tax are those who live in Edinburgh and the Lothians—the City of Edinburgh Council has been most vociferous in its support for entry tolls. That is despite the fact that Mr Prescott's transport guru, Mr Begg—who I notice in the

gallery today—wrote in *Scotland on Sunday* on 27 June last year that there

“has been no change in rush hour traffic volumes into Edinburgh city centre over the last 20 years.”

That simple fact demolishes the argument that an entry charge is necessary to reduce traffic congestion. Such a charge is not necessary and will not achieve that aim. The charge is a toll tax, designed to raise revenue for the council. That is why my party will run an anti-toll tax campaign in Lothian, to stop the introduction of this unfair tax on our motorists, who already pay far more in fuel and excise taxes than is spent on roads and public transport.

Until yesterday, we had seen little detail from the council about how it would implement the charges. However, we know now that there will be two charging cordons; there will be an outer ring along the city bypass and an inner ring around the city centre. Until now, there has been in Edinburgh only one tolbooth that was designed to punish miscreants. Now, we will be ringed with tolbooths, which are designed to punish motorists.

According to reports, the charge for entering Edinburgh will be £2 a day. At that level, motorists who commute to work in the city will end up paying more than £500 a year for the privilege of doing so. We know that the charge will make little difference to congestion—a study in Leicester suggested that a city entry toll would have to be set at a minimum of £8 a day before a significant number of people left their cars at home. However, the charge will make a considerable difference to the household budgets of working families who are already burdened by Gordon Brown's stealth taxes.

I would be interested to know what members for the Lothians, Fife and the Borders think about the prospect of their constituents who work in Edinburgh having to pay up to £500 a year to do so. For Fife residents who work in Edinburgh, the bill would provide a double whammy—higher tolls on the Forth road bridge and a new toll to enter our city. It will be even more galling for them to know that, as First Minister Henry McLeish flashes past, lolling in the back of his ministerial ZIL, he will not pay those tolls out of his own pocket.

The City of Edinburgh Council has used the results of its consultation process to justify the introduction of road charging. However, the consultation process was fundamentally flawed. Of 211,500 people who were surveyed, barely 20,000 replied and the council analysed a random sample of only 4,000. Of that random sample, only 2,320—a mere 3 per cent of those who were surveyed—supported the policy. Moreover, even that paltry level of support was achieved only through careful rigging of the questionnaire. Those

surveyed were given a limited list of desirable options for investment. Only when they agreed to those spending items were they told how they could be paid for. Surprise, surprise—the only options that were suggested for financing that spending were road charging or the ill-fated, little-lamented workplace parking tax of the minister's fond memory. Of course, the survey involved only Edinburgh residents. The council probably thought that only those living outside Edinburgh would have to pay the tolls. No one consulted commuters from outwith the city and the bill contains no mandatory requirement that such people should in future be consulted on a toll charging scheme.

11:15

The reports of the Scottish Executive and the Enterprise and Lifelong Learning Committee to the Transport and the Environment Committee on the economic aspects of the bill made it clear that tolling schemes should not be motivated by their revenue-generating potential. I whole-heartedly agree with that proposition. However, the reality is that that is precisely what road charging is all about. That is readily apparent from even a cursory glance at the Edinburgh consultation document, which does not even attempt or pretend to equate levels of charge with traffic volumes. It is transparently aimed at generating additional tax revenues.

Today, we are debating an enabling bill that would allow the two councils that are most under the influence of David “Begg-ar my motoring policies”—City of Edinburgh Council and Aberdeen City Council—to introduce toll tax schemes. Such schemes will not affect only those who live within the boundaries of our major cities—they will have significant ramifications for people who live outwith the cities, but who travel into them to work, to shop, to visit relatives and friends and for leisure and recreation.

In fairness, the bill partly recognises those wider ramifications. It would require any tolling scheme to be approved by Scottish ministers before it was introduced. However, my amendment would take that principle a stage further, by ensuring that Parliament had to grant its approval to any such order. That requirement would protect the wider public interest and ensure proper democratic accountability and scrutiny of any proposed scheme for our cities. We, in Parliament, could then judge whether proposed charging schemes would reduce congestion or whether they would simply be the tax-raising scams that I fear such schemes will prove to be.

For those reasons, I commend my amendment to Parliament. Irrespective of whether members agree in principle with road charging, I invite them to support my amendment on the grounds that I

have mentioned.

I move amendment 69.

Sarah Boyack: I will take David McLetchie's amendment head on, before I discuss the five other amendments in the group. Mr McLetchie made a rather laboured speech. His amendment strikes at the heart of one of the defining principles of the charging provisions, which would significantly devolve power to local authorities that have pressing congestion problems.

Mr McLetchie referred to the consensus in the chamber—it is somewhat unusual for Labour, Liberal Democrat and SNP members to agree in principle about something. I suggest to Mr McLetchie that Robin Harper—who is not here at the moment—would be somewhat offended that he was left off his list. There is broad consensus because, on charging, we have had one of the most extensive consultation periods in the Parliament's history. There has been a huge debate throughout the country, which I am sure Mr McLetchie has not missed. It is recognised that we must give local authorities the opportunity to consider how to tackle congestion and how to generate significant funds for long-term investment, which will improve public transport choices. I understand that we will return to that issue later today when we have the final debate on the bill.

I believe strongly that responsibility for local policies lies with local authorities. It is for them to consult locally and to win over opponents locally, because the charges will be raised locally.

David McLetchie: Will the minister say whether the City of Edinburgh Council will consult residents in Fife, the Borders, West Lothian, East Lothian and Midlothian? Will she guarantee that all those people will be included in her consultation process?

Sarah Boyack: If Mr McLetchie has studied the bill in detail, he will know that the regulations will specify the fair process for consultation. Parliament has discussed that extensively in the past few months, as has the Transport and the Environment Committee. Neighbouring authorities that have an interest in any scheme will be consulted. We have made it clear all along that the principle of fairness applies to consultation and to public transport improvements.

Detailed schemes will be submitted to Scottish ministers for confirmation only when local authorities have won support for them. There is a two-stage approval process—there must be approval on the principle and on the detail. In exercising the power of whether to approve or give local authorities the power to go to the next stage, ministers will be accountable to Parliament. Evidently, Mr McLetchie thinks that that is not

enough—he wants Parliament to have a veto over any local road user charging scheme. He wants, for example, an MSP from the Highlands or the north-east to have a say in whether charging should be introduced in Edinburgh or Glasgow—never mind the fact that people in Edinburgh or Glasgow, or the people who will be affected by the scheme, will have to be consulted. It is important that we get those facts straight.

Mr McLetchie has given us notice today that he will run a campaign in the Lothians—I am sure that members are most interested to hear that. Mr McLetchie should, however, run a campaign in the City of Edinburgh Council—perhaps he should consider that for the future. The bill, if enacted, would be enabling legislation. The importance of that is that Parliament would give powers and set frameworks through the provisions in the bill and through regulations. It would then be up to local authorities to make their case to local residents. There has been extensive consultation.

We have got the balance right in the bill—the detailed proposals that flow from it will be discussed at local level; that is where such discussions should take place. I suggest strongly, therefore, that the chamber should not support Mr McLetchie's amendment.

I turn to the five amendments in the group that I wish to move. There are three issues—I will take each of them in turn. Amendments 40 and 44 would tidy up section 44(1)(f), which was introduced by Fiona McLeod at stage 2. I want to say at the outset that I am happy with the spirit of Fiona McLeod's amendment and I hope that she acknowledges that what I propose in its place in no way compromises her initial intention, which was to ensure that any charging scheme specified who was entitled to exemptions from or concessions on road user charges.

As I have made clear on many occasions, we believe that national exemptions should be limited to the emergency services and those whose mobility is impaired. I explained at stage 2 that we will enshrine those exemptions in regulations. In the case of people with disabilities, that will follow the UK-wide review of the blue badge scheme. Our road user charges apply to vehicles—not to people. Therefore if, for example, a national exemption was applied to all blue badge holders, that exemption would apply to the vehicle in which the badge holder was travelling, but not the badge holder. However, as drafted, section 44(1)(f) refers to persons as well as classes of vehicle. The amendment to section 44 merely corrects that anomaly.

The deletion of section 45(2) is consequential on agreement to the amendment to section 44(1). Amendment 41 would revise section 44(1)(g) to section 44(1)(i), which was also introduced by

Fiona McLeod at stage 2. We decided to lodge the amendment after strong representations from the Convention of Scottish Local Authorities and the City of Edinburgh Council. They are concerned that, as drafted in the bill at present, sections 44(1)(g), (h) and (i) would place severe constraints on the ability of any authority to produce the most effective operational arrangements for the management of a charging scheme. The Executive shares those concerns.

In effect, Fiona McLeod's amendment would—as it stands in the bill—freeze the scheme in time. If new technology became available, it would not be possible for an authority to take advantage of it without going back through the full approval process. If an authority decided to introduce a new payment or billing procedure, it would have to go back through the full approval process. The same would apply if an authority wished to transfer some key technical risks to the private sector.

If an authority wished to renew a contract to collect a charge, even if no other changes of substance were made to the scheme, it would have to go back through the full approval process. I do not think that that is what Fiona McLeod intended. That would inhibit the charging authority from seeking best value from the public sector. I want to make it clear that amendment 41 would in no way undermine the probity or transparency of any charging scheme. It would enable locals and commuters who were affected by such a scheme to know about the given scheme and its efficient operation.

Amendments 42 and 43 would allow a charging authority—if it so wished—to bring forward a charging scheme that provided for a road user charge to increase in line with inflation. We touched on that issue in committee at stage 2. At the time, the interpretation of section 44(1)(d) was that it would enable an authority to raise charges in line with inflation. On reflection—after stage 2—we believe that a specific amendment is necessary to put that issue beyond any doubt; the amendments would do that.

As I made clear at stage 2, any authority that wishes to introduce a charging scheme must leave local people and commuters in no doubt as to what is being proposed—the process must be transparent. Any consultation on the detail of a proposed scheme must clarify the level of the charge and, if the amendment is agreed to, whether that charge would be increased in line with inflation over the lifetime of the scheme. The amendments specify that the precise measure of inflation will be the retail prices index, so that there can be no dispute once the bill is in place.

It is important that local authorities are not given a blank cheque and that we are specific in the bill. I am sure that local authorities will welcome the

amendments, because they offer the degree of flexibility that the authorities have been looking for. It is important to say that agreement to the amendments would give local authorities the ability to work with the private sector to pay for local transport improvements on the back of charging schemes. Everybody will agree that private lenders are more likely to lend money on a 10-year revenue stream if it is clear at the start that they have some form of insurance against inflation, if that is critical to the operation of the scheme.

I therefore ask Parliament to reject David McLetchie's amendment—it is inappropriate and it is a wrecking amendment—and to support amendments 40, 41, 42, 43 and 44. In the context of the bill, enabling legislation is appropriate—that is what we have discussed at every stage of the bill.

Bruce Crawford: Bring back Murray Tosh—at least he would have made a good fist of David McLetchie's argument. He might have increased the decibels, but he would have made a better go of it than David McLetchie's incredibly desperate effort—he is obviously making a bid to be the next leader of the City of Edinburgh Council. At least, in the process, he has shown himself to be partly a man of vision. He acknowledges that he wants to turn Parliament into a council, by bringing all those powers here. He knows that he will not win the next leadership of the City of Edinburgh Council, so he has decided to bring the decision making back to the chamber—those are incredibly desperate tactics.

David McLetchie does not care a jot about the future of our cities. The Tories do not care a jot about the environment that we must all live in. They do not care a jot about commuters from Fife, of whom I am one. I come across the road bridge and, when I can, the rail bridge. When I come over the road bridge, I do not want to sit in traffic for hours. Businesses do not want that either; they want to get their customers and employees around in a satisfactory manner. The principles behind what David McLetchie is trying to achieve are quite desperate.

It should be for local authorities to decide, following appropriate consultation, whether schemes are viable and suitable to their circumstances. Never mind today's ridiculous efforts by the Tories—one thing that we must be sure of is that the public transport infrastructure is in place before the schemes are introduced. We cannot expect motorists to start paying before the public transport option exists for them. We must make changes that will improve the public transport infrastructure to a degree where people feel that they have a viable alternative to cars when coming into our cities.

I will leave members with a final thought. The Tories have come along today and made great play of the matter. How would they stand up to the challenges of EC directives on particulates and the requirement to remove congestion and noxious gases from our towns? As far as that is concerned, the Tories do not have a clue; they have no policies and no direction. It is opposition for opposition's sake. I hope that the City of Edinburgh Council enjoys its time with David McLetchie.

Janis Hughes (Glasgow Rutherglen) (Lab): I, too, want to speak against Mr McLetchie's amendment. I find myself in the unusual position of agreeing whole-heartedly with Bruce Crawford. However, that just proves the consensual nature of the Transport and the Environment Committee's work. Perhaps if Mr McLetchie had spoken to his colleague, Mr Tosh, he might have found the answers to some of his questions.

We must remember—it has been discussed this morning—that the bill, if enacted, would be enabling legislation. The issue of licensing schemes should be resolved locally, with appropriate consultation. We were clear in the Transport and the Environment Committee that such consultation would be appropriate and would involve other local councils. That is especially important because it would keep local authorities accountable for schemes that would be implemented in their areas. As the bill stands, a licensing scheme would be introduced locally and approved against national standards by the Minister for Transport. As the minister said, to agree to Mr McLetchie's amendment would create a bizarre situation in which members from the opposite end of the country would have a vote on an issue that affected, for example, Edinburgh or Glasgow.

Perhaps it would be less disingenuous of Mr McLetchie to stick to his opposition to road user charging, rather than lodging destructive amendments, such as amendment 69.

11:30

Donald Gorrie: There are two issues in this debate, the first of which nobody but the minister has spoken about. The Transport and the Environment Committee passed an amendment, against the minister's advice, which included what is now section 44(1)(f) to section 44(1)(i). The minister has now produced amendments that would try to achieve the same objective in a different way. I had an open mind on the issue, and I think that the minister has been reasonably persuasive in arguing that amendments 40 to 44 meet the objectives of committee members who voted for those additional paragraphs at stage 2. I accept that what we voted for will be achieved in a

different way and we are therefore sticking to our guns in supporting the minister's amendments.

In the great David McLetchie debate, I am on the side of local democracy. Councils should have the power and should take the flak. We are not saying that Aberdeen, Edinburgh or any other city has to have entrance road charging. We are saying that councils should have the right to fix any such charges if they want to, but only after all sorts of consultation. If the public do not like it, councillors will be booted out at the next election.

Alex Johnstone (North-East Scotland) (Con): I repeat that what is proposed would give city councils the opportunity to tax those who do not vote for them—those who live outside the city areas. That is the problem.

Donald Gorrie: The regulations will say that councils must consult. Since the Conservative Government destroyed the regional councils, there is no democratic mechanism for consultation. The Conservatives also want to emasculate the proposals to try to co-ordinate transport in the Forth valley better. I therefore do not think that their proposition is very sound.

The City of Edinburgh Council, for example, must take account of the effect on Edinburgh of charges. If lots of people voted with their motor cars and drove to Glasgow or Falkirk to shop, that would damage Edinburgh. The council would not make proposals that it thought would damage the city. It is right that local councils should take the decisions and take the political flak, rather than the matter coming before Parliament.

Some councils might make mistakes, but at least we will be trying to solve the very difficult problem of city traffic congestion. If different councils do things in different ways, we will learn from those who do them well and from those who do not. We will not make progress if we have a blanket system in which no council can develop suitable arrangements for its area. That would take us back to the idea of having a man walking in front of a motor car with a red flag. We must move on, try things out and learn from our mistakes. If we do not allow councils to try things out, we will make no progress. The Conservatives are a non-progress party. They are seriously mistaken on this issue and I hope that Parliament will vote strongly to stick to what the minister proposes.

Fiona McLeod: I shall leave amendment 69 in the traffic jam that the Tories would consign us to for evermore. I want to ask a few questions about the minister's amendments to the parts of section 44 that were added by my stage 2 amendments.

I am not sure why, with amendment 40, the minister wants to remove the words "those persons". If that paragraph said only

"specify the classes of motor vehicles",

that would take care of ambulances and other such vehicles, but how would it take care of blue or orange badge holders in cars? I would like the minister to address that point, so that I can be sure that I understand what she is saying.

I hope that, in amendment 41, "provision" will be enough to ensure that, whenever changes are made, they are made transparently and are published, so that everybody is notified of them. We must not allow a Skye bridge situation to happen in every tolling regime in the country.

Robin Harper (Lothians) (Green): I would like to take up Bruce Crawford's point about getting public transport right before introducing road user charging. That is exactly what the City of Edinburgh Council is trying to do and is beginning to get right. The bus lanes are very successful indeed. There has been a significant increase in the use of buses in Edinburgh and the lanes have been extended to Fife, which takes care of some of Mr McLetchie's objections.

There is a principle at stake. One bus can carry 80 people. That road space, if it is used by cars, will carry only two people. Road user charging simply tells people from outside the city, "If you want to use the space in Edinburgh that could be used by a bus, it is only fair and right that you should pay to use it."

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I would like to speak against amendment 69, which has been described as a wrecking amendment. It is quite clear that the Conservatives are completely, totally and implacably opposed to local decision making to meet local needs. They seem to want to centralise everything. When I listened to David McLetchie, I felt that Joe Stalin was alive and well and sitting on the Conservative benches.

Donald Gorrie called the Conservative party a non-progress party. It is also a non-listening party. The bill is an enabling bill that would give local people the opportunity to address transport needs without Parliament sitting here in Edinburgh and telling them what to do.

I would like to focus particularly on the north-east of Scotland, and I hope that one of the three Conservative MSPs for the north-east of Scotland will rise to their feet to talk about how this enabling bill would help the city of Aberdeen, if that was what the people of Aberdeen and Aberdeenshire wanted. I am looking in the direction of David Davidson, who is rising.

Mr David Davidson (North-East Scotland) (Con): Perhaps Mr Rumbles will recall that Councillor Len Ironside, the Labour leader of Aberdeen City Council, abandoned plans for some

of the taxation that was to be imposed on people commuting into the city. Was he, in Mr Rumbles's book, doing something undemocratic?

Mr Rumbles: I was interested to hear that intervention. I hope that David Davidson will return to answer some of my points. I repeat that the bill would give local people choice. If Len Ironside does not want to use the powers that it would give, that is up to him. The point of the bill is not that it would tell people what they must or must not do. David Davidson and the other Tory members for the north-east of Scotland were at the same meetings that I attended, so they will know that the business community needs new transportation in and out of Aberdeen and around the city. The western bypass, for example, is a major transport issue that could be addressed if we gave people the opportunity, if they wished, to do so.

Mr Davidson: The business community and the people of Aberdeen desperately need the western peripheral route that Mike Rumbles mentioned. Why, therefore, is it that Aberdeen will be the only major city in Britain that will not get help from central funds to build a bypass that would alleviate much of the problem that Mr Rumbles mentioned?

Mr Rumbles: I am glad that Mr Davidson has mentioned that. That is exactly my point. The bill is the only relatively straightforward way of obtaining a western bypass—if people want to use this process. I ask Mr Davidson whether, because of his implacable opposition, he wants to consign Aberdeen to having no western bypass for the foreseeable future. The business community in Aberdeen wants it. It is up to local people, if they want that route, to persuade the councils. Is he saying that under no circumstances would the Tories support that? Would he like to intervene again?

The Deputy Presiding Officer: Mr Rumbles, you cannot encourage interventions. Please move on.

Mr Rumbles: I invite any of the three Tory MSPs for North-East Scotland to press their request-to-speak buttons.

Elaine Thomson (Aberdeen North) (Lab): Does the member agree that there has been a good response rate to the recent consultation that the north-east Scotland economic development partnership carried out on its plan for a modern transport system? Does he also agree that the people of the north-east have been consulted on these important transport issues and that they have shown full support for the proposals in NESEDP's transport strategy?

Mr Rumbles: Elaine Thomson is absolutely right. She reinforces the points that I have made. The Conservative party is implacably opposed to any progress being made. It is opposed to the

business community of Aberdeen and the north-east and it is not prepared to do anything to improve the transport infrastructure in Aberdeen and Aberdeenshire.

The Deputy Presiding Officer: Before calling the next speaker, I ask members to observe the rule that they should not intervene from a sedentary position during other members' speeches.

Des McNulty: From Mr McLetchie's speech, it was not apparent that he had read the *Official Report* of the debates in the Transport and the Environment Committee, where the issue that he raises was discussed extensively.

There are genuine concerns about the issue. It is possible for a city authority to bring forward a scheme that is blatantly discriminatory—to put a ring around itself, as it were. However, it is not possible that this or any other minister would accept such a proposal. A consultation process is required as part of the exercise. Authorities need to demonstrate that they will invest revenues raised through a charging scheme in public transport or other transport-related infrastructure. For the scheme to have any prospect of success, they must also demonstrate that their proposals will have a definite benefit and reduce congestion.

It is unfortunate that some of David McLetchie's arguments appear to be nimbyism cloaked in the language of principle. The position of David McLetchie and of the Conservative party has been quite clear—they are opposed fundamentally to road user charging schemes. However, they are now seeking to amend the mechanisms for introducing such schemes. As Mike Rumbles pointed out, they are trying to transfer the responsibility for decision making from a local context, where the issues can best be understood, to a parliamentary context, where there is no proper process of local accountability. That is to be regretted.

I am sympathetic to Mr McLetchie's contention that there has been something of a policy failure in transport management in Edinburgh. Those of us who come from the west know that sometimes things are done better there. However, it is rather strange to hear these arguments being made by a party that in the 1990s diverted much of the road-building budget from worthwhile projects such as the M74 to building a motorway ring around Edinburgh.

David McLetchie: Does the member acknowledge that the Conservative Government's last budget for new roads was six times bigger than the one proposed by the Scottish Executive?

Des McNulty: Does the member accept that in some areas—particularly Edinburgh—the Conservatives did not achieve a return on the

money that they spent, in terms of a reduction in congestion? We are trying to give local people an opportunity to manage transport more effectively. I hope that the minister will confirm that she will use her monitoring powers vigorously to ensure that only schemes for which authorities can demonstrate a clear benefit and that would bring about a clear reduction in congestion will be approved.

11:45

Sarah Boyack: It is impossible for me to address every point that members have made. However, there are some issues that we need to deal with. Over the past year and a half, we have debated extensively the principle of an enabling bill that would allow road user charging. The debate has been lengthy, but very public, in the Transport and the Environment Committee and beyond.

We are absolutely clear that local accountability, hypothecation, fairness, transparency and investment in public transport before a charging scheme is introduced are the principles that underpin the charging powers for which the bill provides. We have given motorists key guarantees in advance of road user charging powers being exercised. We have also given a raft of commitments on the regulations that will follow the bill. There is a general consensus in the chamber on the importance of local accountability. The bill is required to deliver that.

Donald Gorrie, Mike Rumbles and Des McNulty highlighted one of the key issues that the bill tackles—regional transport partnerships. This is about Aberdeen and Aberdeenshire working together and about the south-east Scotland transport partnership. The bill will enable local authorities to work together on broader issues that cross their boundaries. Des McNulty made a point about transport management in the west of Scotland. For the past 50-odd years, Glasgow has had the benefit of sustained investment in a railway network around the city. Edinburgh now has to catch up. The west of Scotland offers some key lessons about regional transport investment and about local authorities working together across boundaries. Our bill will deliver that. It is important that we remember that it provides for an enabling power.

I want to touch briefly on the points that Fiona McLeod made, because she asked me a direct question about the classes of users. The exemption will apply to vehicles and the regulations will require exemptions for specific classes of vehicles. One class will be vehicles displaying a badge. I hope that that reassures the member. I take her point about the information that is needed in advance. We hope to provide for that

through the regulations that will accompany the bill. The issue has been discussed extensively in committee. The amendments that I have lodged give the chamber a sense of how detailed the discussions have been about what information is needed up front and what it is appropriate for local authorities to tell local people when they are consulting them about the content of a scheme.

David McLetchie: I am glad that I have awakened the chamber and injected some liveliness into the stage 3 debate.

It is extraordinary that I should be accused of moving a wrecking amendment. The purpose of my amendment is simply to seek parliamentary approval for an order that, if proposed by a local authority, will affect the lives of hundreds of thousands of Scots, including many tens of thousands who do not live within that local authority area. That key point has been comprehensively ignored by those who have spoken against the amendment.

Of course local accountability is important. However, accountability is not restricted to the council that is proposing a scheme. A road user charging scheme in Edinburgh would have implications for people who live in the Lothians, Fife and the Borders. A scheme in Aberdeen would have implications for people who live in Aberdeenshire and the wider commuter area. It is not sufficient that proposals with such enormous ramifications should be approved only by the local authority that brought them forward and the minister. We all have a stake in the future of our cities; the Parliament should have the power to approve proposals that will have an important impact on them. It is ironic that my amendment is being trashed in the week that the Scottish Executive created a minister for the cities, who is sitting across from me on the Labour benches.

Sarah Boyack: Will the member give way?

David McLetchie: I would like to finish making my point. If the appointment of a minister for the cities is not recognition that the cities of Scotland have an economic and social influence that extends far beyond the geographical area that they occupy, I do not know what is. That is why I commend my amendment to the chamber.

Sarah Boyack: It may help if I give Mr McLetchie the information that we set out in our paper to the Transport and the Environment Committee on delivering integrated transport initiatives through road user charging. In that paper, we outlined the consultation and approval process for road user charging schemes. We made it clear that the bare minimum that authorities will have to do is consult those who are likely to be affected. Among those, we cited residents, business, commuters—including

commuters from outside the charging authority—neighbouring local authorities, emergency services and public transport operators. I hope that that gives Mr McLetchie some comfort.

David McLetchie: I am always delighted to be comforted by the minister. However, the point that I have been making is that the consultation that the minister describes is not a mandatory requirement under the bill. I find it extraordinary—

Bruce Crawford rose—

David McLetchie: No. I will make some progress.

I find it extraordinary that the amendment should be voted down when the proposals that may come from the major city authorities will clearly have wide ramifications. The kind of flawed consultation exercise that the City of Edinburgh Council launched earlier this year is not enough. The council took a random sample of a tiny number of electors and used a rigged questionnaire, which said nothing about the relationship between congestion charges or city entry charges and the volume of traffic that comes into the city.

I challenge the minister to tell us her target. Will she put her neck on the line—as that seems to be fashionable among Scottish Executive ministers—and tell the Parliament by how much she expects traffic congestion in Edinburgh to be reduced as a result of the introduction of a £2 charge? Will she give us a prediction? The City of Edinburgh Council failed to do so in its consultation document because it knows perfectly well that charging has nothing to do with reducing congestion—the volume of traffic will stay the same. Charging is about raising taxes from motorists who already pay through the nose thanks to Gordon Brown's budget.

It is disgraceful that members of the Parliament want to abdicate their responsibility to communities in Scotland, by claiming that we have nothing to say about those schemes, which will have major economic and social impacts.

Mr Rumbles: David McLetchie has said nothing about the third city of Scotland, Aberdeen, or Aberdeenshire. Aberdeen City Council and Aberdeenshire Council are working closely together in NESEDP to address the points that he has raised. He has focused parochially on Edinburgh. He wants to centralise decision making to Edinburgh and ignore the wishes of the people in the north-east. Will he at least turn his attention to what the business community in the north-east wants to do? The bill is enabling legislation; if the people of the north-east want a charging scheme, we should get it without having to come back to this chamber.

David McLetchie: It is interesting that Mr

Rumbles continually talks about what the people want without telling us what he and his party want. What new taxes do you want to impose on commuters and motorists in Aberdeen and Aberdeenshire? Why do you not stand up and tell us that honestly? I will tell you why—you are afraid to do so because you know what the emphatic answer will be from the people in your community, who are sick to death of the level of motoring taxes that they are paying under a Labour Government, which you are bolstering in the Executive.

Mr Rumbles: We are discussing your amendment. Do not move off the question. This is an enabling bill to allow local people to set up a charging scheme, if that is what they want.

The Deputy Presiding Officer: I remind members that their remarks should be addressed through the chair.

David McLetchie: Thank you.

Of course the bill is enabling legislation. I am pointing out to Mr Rumbles that charging schemes will have much wider ramifications than just for the people who live in the localities. We are all entitled to take a view on these matters. The policies that are pursued in cities have enormous implications—as is recognised by Mr Peacock's appointment as minister for the cities—for people who live in the communities nearby, not just for those within narrowly defined council areas. It is extraordinary that the Parliament wants to abdicate the responsibility to have a say on major schemes, which will have an enormous impact on business and social life in those communities. We seem to be saying that we will wash our hands of them. That is an abdication of responsibility on the part of Mr Rumbles and his party, their partners in the Executive and, today, their lackeys in the SNP.

I commend amendment 69 to the Parliament.

The Deputy Presiding Officer: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)

Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Munro, Mr John (Ross, Skye and Inverness West) (LD)

The Deputy Presiding Officer: The result of the division is: For 15, Against 80, Abstentions 1.

Amendment 69 disagreed to.

Section 44—Matters to be dealt with in charging schemes

Amendments 40 to 43 moved—[Sarah Boyack]—and agreed to.

Section 45—Charging schemes: exemptions etc

Amendment 44 moved—[Sarah Boyack]—and agreed to.

Section 47—Examination, immobilisation and removal of vehicles etc

The Deputy Presiding Officer: I ask the minister to move amendment 45, which is grouped with amendment 46.

Sarah Boyack: Amendments 45 and 46 are of a technical nature. Amendment 45 is drafted in the same terms as an amendment that was tabled to the Westminster Transport Bill. It clarifies the powers that may be conferred on the regulations under section 47(1). It tightens up the circumstances under which any equipment required by a charging scheme may be examined.

Amendment 46 is consequential on a number of amendments that were agreed to at stage 2 on the effective enforcement of charging schemes. It makes it clear that the power to seize evidence does not apply to a motor vehicle in the public service of the Crown.

I move amendment 45.

Amendment 45 agreed to.

Amendment 46 moved—[Sarah Boyack]—and agreed to.

Before section 68

The Deputy Presiding Officer: We now come to amendment 70, in the name of Robin Harper.

12:00

Robin Harper: The roads lobby predicted a 50 per cent increase in road traffic by 2020. Not so long ago, the minister, with some asperity, said that it was not the policy of the Executive to predict and provide. That suggests that, at that time, the Executive intended to take its commitments under the Kyoto protocol seriously and intended not just to keep traffic growth down, but to go for a real reduction.

It is quite unacceptable that the first transport bill from this Executive and from the Parliament should not include a specific commitment to road traffic reduction. I would not go so far as to say that the bill has been eviscerated, but road tolling was an early casualty—it disappeared before we even saw the bill—and workplace parking levies were withdrawn. I was unable to get retail parking levies included in the legislation, even though many members of the Transport and the Environment Committee agreed that the idea would need to be given further consideration when we revise Scotland's planning regulations. As a result, local authorities now have a much smaller toolkit than was initially envisaged.

I ask the chamber to consider supporting my amendment, which asks that

“within one year of the coming into force of this section”

the Scottish Executive shall

“publish a road traffic reduction strategy”.

That would give the Executive a year to work on the strategy, which, as the amendment specifies, would

“include . . . annual targets for the estimated total miles travelled in Scotland by motorised vehicle traffic on public roads”.

The Executive's climate change strategy contains a commitment to traffic reduction. How can we meet that commitment if the Executive does not monitor traffic, collect the figures and set targets?

In my amendment, I ask for

“a statement by the Scottish Ministers of the measures they are taking or propose to take to meet those targets, and how they expect those measures to contribute to—

(i) meeting the United Kingdom's commitments to reducing the emission of gases associated with climate change in pursuance of the Kyoto Protocol;

(ii) improving air quality”.

That is a big issue, given the possible effects of air quality on wildlife in our cities. It would be intolerable if traffic were to increase further in the face of the biodiversity action plans that our cities are being asked to introduce to protect our wildlife.

Finally, my amendment makes it clear that the

strategy should contribute to

“reducing the number of road traffic accidents.”

My strategy would include many of the specific measures that have not been included in the bill, such as real commitments to increasing the number of cyclists and to getting 80 per cent of our children walking to school instead of the same figure going to school by car or bus. The strategy would also include a real commitment to improving the rail infrastructure, particularly around Edinburgh, in the Borders and through Fife. It is bizarre that it is both cheaper and swifter to travel by car between two major cities such as Aberdeen and Edinburgh than it is to travel by rail.

The target that I seek to achieve—for road traffic to have been reduced by 10 per cent 10 years after the first year covered by the strategy—is modest in the extreme. It is also realistic in the light of the commercial pressures and the increase in wealth that there is likely to be in the next 10 years.

I ask the chamber to take my amendment very seriously. It is not simply a wish list of policies; it asks the chamber to compel the Executive to come up with a strategy in the coming years that will result in real road traffic reduction.

I move amendment 70.

Donald Gorrie: I find saying this difficult, as I have much sympathy with Robin Harper's objectives—I hope that the minister will make it clear how she will respond to his proposals—but my heart sinks whenever anyone suggests a strategy, because although we need plans and targets to give us direction, the use of the word “strategy” in politics is often an excuse for not doing anything much. Alternatively, strategies can be too prescriptive.

Robin Harper's objectives are right and the minister should explain to Parliament how she intends to report back—perhaps annually—on the progress that has been made towards achieving those important objectives. However, the wording of the amendment could cause problems, as it attempts to lay down a target of a 10 per cent reduction in road traffic miles. We may achieve a much greater reduction than that. It is a mistake to put a figure on a long-term target.

I am entirely with Robin Harper in spirit. I know how intensely annoying it can be—it happens to me quite often—when someone says, “I am with you in spirit, but I am not going to vote for your amendment,” therefore I apologise. If the minister can provide a firm assurance that she has real aims and that she has the resolution to achieve those aims, and can tell us how she will report back to the Parliament, I shall support the minister's decision.

Cathy Jamieson: At the risk of finding myself with Donald Gorrie in spirit—which has not always been the case on the Transport and the Environment Committee—I agree with him. I acknowledge the aims that Robin Harper is trying to achieve with amendment 70, but its wording causes me concern.

The setting of a 10 per cent reduction target would be wrong, as we might want to achieve a greater reduction than that in many congested areas of our inner cities. In rural areas, the issue is not traffic congestion, but the types of traffic that use smaller, rural roads. Some of the work that has been undertaken by the minister and the Executive on freight facilities grants and the reduction of lorry movements in rural areas is a more constructive way forward. There is evidence to show that the Executive has moved to try to ensure road safety and targets have been set. Several initiatives are under way to encourage children and young people to walk or cycle to school, instead of relying on private cars.

Although I have great sympathy with what Robin Harper is trying to achieve, I do not believe that putting the target in the bill is the correct way forward. It is much more important to put the policies, mechanisms and resources in place that will make sustainable reductions possible over a long period.

Bruce Crawford: My view is similar to those of Cathy Jamieson and Donald Gorrie. Robin Harper appears to be trying to secure a national plan for how the Parliament deals with road traffic congestion. Such a plan would be useful, as it would provide a solid framework within which local transport authorities could draw up their joint transport strategies. It would also clarify the link between what the Government is trying to achieve and what happens locally. However, I wish that Robin Harper had worded his amendment differently, to make it clear that it calls for a national plan to make that link and to impose a requirement on local transport authorities to consider the direction that has been given by the Executive when producing their joint transport strategies. Through such a plan, we might have achieved real joined-up thinking about how best to deal with road traffic congestion.

I have every sympathy with what Robin Harper is trying to achieve and I will be interested to hear how the minister responds to his proposals. I congratulate Robin on introducing the idea into today's debate. However, I am concerned that the amendment would not allow an opportunity for the wider consultation that might be needed on setting targets. We could perhaps come up with more stretching targets, which might nevertheless be achievable. People in industry, in particular, might sign up to such targets if there were a national

plan.

Sarah Boyack: I understand and sympathise with the reasons for which Robin Harper has lodged amendment 70. There is a need to manage traffic growth in such a way as to reduce its harmful effects on the environment and to make Scotland cleaner and safer. I strongly support his motivation in that respect, as do the other members who have spoken.

However, legislation already exists to achieve those aims—the Road Traffic Reduction (National Targets) Act 1998. That act requires Scottish ministers to set and publish in a report targets for road traffic reduction. It also makes provision for Scottish ministers not to set a target if they consider that other targets or measures are more appropriate for the purpose of reducing the adverse impact of road traffic. In that case, ministers are obliged to publish a report that explains their reasoning and includes an assessment of the impact of the other targets or measures on road traffic reduction.

The act requires ministers to have regard to the adverse impact of road traffic in a number of areas, including the emission of gases that contribute to climate change; the effects on air quality, health, land and biodiversity; traffic congestion; danger to other road users; and social impacts. In that regard, the act encompasses a wider range of effects than Mr Harper envisages in his amendment.

On the issue of national targets, Mr Harper's amendment is too restrictive—it takes too narrow a view. I agree with some of the comments that members have made on that point. The target to reduce the total miles travelled is, in isolation, not very meaningful. The improvements that we are working towards will be brought about by a number of policies working together and are not simply to do with distance driven or the number of cars on the road.

Our traffic management policies should not be seen in isolation from our air quality strategy or the climate change programme. For example, the new emission standards being adopted by car manufacturers and newer cleaner fuels will have a major impact on emissions. Local authorities have powers to set up local authority air quality management areas. Other measures will tackle vehicle use. For instance, new planning policies will ensure that economic development and transport planning work together and there will be better facilities for more environmentally friendly travel modes. Road safety is being addressed through the UK road safety strategy, which was published by the Government and the Executive earlier this year.

All those measures play a part. I should also

mention the other parts of the bill that have already been accepted, such as the regional transport strategies and the bus improvement toolkit. The new ScotRail franchise and the targets to double the use of bicycles between 1996 and 2002 are also important. As Robin Harper said, we need a step-by-step approach. The public transport fund, the rural transport fund, freight facilities grants and a range of other measures are being acted on—I hope that that reassures Donald Gorrie. We are doing our bit to try to manage traffic growth.

Another reason why I do not think that a single national target is the best way to achieve our ends is that it would create a totally inflexible situation, which would not bring the desired benefits. What is appropriate in Glasgow or Edinburgh cannot possibly be appropriate in the Scottish Borders or in the Highlands. We live in a country with a diverse geography and there are significant differences in road traffic levels in different areas of Scotland. There are also different economic and social needs, which are bound up with road traffic and must be taken into account. Policies need to be flexible enough to take account of those differences.

Cathy Jamieson mentioned rural areas, where social inclusion considerations put constraints on traffic management, as do the requirements of tourism and primary industries such as fishing and forestry. Our cities demand totally different solutions to deal with the problems of congestion and pollution. We need local solutions for local problems and we need to be flexible. The Executive wants to target road traffic growth in ways that are relevant to the situation in each different area, rather than by producing blanket plans and targets that could be detrimental to some parts of Scotland.

The Road Traffic Reduction (National Targets) Act 1998 allows for a single national target if that is considered to be the appropriate solution. Once we have the final versions of the local transport strategies that are being prepared by local authorities, which will be accompanied by the proposals that each local authority is required to work up under the 1998 act, we will pull them together. At that point, we will announce our proposals to identify what is being done through the bill to implement the 1998 act. We will engage in reasoned discussion to implement the measures that we are currently taking. That is a more responsive approach to the concerns of our varied communities.

I know that Robin Harper is keen to pursue the amendment and that he raised the issue at stage 2 as well. Given the reassurances that I have given, I invite him to withdraw his amendment. I hope that he will do so.

Robin Harper *indicated disagreement.*

Sarah Boyack: I see that he does not intend to.

On behalf of the Executive, I give a commitment to provide more detail on progress on the objectives. We have a national delivery plan for transport. Road traffic reduction is a key part of that approach.

12:15

Robin Harper: I listened carefully to what the minister said. To respond to both the minister and Cathy Jamieson, there is nothing in subsections (1) to (8) of my proposed new section to suggest that road traffic reduction targets should apply area by area and sector by sector. My amendment would form an enabling piece of legislation, which is in the general spirit of the bill. Instead of enabling local authorities, my amendment would enable the Executive to introduce an overall target for road traffic reduction. The amendment does not prevent considerable increases in traffic in some parts of rural Scotland.

Proposed subsection (3) is not prescriptive. It states:

"The target in the strategy for the tenth year covered by the strategy shall be not less than 10 per cent lower".

There was a complaint about that, as if the target were too low. That provision enables the Executive to set much higher targets for reduction if it is so minded. Two of the principal objections to the amendment are therefore without any basis whatever.

The minister spoke about the Road Traffic Reduction (National Targets) Act 1998. That gives the Scottish Executive a let-out. I am absolutely certain of the current minister's dedication to achieving traffic reduction but, in 10 years' time, we may not have the same Executive and it might not have the same commitment. It would therefore be sensible and proper to include road traffic reduction strategies in the bill.

The Deputy Presiding Officer: The question is, that amendment 70 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division, for which I will allow two minutes.

FOR

Canavan, Dennis (Falkirk West)
Harper, Robin (Lothians) (Green)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)

Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Ewing, Mrs Margaret (Moray) (SNP)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Kenneth (Glasgow) (SNP)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Iain (Tweeddale, Ettrick and Lauderdale) (LD)
Johnston, Nick (Mid Scotland and Fife) (Con)
Lamont, Johann (Glasgow Pollok) (Lab)
Lochhead, Richard (North-East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McGugan, Irene (North-East Scotland) (SNP)
McLeish, Henry (Central Fife) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McLetchie, David (Lothians) (Con)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Russell, Michael (South of Scotland) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Deputy Presiding Officer: The result of the division is: For 2, Against 87, Abstentions 1.

Amendment 70 disagreed to.

The Deputy Presiding Officer: Members will be aware that we are approaching the time to suspend the meeting. I will do so now and we will reconvene at 2.30 pm to safeguard the later debate.

12:20

Meeting suspended.

14:30

On resuming—

The Deputy Presiding Officer (Mr George Reid): The first item of business this afternoon is the continuation of the debate on stage 3 amendments to the Transport (Scotland) Bill.

After section 68

The Deputy Presiding Officer: We pick up where we left off this morning. I call Donald Gorrie to speak to and move amendment 3.

Donald Gorrie: Amendment 3 achieved a tied vote at stage 2. I think that it is worth testing the opinion of the Parliament on it, and I intend to do that.

Amendment 3 is not an earth-shattering or strategic proposal; it is locally focused and straightforward common sense. I am sure that we all have experience of schemes proposed by local authorities, health boards, enterprise companies or sports organisations that deal properly with transport to get people to and from those projects—and of others that do not. I am suggesting that any body that proposes a new building, such as a huge hospital on the edge of Edinburgh, or small development, such as a pensioners' lunch club, or a scheme to encourage more children to take part in sport, should have to explain in their proposal how people are going to get there and who will pay for it.

Like almost all other members, I helped during

the Anniesland by-election. I visited a day centre for elderly people that was fully funded for transport. It worked like a dream: minibuses collected people and took them home again. The whole operation worked really well. However, I know of a pensioners' lunch club on a large housing estate in another city where, other than on the main routes, there is no public transport. In bad weather, very few people attend. It is clearly in the public interest that funding for that lunch club should take account of transport costs.

A Westminster colleague who represents a large rural area complained to me that although there are development proposals for excellent sports facilities in school buildings, all school pupils in rural areas have to get the school bus at the end of the school day if they want to get home. They cannot use the sports facilities after school hours. The people who promote such developments must take account of transport needs. It should be incumbent on them to do that. This is not a huge bureaucratic matter. All they need is two or three paragraphs in their proposal to explain how people will get there; whether there will be additional public transport or concessionary travel, or whether people are expected to drive there.

At the highest level, the design and siting of the new royal infirmary building in Edinburgh took absolutely no account of transport. It was an afterthought and there will be huge disasters resulting therefrom. If the minister can be persuaded to accept amendment 3, it will help us to prevent small failures or big disasters in future. I honestly cannot understand why she is still holding out against it. I will listen carefully to her arguments, but at the moment I certainly intend to press the amendment to a vote.

I move amendment 3.

Dennis Canavan (Falkirk West): I welcome the opportunity to debate amendment 3. Donald Gorrie's proposed new section would place a duty on local authorities to consider the transport implications of publicly funded projects. In fulfilling that duty, local authorities would have to indicate, inter alia,

"whether any free or concessionary fares are available"

and

"how the costs of any free or concessionary fares . . . will be met."

It is on that point that I would like to ask the minister for clarification.

COSLA warmly welcomes the proposals for a concessionary travel scheme, but there are questions about the case of disabled people who cannot access buses or trains. Some local authorities take the view that using a taxi is the only reasonable option for some disabled or

elderly people, either because of the nature of their disability or because of the lack of other forms of public transport. I understand that some councils spend up to a quarter of their concessionary fares budget on taxi travel, as distinct from bus or train travel. They use taxis only as a last resort, in cases where a disabled person is unable to access buses or trains, for the reasons that I have stated.

Section 68 is not precise enough about whether travel by taxi may be included in the concessionary fares travel scheme. If taxis are excluded from the scheme, councils will have to pick up a bigger bill or deny the benefit of concessionary travel to some severely disabled people—people who are most in need of it. I ask the minister to respond to that specific point when she replies.

The Deputy Presiding Officer: That is now.

Sarah Boyack: I share Donald Gorrie's aspirations in lodging the amendment. That was the view that I took when we discussed the amendment at stage 2. We agree that, if we are to tackle transport problems effectively, local authorities must consider the transport implications of facilities or projects. However, I do not think that only local authorities should be required to do that. I also do not think that amendment 3 would do what Donald Gorrie hopes. In fact, I think it would do quite the reverse. I am mindful of the fact that at stage 2 there was a tied vote on the issue, so I will deal in detail with the points that are made in the amendment and say why I do not think that they are appropriate for the bill.

Amendment 3 is both too narrow and vague. It refers only to public transport. There is no mention of cycling, of walking or of situations in which freight may be an issue in local authority development. There is also no reference to cars. Donald Gorrie mentioned them in his speech, but they are not included in his amendment. Projects that are not funded or supported by local authorities, such as national health service projects—Donald Gorrie spoke about hospitals—and university, private sector and Scottish Executive projects, would not be covered because of the way in which the amendment is drafted. The definition of publicly funded projects could be loose enough to include parades or hogmanay festivities, if they are supported financially by a local authority. All local authority funded projects would be caught, from the local creche to the community library to the 1,000-pupil school.

Donald Gorrie gave the example of pensioners' lunch clubs, which would also be affected by the amendment. Public transport might not be the most appropriate form of transport in that situation. A community transport initiative might be more

effective than a registered, regular bus service. It is important that we think through the implications of the amendment very carefully.

Donald Gorrie also cited the example of the new Edinburgh royal infirmary. There is investment in public transport for that project. This year the Executive gave the City of Edinburgh Council £8 million, in part to allow the creation of a high-quality bus corridor that will include the new Edinburgh royal infirmary. There are ways in which we can help public transport reach local authority funded projects.

Paragraphs (a) and (b) of subsection (2) amendment 3 suggest that local authorities must, in any documents that they are preparing—including documents that describe or promote a project or facility—indicate exactly what public transport facilities are available and say whether they are any good. That could have undesirable implications for tourism and other activities. We want promotional literature advertising council-supported theatre, tourist attractions or festivities. All of that would have to include the council's assessment of the adequacy of public transport services and related cost figures. That would take up space and might detract from key promotional messages. I will come on to other ways to deliver that.

Our ability to enforce amendment 3 is also doubtful. The resource implications of checking each local authority project or facility would be significant. Checking would lead to more bureaucracy, more form filling and more report writing, and would not deliver the long-term transport benefits that Donald Gorrie seeks.

There are better ways to address the transport implications of travel-generating developments. For example, national planning policy guideline 17 already promotes an integrated approach to land use, economic development, transport and the environment for new developments, whether public or private. A transport assessment must be prepared as a matter of course for significant travel-generating developments. That assessment must indicate the expected travel demand and the mode shares that are deemed acceptable, including any actions that are required to achieve those mode shares.

We are keen to promote green travel plans for existing developments—the use of public transport, cycling, walking and shared car use by employees, suppliers and customers, both for commuting and during the working day. There are many better ways in which we can deliver the objectives behind amendment 3. It raises important issues, but it would be a mistake to incorporate it in the bill.

Dennis Canavan asked about taxis. They are

not specifically covered in the bill as drafted, but ministers could bring them into the scope of a scheme by order under the definition of "eligible services". Members should examine section 68(6). By widening that definition and using the order-making process that is identified at line 23 on page 40, we could address that issue if we and local authorities felt that it was important.

Our public commitment is to off-peak bus fares within the currently identified local authority concessionary areas. That commitment is in the bill. We had many discussions in committee about the extent to which it could be amended. We have had a report from consultants about different costings. I am keen to consider with local authorities the most efficient schemes that we could deliver and to debate those issues with them, but that is not specifically covered in the bill. That was Dennis Canavan's key question, but the way the bill is drafted does not prevent us from doing that in the future. We have scope to expand on what is currently in the bill. I hope that that answers Dennis's question.

Dennis Canavan: If a local authority produced a proposal whereby people who are unable to get access to bus or train travel might benefit from a concessionary or free taxi service, would there be a delay in the appropriate ministerial order coming forth?

Sarah Boyack: It would not so much be about a delay; it would be a matter of priority depending upon how important it was at the time. There would also be discussions with local authorities. How we proceed with the order-making process is clear in the bill. We have not seen that as a top priority. We will discuss involving people with disabilities and disabled issues in transport later this afternoon. We would expect that group to discuss this issue and many others. We did not discuss the matter in detail during the committee stage of the bill.

Donald Gorrie: I honestly am not impressed.

The minister said that amendment 3 is vague and applies to authorities other than local authorities. Of course it does; that is the point. However, the local authority is supposed to organise the transport, so if a theatrical or sporting enterprise, or a hospital or training facility, is proposing a project that is supported by public funds, the council should say, "What about transport?" If the council is issuing a leaflet about a local festival or local theatre, it should include a sentence about how to get there and whether there is a bus service or cycle lane.

The minister seems to think that community transport is not public transport. That is not my understanding. I would have thought that community transport was an important part of

public transport as a whole. A lot of those needs could be met by community transport. If a project or facility can be accessed on foot or by bicycle, the council need only include a sentence to that effect in its report. My amendment would not result in a great bureaucratic nightmare; it is simply a reminder to councils that they should take account—

Sarah Boyack: Although I am happy to sign up to the wider aspiration behind Mr Gorrie's amendment and to work with local authorities to deliver it, the terms of amendment 3 do not cover his points in the way that he suggests.

14:45

Donald Gorrie: I cannot agree. The amendment stipulates that councils must say whether public transport is needed to access any project or facility and how they plan to provide such transport. If people can walk or cycle to those locations, the council need only say so, which means that more public transport does not have to be organised. The minister is taking an extraordinarily narrow and pedantic view of the matter.

The minister suggested that tourism might be damaged if the council had to include a sentence or two about how to get to the excellent shows at the Edinburgh festival, for example. I would have thought that it would encourage tourism. The minister has done some excellent work on the bill, but I do not know why she is resisting amendment 3. Some people must have an agenda that I do not understand. My proposal is simple and commonsensical and I am happy to press it.

The Deputy Presiding Officer: The question is, that amendment 3, in the name of Donald Gorrie, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
Canavan, Dennis (Falkirk West)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)

AGAINST

Aitken, Bill (Glasgow) (Con)
Barrie, Scott (Dunfermline West) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fergusson, Alex (South of Scotland) (Con)

Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)

Welsh, Mr Andrew (Angus) (SNP)

The Deputy Presiding Officer: The result of the division is: For 6, Against 61, Abstentions 19.

Amendment 3 disagreed to.

Section 69A—Grants for transport-related purposes

The Deputy Presiding Officer: We now move to amendment 48. I call the minister to move and speak to the amendment.

Dennis Canavan: On a point of order, Presiding Officer. Could you please enlighten us on what has happened to amendment 47? I have received an urgent communication about it from the chairperson of Disability Agenda Scotland, but I do not see it on the list.

The Deputy Presiding Officer: I will make inquiries about that, Mr Canavan, and explain the situation as soon as I have the information to hand.

Sarah Boyack: Amendment 48 is entirely technical and is designed to ensure consistency of drafting throughout the bill.

I move amendment 48.

Amendment 48 agreed to.

After section 69B

The Deputy Presiding Officer: Amendment 49, in the name of the minister, is grouped with amendment 51, in the name of Fiona McLeod.

Sarah Boyack: Section 69B is a very important section of the bill. There has been strong pressure from disability groups for us to improve the discussions that take place in Scotland and the policy objectives, and to deliver better transport for people who have disabilities. I am aware that disability groups have been pressing for a statutory underpinning of the Scottish advisory group on the transport needs of disabled people, which I indicated this summer that I am keen to establish. Initially, I was not convinced that that group needed a statutory underpinning, but I have listened carefully and have read the submissions from disabled groups and individuals on the issue of whether the group should have statutory status. Subsequently, I have lodged an Executive amendment to achieve that.

Earlier this year, we consulted on the role, remit, membership and work programme of the proposed non-statutory body. I appreciate the work that was put in by all those who responded to the consultation. It is important to act on the responses to that consultation. If amendment 49 is agreed to, the next step will be to produce draft regulations for the establishment of a statutory body, which I aim to do in the first quarter of 2001.

It is my intention to consult widely on the draft regulations before returning to the Parliament with detailed proposals.

I would like to retain a degree of flexibility in establishing the group, which amendment 49 would allow. It is important to draw to members' attention the fact that the Scottish group's remit will overlap with that of the Disabled Persons Transport Advisory Committee, which operates at a UK level. That committee contains two Scottish members, but it has a considerable work load and it will be important for the new Scottish group to consult DPTAC about the two bodies' programmes of work, to ensure that they build on and complement rather than duplicate one another.

It is important that we get that process going. I shall consult on arrangements for the publication of the advice of the group, when it meets and produces that advice, and I shall produce draft regulations at that point. I expect the Scottish Parliament to take a close interest in the work of the group, and I am happy to commit the group to enabling that to happen. The Transport and the Environment Committee and the Equal Opportunities Committee will be especially interested in the work of the group. I hope that the Parliament will support the amendment.

I move amendment 49.

Fiona McLeod: I shall not move amendment 51. I am pleased that the minister has listened to the lobby, which has said that we need this statutory body. Its advice will have to be brought before the Parliament, listened to and discussed. I am pleased that that is what is planned. I hope that, in her remarks, the minister will acknowledge that the advice that the group gives to the Executive will be taken seriously.

I expect that, when this body comes into being, one of the first pieces of advice that it will give the Executive will be that there should be concessionary fares for carers. Unfortunately, Sir David Steel did not choose for discussion today the amendment that calls for that, which was lodged in my name. I am therefore pleased to welcome the minister's actions.

Robert Brown (Glasgow) (LD): I too welcome the minister's actions, as I was rather attracted to Fiona McLeod's amendment.

There seem to be two differences between amendments 49 and 51. There is slightly less adequate provision for the committee in amendment 51; however, it is stronger in mentioning the proportion of disabled members of the committee.

The minister will be aware that all sorts of social groups are seeking to take ownership of issues that reflect and relate to their specific situations. In

the disabled world, for instance, through initiatives such as the disabled living centres, there is a strong movement towards giving people control of their situation. It is important that the formal disabled groups are properly represented rather than nominally so. As we have found with issues relating to disabled housing, a lot of the issues involved are technical. It is important that we have on the committee people who are knowledgeable about the technical aspects of how people obtain access to buses and so on, almost from an architectural point of view.

With those caveats, I must say that I believe that the proposal is worth while. I commend the minister for responding to representations on it.

Mr Tosh: This matter caused some difficulty and confusion to the committee. It is greatly to the credit of those involved that the matter has been handled as well as it has been. I approve of the minister's amendment. It is to Fiona McLeod's credit that she has responded as she has and has withdrawn her amendment. We will be happy to support the minister's amendment.

Sarah Boyack: Robert Brown said that the group will involve people with disabilities. I am keen for that to happen. Part of the consultation exercise on the regulations will be to establish the balance in the committee and ensure that we get the right mix. It is important that we get people from a range of disability groups and ensure that we have a degree of representation from the transport companies. Getting that balance right will be tricky as there are a lot of people who want to be involved in the process. We want to be inclusive from the start. I know that the Scottish Accessible Transport Alliance and Disability Scotland are keen to ensure that we get the balance right.

It is important to log with the Parliament that standards for buses and trains make up the core work of DPTAC at the UK level. I want the focus to remain there to ensure that we have universal standards and safety standards across the UK. We will tease out that issue when the two committees are set up and working. We will have to ensure that they liaise properly. If we get the right people on the committee and get the regulations right, that should be possible.

Dennis Canavan: Will the minister respond to the question about the possibility of the extension of the concessionary fares scheme to people who care for people with disabilities or those who are their travelling companions?

Sarah Boyack: Although I had finished speaking, I will respond to Mr Canavan. On that issue, I was clear in the committee that we have a strong commitment to delivering a free scheme for pensioners and people with disabilities. There is

the scope for the expansion of that scheme, but that would require more resources. I cannot commit the Executive to the provision of those resources.

Amendment 49 agreed to.

After section 70

The Deputy Presiding Officer: The next amendment is amendment 50, in the name of Sarah Boyack.

Sarah Boyack: Current legislation in the Roads (Scotland) Act 1984 allows roads authorities to promote redetermination orders, which could change the designation of a pavement from one that is used solely by pedestrians to one that could be shared by pedestrians and cyclists. I have received representations that this power is too restrictive. Unlike other road traffic orders, it gives no powers for roads authorities to make experimental redetermination orders to test their effectiveness before promoting a permanent order. The amendment would enable that to happen.

I must stress that it will not allow the introduction of an unwanted redetermination order through the back door. Experimental redetermination orders will be valid for a maximum length of 18 months with a further period for the roads authority to promote a permanent redetermination order under existing legislation. That legislation provides for dealing with objections. At the end of the 18-month experimental period, should the authority decide not to promote a permanent order, the amendment is drafted to ensure that any reinstatement work to return the footway to its original condition—by removing markings and signs—should be carried out.

15:00

I know that, sometimes, pedestrians can find cyclists intimidating. I believe, however, that shared-use facilities can and do work well in appropriate circumstances—a good example is the Meadows in Edinburgh. It is important for local authorities to be given appropriate guidance, and such guidance is provided by “Cycling by Design”, which we issued last year. That stipulates the minimum width of footways for which shared use can function safely. It also outlines measures to ensure that cyclists and pedestrians are properly segregated.

Amendment 50 is not a measure to encourage indiscriminate cycling on pavements. That is an offence, and will remain so. It is a measure to encourage local authorities to think about how to encourage and promote cycling where appropriate, and to enable them to test out the effectiveness of their ideas without having initially to go the whole way to promoting a

redetermination order.

I move amendment 50.

Amendment 50 agreed to.

Amendment 51 not moved.

The Deputy Presiding Officer: I will shortly ask Des McNulty to speak to amendment 52, but before I do so, I will respond to Mr Canavan’s point of order. My assumption was that the Presiding Officer had simply not selected amendment 47. I have had the matter checked: he did not select it. That is a matter for the Presiding Officer.

I call amendment 52, in the name of Des McNulty, which is grouped with amendment 58, also in the name of Des McNulty.

Des McNulty: One issue that came up in the Transport and the Environment Committee’s deliberations was whether road safety was sufficiently taken into account in the bill. Following the committee’s discussions, we are now in a position to institutionalise the recognition of road safety in the bill by amending the Road Traffic Act 1988, as set out in the amendment.

I move amendment 52.

Sarah Boyack: I am grateful to Des McNulty for lodging these two amendments. The issue of road safety was indeed discussed at stage 2, and I strongly support what the amendments are trying to achieve.

Challenging targets for reductions in road accident casualties were set earlier this year. We want the incidence of fatal and serious injuries to be reduced by 40 per cent over the next decade and that of fatal and serious injuries to children to fall by 50 per cent over the same period. Local authorities have a major role in achieving those targets. I agree with Des McNulty that the Executive should be able to make grants to assist authorities with particular projects, especially those that are targeted at vulnerable road users such as children, pedestrians and cyclists. Those projects are likely to bring worthwhile benefits.

The safer routes to school scheme, for which I announced additional resources earlier this year, provides an excellent example of projects that would be eligible for a grant under the new power. In that case, funding was provided to local authorities by means of capital consents, as there was no simple mechanism to pay grants for specific road safety measures.

Amendments 52 and 58 will enable the Scottish ministers to support worthwhile local authority projects by way of grants. I believe that the new power will be welcomed by local authorities and by others who are engaged in road safety. For those reasons, I support amendments 52 and 58.

Amendment 52 agreed to.

The Deputy Presiding Officer: I now call Nora Radcliffe to speak to and move amendment 53, which is grouped with amendment 54, also in Nora Radcliffe's name.

Nora Radcliffe: Amendment 53 is essentially similar to one lodged by my colleague Donald Gorrie at stage 2, which was accepted in principle by the committee and by the Executive. I am pleased that this beneficial addition to the bill is to be made.

The genesis of the home zone was, I believe, in Holland in the late 1960s, when frustrated residents physically tore up their streets because they felt so strongly that the motor vehicle should not be allowed to dominate their lives and threaten their and their children's safety. The safety benefits of home zones are significant, and are necessary in the light of statistics such as these: there were 3,247 child pedestrian casualties in Scotland last year; more than 600 of them involved serious injury; 27 children were killed; and 85 per cent of the accidents were in residential areas. Children living in disadvantaged areas, where they are less likely to have a garden to play in, are five times more likely to be killed on the road.

The "Twenty's plenty" schemes have had good results. In residential areas where speed limits of 20 miles per hour have been introduced, child pedestrian accidents have fallen by 70 per cent. Home zones improve and expand on what is achieved by merely reducing the speed limit.

I remember going out to play as a child. That simple pleasure and opportunity to exercise body and imagination is denied to many children nowadays. Levels of physical activity among children are at an all-time low. Home zones that create safe play environments will, I hope, help to redress that. Making the residential area street a community space rather than a car space will foster social interaction and community spirit, and will help to cut vandalism and crime.

Amendment 54 is consequential on amendment 53.

I move amendment 53.

Robin Harper: I strongly support Nora Radcliffe's amendment. I ask the minister to take the thinking behind this amendment further and to put it into policy guidelines in future. In Thurso, there is an example of an excellent home zone, where the idea of slowing down traffic has been taken further and enhanced playground facilities for children have been set up. Many of our cities lack adequate play areas for children. It is not enough simply to make the streets safer to cross for children and old people on their way to the

shops. We need to go further by creating excellent, exciting play areas.

Mr Tosh: As Nora Radcliffe said, this matter was discussed by the Transport and the Environment Committee and commands widespread support. I simply want to ask the minister what the word "road" means in this context. Would the amendment allow the designation of part of a road? We might not want the whole of a road to be included in a designated area, if, for example, the road were partly within and partly outside a housing scheme. It is important to be able to designate in any order the relevant part of a road.

Donald Gorrie: I welcome the support for this proposal that is being given, as promised, by Sarah Boyack. I lodged an amendment on this matter at the Transport and the Environment Committee and there was widespread support for the notion. In many ways, the wording that the civil servants have produced for stage 3 is better than that in the previous amendment, which was based to some extent on a similar proposal at Westminster.

As Nora Radcliffe said, the idea is to extend people's homes out into the street, so that the street is recolonised by the community. There are other considerations, such as the need to avoid giving children and other pedestrians a false sense of security. They should be aware that there are cars. However, I think that we can create an ambience in areas. Other countries, such as the Netherlands, are better at doing this. We must create areas that cars can enter but in which they are foreign bodies and in which they have to go carefully and have regard to people, who have priority.

I hope that this will be an illustration of local democracy. Different councils will develop this idea in different ways and we will find out what works well and what does not. One or two aspects of the original proposals have been left out. Matters such as speed limits are a bit difficult, as technically they are reserved. The current proposal is a very good basis on which to build. I very much welcome the minister's support for the idea.

Sarah Boyack: I am delighted to support amendment 53. It will provide the opportunity for local authorities to designate formally home zones in which speed limits may be set at 10 miles per hour or 20 miles per hour. Like Nora Radcliffe, I want there to be more home zones throughout Scotland. This amendment will help to secure that aim.

Home zones will bring key benefits, such as improvements to the environment outside people's homes by ensuring that road space can be used

safely by all. That could lead to an improvement in the quality of life, to the development of vibrant and inclusive communities and to improvements in health, by encouraging more walking and cycling in a safer environment. For all those reasons, home zones are an excellent idea.

I want to pick up Robin Harper's point on policy guidance. In Scotland, home zones are being piloted in Thurso, Edinburgh and Dundee in order to enable us to examine before, during and after the pilots the experience of how home zones work. That will enable us to learn from the consultation process how local authorities work with communities and how to make the schemes right technically for individual local circumstances. From those pilot studies we will produce guidance for local authorities, so that each local authority will not have to reinvent the wheel and will be able to gain experience and knowledge from other home zones.

It is important that we pass amendment 53, which makes provision for Scottish ministers to make regulations to prescribe the procedure to be followed by local authorities when designating a home zone. The amendment is not about red tape or bureaucracy. It is important that local authorities have proper and common procedures when designating home zones to ensure that their proposals have been consulted on properly. Where objections are raised, they should be dealt with properly, openly and transparently.

Local people must be involved in shaping the changes that are designed to transform their neighbourhoods and streets. That will require consultation not just on the principle of home zones but on the detail. With the powers provided for in these amendments, we will introduce regulations that will build on best practice in the rest of the UK and Europe.

Donald Gorrie raised child safety issues, and home zones will provide a wonderful opportunity for children to play in their own area. However, home zones will not take away the need for road traffic and safety training to take place in schools across the country. Children will still need to learn how to interact with cars and other vehicles, but I believe that home zones will be a major benefit.

To answer Murray Tosh's question, our intention is that local authorities will be able to designate within a home zone any part of a road that they think appropriate. The designation order would have to specify clearly exactly what was to be within the home zone, and what was not, in order to consult local residents effectively when proposals are made.

Amendment 53 agreed to.

The Deputy Presiding Officer: We come to amendment 73, in the name of Robin Harper.

Robin Harper: Amendment 73 is another modest proposal—this time on employer transport audits—which I hoped would gain the support of the Executive and the minister.

The idea behind my amendment is to engage employers in the development of transport strategies and to allow the Executive to specify what size of employer should be involved in employer transport audits. The proposal could include just a few of Scotland's largest employers, whose transport policies—or lack of them—might have the greatest impact on our environment. The proposal could be extended in future if the Executive felt that that was necessary.

As with my previous amendment 70, amendment 73 is simply an enabling amendment, which would assist the Executive and councils to prepare their transport policies and their local transport strategies—which, sadly, are not mandatory. It would equip senior management with summary information on their direct and indirect expenditures on transport and on their staff travel patterns. The idea is to engage employers in an examination of what is happening already. For example, some employers subsidise their employees' travel by public transport while others do not. Some employers put most of their subsidy into travel by car, while others are considering giving subsidies to people who cycle to and from work. For example, the University of Edinburgh is considering subsidising people who cycle on business around the university.

It would be interesting, instructive and useful for the Executive to be able to gather such figures on a mandatory basis. That would encourage major employers to lobby for more efficient and more environmentally friendly transport facilities. Ultimately, it might even improve access to employment for people who have restricted travel opportunities and for people who wish to practice green commuting.

The proposal in the amendment is modest. It suggests that

“Every company or organisation employing more than a specified number of persons”—

that number would be up to the Executive—

“shall submit to the Scottish Ministers by specified dates estimates of the amount of freight transport and passenger travel directly attributable to their activities”.

I move amendment 73.

15:15

Des McNulty: That might be a modest proposal, but its impact on business costs, and its organisational implications for the Executive, might be immodest. I support the idea of employers running green transport schemes and seeking

ways of encouraging their employees to use appropriate forms of transport. However, I am concerned that amendment 73 is overly prescriptive. Rather than encouraging employers, it could discourage them from thinking creatively. It could become a burden. Rather than moving towards such a level of prescription, we should consider voluntary arrangements. I hope that the minister will indicate that those are the kind of arrangements that she hopes to develop.

Sarah Boyack: I sympathise with Robin Harper's aspirations, but I question whether his amendment is the right way to proceed. I agree that travel to and from work and travel during work are central to an integrated transport strategy. Green travel plans have an important role to play in promoting attractive and realistic alternatives to the car.

The Scottish Executive is committed to working with employers throughout Scotland to encourage more use of such measures. Last year, we held a conference on green commuter plans. We invited a range of companies to discuss best practice, to share ideas and to discover what works. Last month, I launched a Scottish Executive report on the practice and effects of green travel plans. The research highlighted several examples of what can be achieved if companies engage effectively.

Let me give members two examples. Over a two-year period, Hewlett Packard—which is now called Agilent Technologies UK Ltd—at South Queensferry increased rail use by its employees from 8 per cent to 14 per cent. Staff driving alone to the Royal Bank of Scotland at the Gyle in Edinburgh decreased by 10 per cent. Those are good examples of initiatives that have worked. Robin Harper gave some other good examples of policy mechanisms. We need to encourage other companies to do more.

However, the amendment would not change practice on the ground. It would merely give rise to a potentially expensive paper chase, with benefits that were—at best—questionable. The requirement to submit data does not distinguish between travel by car and lorry and travel by train and bus. It does not distinguish between the different purposes of travel, which is important for employers who are considering how to change travel patterns, and it does not make clear how amounts of travel should be recorded. For example, would companies have to report the number of journeys made or the total distances travelled by their staff? That would depend on the needs of the companies—that is not identified in the amendment.

There would be significant costs for the organisations concerned and for the Scottish Executive. To give members a sense of the numbers, there are more than 107,000 business

enterprises in Scotland that have one or more employees, of which more than 5,500 have 50 or more employees. Even if we consider only the bigger firms with 50 or more employees, we would still catch a huge number of companies in the amendment's net. All we would be asking them to do would be to carry out a survey of their travel patterns; we would not be asking them to do anything that would deliver sustainable travel patterns.

We already have the statistics—we know the total amounts of freight transport and passenger travel. Those statistics are already collected by the national travel survey, the Scottish household survey and the road freight survey. The statistics have all been published, so we do not need to find the information. What we do need is to persuade people to act on that information. We need to help companies and give them examples of best practice.

For all the reasons that I have given, I ask Parliament to reject the amendment if Robin Harper presses it to a vote.

The Deputy Presiding Officer: I call Robin Harper to wind up and indicate whether he is pressing his amendment.

Robin Harper: I thought that my amendment was framed in such a way that the Executive would accept that it need not place too much of a burden on business. I accept many of the objections that the minister has raised. The amendment could have been worded better.

I must, however, insist on the necessity for employers to accept some responsibility for the amount of unnecessary traffic that is created through their policies or lack of policies. I hope that that point is taken by the Executive and that the Executive will find ways to continue to impress on employers their responsibilities in that respect. I shall not press the amendment.

Amendment 73, by agreement, withdrawn.

After section 71

The Deputy Presiding Officer: We come to amendment 4, in the name of Bruce Crawford.

Bruce Crawford: I apologise to my colleagues on the Transport and the Environment Committee for introducing this amendment at stage 3 of the bill. I considered submitting a similar amendment at stage 2, but, in the form in which it was drafted, it might have fallen under reserved powers because of the question of overtaking. However, by giving local authorities powers to introduce school bus priority routes, the amendment now falls within the remit of this Parliament.

It is tragic when a child is killed while attempting to access a school bus or leaving a bus stop. It is

devastating for the family concerned and the impact on a family from an accident in which their child is injured can also be very distressing. More and more families are calling for children to be given greater protection when accessing or exiting school buses. We can raise the awareness of drivers and children, but such dreadful accidents will continue to happen. It should be the duty of the Parliament to attempt to extend protection to children when they are using school buses. Earlier this afternoon, Nora Radcliffe referred to the number of children who are injured or killed on roads in Scotland every year. I am sure we are all aware of accidents in our own areas, because they attract media attention.

The amendment would place a duty on local authorities to carry out a review of their area to consider where school bus priority routes could be introduced. It would also provide local authorities with the power to make an order that prohibited any motor vehicle from overtaking a stationary school bus on a designated school bus route. I have tried to create as flexible an amendment as possible, recognising some of the difficulties that may need to be overcome. I acknowledge that it is for local authorities to decide when the time is right for them to take the power to create school bus priority routes—giving local authorities such powers could be an important step in creating a safer environment for our children.

I congratulate FirstGroup plc, which has introduced schemes for school bus routes, particularly in Wales, and a yellow school bus service. Their documentation shows that, after research on road safety with schools, transporting children under supervision and in controlled conditions on a near door-to-door basis improves road safety. It also shows that congestion can be reduced by up to 20 per cent. This is about getting children to school reliably and on time and in a frame of mind to start the day and giving parents peace of mind.

Perhaps the minister finds that there are issues raised by the way that my amendment is drafted and, because we are at stage 3, I must consider those issues. I would like to hear from the minister whether, if the thrust of what the amendment is trying to achieve cannot be achieved at this stage, it can be looked at in the future.

I move amendment 4.

Donald Gorrie: As Bruce Crawford said, amendment 4 is a late arrival and we have not had the opportunity to give it as careful thought as we should have done. The point that is made in subsection (3) in the amendment about prohibiting overtaking is good. Could the minister find another way to deal with that, rather than designating routes and so on? Perhaps there could be a future bill to say simply that one may not overtake a

stationary school bus.

Priority routes could become rather bureaucratic. We have not had much of a chance to think about the matter, so I would welcome the minister's response to the spirit of the amendment.

Sarah Boyack: I have much sympathy with the objectives that Bruce Crawford has set out in his amendment. We are all aware of the recent tragic incident—any such incident is one too many. We must do what we can to ensure that children can travel safely to and from school. That is why it is important that we are debating the issue in the context of the Transport (Scotland) Bill. However, the wording of the amendment presents certain difficulties. As we are at stage 3 of the bill, there is no opportunity to improve on the amendment and slot it into the bill. That is a pity.

I accept the points that were made by Bruce Crawford and Donald Gorrie and I think that we will revisit the issue in future. However, we need to think very carefully about making new law, particularly in the complex area of road traffic and safety, where driver behaviour is influenced by a host of factors.

The amendment seeks to introduce a scheme that is similar to the school bus system that operates in the United States of America, where vehicles are prohibited from overtaking a school bus that has stopped to pick up or drop off pupils. There is a major difference between their buses and ours. In the United States, school buses are very visible and readily identifiable and they are not used for any other purpose. In Scotland, local authorities already have a statutory duty to consider the safety of children when making arrangements for school transport. However, many of the buses that they use for school transport are used in ordinary service and are not readily distinguishable as school buses. That deserves some thought in the future.

The Scottish Executive is committed to improving the safety of children travelling to or from school. However, to pick up on the point that Donald Gorrie made, it is clear that there are a few practical difficulties. There is an issue about educating drivers and creating a new framework. If we were to introduce the provision as it is currently framed in the amendment, it is likely that some drivers would try to overtake buses before they stop completely to avoid being held up. Drivers might also take risks to get ahead of a school bus when entering from a side road and that could increase the risk of road accidents. A ban on overtaking would not affect the flow of traffic travelling in the opposite direction. Given the fact that many roads have only two lanes, that could have an adverse impact on safety. There might be difficulties in enforcing the prohibition on overtaking, particularly in congested towns, where

we do not have the road capacity. In Scotland, the times at which children travel to school coincide with peak commuter travel. A requirement to stop while a school bus is stationary would add to congestion, which would have adverse safety, environmental and economic implications.

Under the amendment, the overtaking ban would apply simply to a stationary school bus, rather than to one that is stationary for the purpose of picking up or setting down children. That is a slightly picky point, but it demonstrates the importance of drafting. As the amendment is drafted, vehicles would be prevented from overtaking buses that are parked. That would risk discrediting the new provisions and it would undermine the intention behind the amendment.

As the amendment is drafted, trunk roads could not be designated as school bus priority routes. While relatively few schools are located on trunk roads in Scotland, many school bus routes involve travel on trunk roads, including places where children are collected and dropped off—particularly in rural areas. Finally, pursuing a different approach in Scotland from that in the rest of the UK raises road safety issues. It is likely that difficulties would arise in relation to long-distance lorries and people who travel around the UK.

There are many potential down sides to the amendment in its current form. That is not to say that we should not do anything on the matter. It is worth noting that the American system is not foolproof. Children still die in school bus related accidents each year in the United States. In most cases, the children are hit either by vehicles passing the bus illegally or by the bus itself. There is no panacea, but that does not mean that we should not consider the issue carefully.

Bruce Crawford is right in saying that FirstGroup is working on the issue. I understand that the Department of the Environment, Transport and the Regions and FirstGroup are working on the introduction of American-style school buses on a trial basis. We must consider how that trial plays out. FirstGroup is not looking for a ban on overtaking such buses, but we must consider the whole picture.

There is much room for improvement in the safety of children on the roads—on the way to school and at other times. There is scope for action now, in terms of traffic-calming features, to safeguard children in the vicinity of schools.

The safer routes allocation that I made earlier this year enables local authorities to take action to improve safety in and around schools. The home zones provisions that Parliament has agreed will also improve conditions for children in the streets outside their homes. We are making progress, but we need to get it right. I invite Bruce Crawford to

withdraw his amendment, on the basis that we will be taking this issue forward. There is much that we need to consider and, while I have suggested that the amendment as it is worded is not appropriate, that is partly because we are discussing it late in the day. It is something that we can come back to in future.

15:30

The Deputy Presiding Officer: I call Mr Crawford to wind up, and to indicate whether he wishes to withdraw his amendment.

Bruce Crawford: I will indicate that in a minute, Presiding Officer. I regret not having placed in this amendment a requirement to respray all our buses yellow, and not having added a measure to widen our roads. I understand the issues that the minister raised. I am glad that the matter has been raised in Parliament today, because it is an important issue for many parents. If I had the minibus load of advisers that the minister has at the back of the chamber, I could have drafted the amendment better and the circumstances would have been better.

One of the problems in drafting the amendment was the devolved settlement. If I had addressed only overtaking issues, the amendment would have fallen into an area that is reserved to the UK Government, which is why I had to turn the amendment into something to do with local authorities. I understand what the minister has said and, given the way in which she has approached the matter, I am happy to withdraw my amendment.

Amendment 4, by agreement, withdrawn.

Section 73—Guidance

Amendment 54 moved—[Nora Radcliffe]—and agreed to.

Section 76—Interpretation

The Deputy Presiding Officer: We come to amendment 55, in the name of Sarah Boyack, which is grouped with amendment 56, also in the name of Sarah Boyack.

Sarah Boyack: These amendments are technical in nature. They make it clear that it is the job of Strathclyde Passenger Transport Executive—rather than Strathclyde Passenger Transport Authority—to prepare and submit reports to ministers, and to acquire from operators the necessary information relating to services in their area. It is consistent with similar provisions in the bill.

I move amendment 55.

Amendment 55 agreed to.

Amendment 56 moved—[Sarah Boyack]—and agreed to.

Schedule 1

ROAD USER CHARGING: FINANCIAL PROVISIONS

The Deputy Presiding Officer: We come to amendment 5, in the name of Bruce Crawford.

Bruce Crawford: The amendment is clearly focused in its intent, which is to ensure that moneys that are raised from bridge tolls can only, apart from work on the bridge itself, be applied directly or indirectly to facilitate the achievement of public transport policies in an authority's local transport strategy. In effect, it will ensure that, in future, moneys that are raised from bridge tolls, which are not to be used on the bridge itself and its infrastructure, can be used only to improve public transport.

The amendment would also have the effect of ensuring, for instance, that moneys that were collected from bridge tolls could not be used for the improvement of things such as the A8000 to the south of the Forth road bridge, unless such improvements could be shown to lead to the delivery of a local transport authority's public transport strategies. It cannot be right in principle for moneys that are raised from bridge tolls simply to be transferred to a road building or improvement programme, unless it can be demonstrated clearly that that would improve the implementation of a public transport strategy.

As the bill stands, it would be possible for a joint bridge authority to use the moneys that are raised from tolls for investment in the road network and normal infrastructure purposes. It cannot be right in principle for the users of the Forth road bridge to contribute through their tolls to the upgrading of the A8000: those costs should be met by the taxpayer. If additional cash is available from bridge tolls, it should be used either to improve public transport or to reduce the cost of the toll. Why should bridge users in effect pay an additional tax on their use of roads, which is not borne by other road users?

Regular users of the Forth bridge from Fife would—rightly—feel that they were being discriminated against. My amendment would introduce some common sense, although it could be argued that the tolls should not exist at all. I am pragmatic enough to realise that that is not gonna happen, at least in the short term. Investing additional toll receipts in public transport is constructive. Using them for general road infrastructure is unprincipled and discriminatory. I ask members to support my amendment.

I move amendment 5.

Mrs Margaret Smith (Edinburgh West) (LD): I will pick up on the point that Bruce Crawford made about the A8000 and the role of bridge boards. I used to sit on the Forth road bridge board. That is an example of a board on which members from all councils realise that, occasionally, work on the wider road network has an impact on the bridge. Two or three years ago, the bridge board agreed that it would contribute to work that was being done on the local roundabout in Sheriffmuir leading into the road bridge, because the work was acting against the good smooth running of the bridge. Representatives of all the councils in the area agreed to that decision. The way in which the bill tries to move towards a greater sense of partnership among councils is to be applauded. That will affect bridge boards.

People should work together. The bottlenecks and other problems on the road network need not be situated in an authority's area for them to affect that authority. The problems could be in another council's area. That does not take away from the fact that the A8000 should be a trunk road, which is paid for from network funding.

Mr Tosh: The Conservatives do not support the extension of the tolling regime on the Forth bridge for any of the purposes that have been discussed, other than the existing strict purpose of maintaining the bridge. I appreciate the thinking behind Bruce Crawford's amendment. He accepts that the regime will be extended and wishes to control that extension.

I regret that we cannot support the amendment because it compromises the principle of the additional tolls, which will be unpopular and fiercely debated. We can take the view that they will happen. Sadly, there is no guidance, clarity or instruction to ensure that the minister can cap tolls at reasonable levels. Therefore, we remain deeply unhappy with the additional tolls and will not support the amendment.

Donald Gorrie: When the Forth bridge was built, the people who negotiated on behalf of Edinburgh and the neighbouring councils felt that they were in a fairly weak position in relation to the Westminster Government. They made what was, in some ways, not a good bargain, but they got the bridge. Part of the bargain was that they paid for the approach roads. For some reason, the A8000 was left out of the deal, but the A90 was included.

Hitherto, tolls have helped to pay the cost not only of the bridge, but of the approach roads. People may say that that is wrong and that we should not perpetuate a wrong. That is one point of view. However, as Margaret Smith said, the whole network of roads is relevant. It is fair enough that tolls from people who use the bridge are used not only to support public transport—that is one of the proposals—but to finish off the

network that serves the bridge. There may be similar cases in other parts of the country.

I do not see how the wording of Bruce Crawford's amendment matches his speech. I would have thought that, in the case of the Forth bridge, improving the A8000 is

"facilitating the achievement of public transport policies in that authority's local transport strategy",

because public transport uses the bridge. Without huge car blockages, public transport would work better.

On this occasion, I am happy not to support the amendment.

Sarah Boyack: The amendment would narrow the uses to which a joint bridge board could put surplus toll income. That is the purpose of Bruce Crawford's amendment.

As drafted, schedule 1 allows the joint bridge board that would be set up under section 69 of the bill to use the net revenue from a charging scheme to facilitate directly or indirectly the achievement of policies in its local transport strategy—in other words, to have the same powers as a local authority with a charging scheme. Surely that is how it should be. Why should a joint bridge board be limited to funding public transport? Traffic management will be key on the Forth road bridge. It will be key to the success of the reconstituted bridge board, but under the amendment, it would be intended that the board would have no money to spend on setting up dedicated multi-occupancy car commuter lanes, on cycle lanes and on targeted improvements to the road infrastructure that directly serves the bridge. Donald Gorrie and Margaret Smith spoke eloquently and made valid and sensible points about the history of developments around the bridge.

There are massive congestion problems—more than 60,000 vehicles cross the bridge daily, many of them extremely slowly. The local authorities in the Forth transport infrastructure partnership have not asked for the amendment. They want access to the charging powers so that they can begin to tackle the ever-increasing congestion problems they face. The amendment would only hamper them in that goal. For those reasons, I ask members to reject the amendment.

Dennis Canavan: Will the minister take an intervention?

Sarah Boyack: No, I am coming to my last sentence.

The amendment would consign motorists to continued frustration and delay. I ask members to reject it.

Bruce Crawford: I say to Murray Tosh that in no way does my amendment give the green light

to any increases in bridge tolls. I was quite specific in what I said on that.

On Donald Gorrie's points, it should be down to the City of Edinburgh Council or the Executive to get the A8000 sorted out. It would cost £12.5 million or thereabouts. That is not much more than what the new Rangers striker, in the shape of Mr Flo, cost recently. We could remove the blockage quite quickly and start moving traffic around Scotland more easily. Why should motorists on the Forth road bridge pay more money and effectively be hit by a double whammy? They would be paying extra tax for things that should be paid for from general taxation.

Dennis Canavan: On that point, is Mr Crawford aware that back in the 1980s, a young, radical, left-wing Labour MP introduced a bill in the House of Commons to abolish the Forth road bridge tolls? That young, radical, left-wing Labour MP is now the Chancellor of the Exchequer.

Bruce Crawford: That same young, radical MP promised to do lots of things on which he has not delivered. That adds to the list.

If the bill is passed today, it will not be a day on which Parliament can be proud of itself. In future, motorists who use the bridge will rightly say, "The Executive has done badly by us. The Lib-Lab partnership has done badly by us. Hell mend ye."

The Deputy Presiding Officer: The question is, that amendment 5, in the name of Bruce Crawford, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 22, Against 75, Abstentions 0.

Amendment 5 disagreed to.

15:45

The Deputy Presiding Officer: Now some tidings of joy. We have made good progress and are likely to end today's business early. Although I cannot give a specific time yet, I am aiming for decision time at around 4 o'clock and, in due course, I would entertain a Parliamentary Bureau motion without notice to that effect.

Schedule 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

The Deputy Presiding Officer: I now call Sarah Boyack to speak to and move amendment 57.

Sarah Boyack: I am sure that members will be glad to hear that amendment 57 is the last on the groupings list. It clarifies that section 211 of the Local Government (Scotland) Act 1973, which relates to the breach of statutory duties by local authorities, will apply for the purposes of this bill.

Without further ado, I move amendment 57.

Amendment 57 agreed to.

Amendment 74 moved—[Sarah Boyack]—and agreed to.

Long Title

Amendment 58 moved—[Des McNulty]—and agreed to.

Motion without notice

The Deputy Presiding Officer: Now, Mr McCabe, I would entertain a motion without notice to bring decision time forward to 4 o'clock.

The Minister for Parliament (Mr Tom McCabe): Do not we need half an hour for the next debate?

The Deputy Presiding Officer: Yes. Please make it 4.15.

Mr McCabe: I seek the chamber's permission to move a motion without notice.

The Deputy Presiding Officer: Is it agreed that a motion without notice be moved?

Members *indicated agreement.*

Motion moved,

That decision time be taken at 16:15.—[Mr McCabe.]

Motion agreed to.

Transport (Scotland) Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-1425, in the name of Sarah Boyack, which seeks agreement that the Transport (Scotland) Bill be passed, and on one amendment to that motion. Members who want to participate in the debate should press their request-to-speak buttons now.

Iain Smith (North-East Fife) (LD): On a point of order, Presiding Officer. I am rather confused as to how the amendment to the motion can be competent. It seems to suggest that we approve the bill but do not approve certain sections of it. I cannot see how that could be a competent position for the Parliament to take.

The Deputy Presiding Officer: All that I can say at this point, Mr Smith, is that the amendment was considered and selected by the Presiding Officer. I shall consult further on the matter and come back to you with any further information.

15:48

The Minister for Transport (Sarah Boyack): I am delighted to be speaking today at the culmination of 18 months of hard work on the Transport (Scotland) Bill. The bill will be a major achievement of our Parliament and will deliver great improvements to transport throughout Scotland in the years to come.

The Executive's commitment to improving our transport network is clear. This year, we have announced significant increases to our investment in transport. In September, I announced a £500 million spending package—a 45 per cent increase in real terms by 2003-04. That will deliver free off-peak bus travel for pensioners and people with a disability as well as long-overdue road repairs. An additional £60 million will be put into the public transport fund, increasing it to £150 million over the period to March 2004. There will be £75 million for the new integrated transport fund, to develop key projects to improve air, rail and bus travel in Scotland as well as increasing our opportunities for integrated transport.

The rural transport fund will deliver further improvements outside our urban centres. In the period to March 2004, £68 million of funding will be available for our motorways and trunk roads. That is in addition to the £444 million that is already earmarked for Scotland's roads over the next two years. We have not forgotten local roads and bridges, an issue close to the heart of many members of this chamber. Local authority capital allocations include an additional £70 million over the next three years for roads and bridges.

The figures that I have just outlined represent substantial and unprecedented levels of investment that strike the right balance between our commitment to improving conditions for Scotland's motorists and our commitment to improving the quality of public transport alternatives. We cannot solve our problems overnight, but after years of neglect under the Conservatives, the problems facing our transport network are finally being addressed.

However, it is not just about money. The bill will provide the statutory framework that we need to make a step change in transport a reality. The bill lies at the heart of our efforts to develop an integrated transport system, allowing for local solutions to local problems where that is the best way forward. We have reached this point after extensive debate. The bill offers an inclusive framework within which we can all work—local authorities, the private sector and other stakeholders—to plan and invest in the transport network. Wherever people live in Scotland—whether they travel by car or by bus, whether they cycle or whether they walk—there is something in this bill for them.

We have an ambitious agenda. The bill will make possible more effective co-operation between local authorities in tackling shared transport problems, through the delivery of joint strategies. It will enable local authorities to work in partnership with bus companies to develop the bus market while safeguarding the interests of passengers. It will allow a balance to be established between quality partnerships and quality contracts, depending on local circumstances, along with improvements to ticketing systems and the provision of passenger information, to deliver clear benefits.

The bill will also enable local authorities to introduce road user charging to tackle congestion in our worst-affected areas, subject to approval by Scottish ministers and on the understanding that there is a transparent contract with the motorist. We must take action now; we cannot leave it to future generations. We have crippling future congestion levels and alarming traffic growth projections, which will cause long-term damage to our environment. Charging schemes will be one way of addressing those issues effectively. Not only do they offer a robust means of reducing congestion, the revenue raised from charges will be ring-fenced for transport improvements. Local authorities will be able to put into practice their vision of successful, modern transport systems.

The bill will also enable ministers to set a minimum level of travel concession for pensioners and those with a disability. The other provisions in the bill will allow us to tackle congestion problems on the Forth road bridge through a new joint board

that is able to act in an integrated way. Its activity will no longer be limited to the management and maintenance of the bridge and it will have the power to deliver real improvements to the surrounding area. That recognises the fact that problems on the bridge and the massive traffic congestion there cannot be viewed in isolation. Today we have also agreed an amendment on home zones, which holds out the prospect of a better quality of life for local communities.

Those are some of the highlights of the bill. They demonstrate the Executive's commitment to delivering real transport improvements. However, the bill cannot be seen in isolation. Transport must link up with social inclusion, land use planning, the environment, education, health and economic development. Integration should not be limited by transport modes, administrative boundaries or the different needs of the variety of communities in Scotland. I believe that the discussions that we have had on the bill before bringing it back to the chamber today have delivered a more integrated approach to policy development.

I would like to pay tribute to the Transport and the Environment Committee for its contribution to ensuring that the bill meets Scotland's needs in the 21st century. We had lively, detailed and, for the most part, constructive debates at stage 2. We also had detailed scrutiny of the bill, line by line.

I have outlined the many ways in which the bill will help provide the improved and integrated transport system that Scotland needs and deserves. We are already providing the resources and policies. This bill delivers the legislative framework to get Scotland moving.

I move,

That the Parliament agrees that the Transport (Scotland) Bill be passed.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. Before you took the chair, Iain Smith raised a point of order about the admissibility of Murray Tosh's amendment. How can the Parliament agree to pass a bill while disagreeing with certain sections or parts of it?

The Presiding Officer (Sir David Steel): Thank you for your help, Mr Canavan. I am about to deal with that. Thanks to the wonders of technology, I heard the point of order even though I was not in the chamber.

I respond to Mr Smith by saying that I was not prepared to accept this amendment when it was first submitted. Its wording was changed. The key words are, "but in so doing". However, I accept that it is borderline. I give notice that in future I will be fairly strict about reasoned amendments of this kind. It just came over the border into acceptability.

I now call Murray Tosh to move the amendment.

Iain Smith: Further to the point of order, Presiding Officer. I am still not clear about how this amendment is competent. In the unlikely event of its being passed, the bill would pass but certain sections of it would not have been approved by the Parliament. That is a contradiction and would be subject to challenge in the courts.

The Presiding Officer: That is why I described it as borderline. I initially reckoned that it was not in order. It invites the chamber to express an opinion while approving the bill. I am not 100 per cent happy with it, which is why I have made it clear that in future I will be even stricter on reasoned amendments.

Iain Smith: I do not want to debate with you inappropriately on your rulings, Presiding Officer, but there is a question as to what is appropriate at stage 3. The standing orders indicate that at stage 3 the only motion that is considered at this point is whether the bill is passed. Therefore, I do not think that the amendment is competent.

The Presiding Officer: That is correct, but I am making the point that the amendment does not affect the passage of the bill.

The Minister for Rural Development (Ross Finnie): Oh.

The Presiding Officer: Mr Finnie, you must not groan at my rulings.

Bruce Crawford (Mid Scotland and Fife) (SNP): Is it in order for you to change your mind in these circumstances?

The Presiding Officer: It is always in order for me to change my mind. I am saying that the words, "in so doing" mean that the bill would be passed in its entirety even if the amendment were accepted.

Let us not waste time on this. Mr Tosh, would you like to tell us about this wonderful amendment?

15:58

Mr Murray Tosh (South of Scotland) (Con): You were doing very well until that last remark, Sir David.

In rising to speak in the last debate that we will hold in the 20th century and the second millennium—someone had to put that on the record—I want to be positive about what the Parliament has done today.

The minister closed her speech by praising the work of the Transport and the Environment Committee. I am sorry that its convener is not in the chamber today; I understand that he is ill. As I am the first member of the committee to speak in

the debate, I take the opportunity to thank the committee's support staff for the work that they did on this bill: its clerks, the official reporters and other support staff.

I extend my appreciation to the work that has been done by all my colleagues on the committee. Their work was focused and intelligent. *[Interruption.]* I would not have thought that that was especially remarkable or controversial. It is a fair comment on an excellent committee. The convener sets the tone in that committee by his fair and authoritative approach. All committee members entered into the debate conscientiously and we have worked very hard.

I pay tribute to the members of the committee who I gather from the motion that is up for approval later today are to leave the committee. Those are my comrades Cathy Jamieson, who I understand is joining the establishment, and Janis Hughes, who is going to the Health and Community Care Committee. *[Interruption.]* It is sometimes hard to be generous in this chamber, Presiding Officer. I mean those comments sincerely.

I am disappointed at the filibustering by Mr Smith. He was at the Procedures Committee when we discussed reasoned amendments. He ought to understand that we are attempting to put nothing in the way of the bill being passed, but reserve the right to make our point about that part of it with which we are unhappy. I would have thought that the Liberal approach would be to find a way for people who have worked hard on a bill to register their reservation when allowing it to pass.

Iain Smith: Will the member give way?

Mr Tosh: Whatever the proprieties on which the Presiding Officer has ruled, I think that the spirit of what Mr Smith has said and done today is rather mean and I shall not take his intervention.

We approve of much in the bill, which is why we will not divide on the motion or vote against it. We approve of the minister's measures on concessionary fares and the information on improved timetabling. Furthermore, we approve of the way the minister has worked—she has worked hard—with the committee and an extensive range of outside interests to evolve a position on bus quality contracts and partnerships that will carry the industry and the Parliament as they attempt to change and improve bus services for the future. The committee's work on that issue has been exemplary and I congratulate the minister, who will shortly complete her second major bill this year. She engaged fully with the committee and outside interests and her performance was crisp and competent. I want to place on record my appreciation of that fact.

Finally—

The Presiding Officer: I hesitate to interrupt you, Mr Tosh, but you have been so kind and generous in your opening remarks that you have almost run out of time to move your amendment.

Mr Tosh: That is why I said "Finally". [*Laughter.*]

Our point is that we cannot agree on road user charges. I see no reason to go over the same ground that Mr McLetchie covered twice this morning. We opposed the bill over these proposals at stage 1 and challenged the principle where we were able to do so at stage 2. However, we are very pleased that the committee accepted the amendments in my name and I hope that my record for the number of successful Opposition amendments to a bill will stand for a very long time—which is a purely personal, not political, point. Although we will not divide against the bill today, we wish to move the amendment in my name.

I move amendment S1M-1425.1, to insert at end

"but in so doing expresses opposition to road user charging as defined by Part 3, and section 69 of the Bill which provides for potential additional Forth Road Bridge tolls."

16:01

Bruce Crawford (Mid Scotland and Fife) (SNP): I begin by congratulating the minister on her mainly constructive approach to amendments lodged at all stages of the bill's progress. She has conducted herself well. However, it is a pity that she spoiled things with her waffle at the beginning of her previous speech.

I have had an interesting introduction to the work of the Transport and the Environment Committee. As Murray Tosh said, its members have always been constructive and critical where appropriate, and I associate myself with his comments about the staff's contribution to the process.

I am glad that we are dropping proposals for workplace parking levies, which would not have made a positive contribution to the reduction of congestion in our towns and cities, but I am disappointed that the Executive has not seen fit to agree to drop proposals on using bridge tolls to fund road schemes. Furthermore, I am frankly flabbergasted at the bankruptcy of the Tories' ideas on congestion in towns and cities. From today, the Tory party should be known as the party that does not really care about the future of our nation and children.

What do I mean by that? Traffic volumes are set to increase by more than 50 per cent in the next 30 years, and increasing traffic volumes already mean that motor vehicles have taken over from industry as the principal source of air pollution. The health of as many as one in five of the people

in the UK might be at risk from the air they breathe. Children are particularly vulnerable, as they are susceptible to noxious emissions—indeed, I suspect that they might even be susceptible to the noxious emissions from the Tories. Their lungs are not completely formed and their airways are narrower and more sensitive to inflammation. As hospital admissions in Scotland show, asthma cases have more than doubled in the past 10 years; air pollution is costing the country billions of pounds in NHS bills. Congestion is damaging our children and we need to do something about it.

This bill is okay as far as it goes, but it will do nothing to develop the integrated transport system that the minister wants or the seamless journey between different forms of public transport that our passengers want. The real pity is that the minister does not have the power she needs or should have on these issues. As for her waffle about money—she mentioned that an additional £70 million will be available for roads and bridges over the next three years—her words pale into insignificance when we hear that local authorities need about £1,500 million over the next five years.

I am sorry to end on such a soor note. The bill is a good step forward and will begin to make some improvements to the bus industry. It only remains for me to wish everyone a merry Christmas and a guid new year.

16:05

Donald Gorrie (Central Scotland) (LD): My colleague Nora Radcliffe, who is the deputy convener of the Transport and the Environment Committee, will thank the various people who deserve to be thanked. I enjoyed my brief sojourn in the committee as it dealt with this bill. The process was carried out in a very civilised way.

The bill is a great step forward. It could have been a greater step forward, but it will reverse the negative trend in public transport and transport control generally that have taken place over the past 20 years or so. It goes in the right direction. The sections on better co-ordination of bus services provide the opportunity to make improvements. It is good that the minister has reduced from two years to six months the time scale for the introduction of quality contracts—as opposed to voluntary partnerships. The Liberal Democrats support congestion charging as an option for local councils. The Parliament should not impose such charging, but it should enable councils to establish charging schemes if they want to do so. That is an important step forward.

We regret the eradication of the section on workplace parking. That seemed a useful way in which to control traffic and raise money to improve

public transport. Obviously, it would not change the situation overnight, but a balance must be struck between improving public transport and making car use less attractive. If employers were charged for providing a car park, there would be an incentive for them to discourage people from driving to work. It would also raise money to provide a better bus service to attract people out of their cars. The sections on travel concession schemes and the establishment, in a roundabout way, of a Forth valley transport authority, are welcome.

The bill is a useful step forward and we are happy to support it. The minister has responded to a number of the issues that have been raised. We look forward to better bills in future, which will build on this, so that we can start on the road of improving public transport and grappling with our traffic problems, which are getting steadily worse. The minister has done well and has achieved pass marks at least. She has passed her standard grade; let us now move on to higher.

The Presiding Officer: Four more members have indicated that they want to speak in the open debate. In view of members' decision to bring decision time forward to 4.15 pm, there is little time left. I may be able to call all four if they restrict themselves to a couple of minutes each.

16:08

Robin Harper (Lothians) (Green): I thank all my colleagues on the Transport and the Environment Committee and welcome the new members, whose names are listed in the Parliamentary Bureau motion. I also thank the clerks, without whom we would not have been able to function, for their extremely good work. Finally, I thank the minister for her careful and considered responses and the amount of time she spent with the committee developing the bill.

The bill is small—not nearly so big as I and many of my colleagues in the environment movement would have liked. I regret the omission from it of road tolling, workplace and retail parking levies and traffic reduction. Those omissions aside, the bill will allow local authorities to make considerable advances in the near future. I hope that the Executive will—without those additions that I would have liked to be included—ensure that, in future, we achieve what we hope to achieve: real traffic reduction, safer cities, less pollution, more people travelling by public transport and fewer people using their cars.

16:09

Des McNulty (Clydebank and Milngavie) (Lab): I am sure that all members join me in wishing Andy Kerr, the convener of the Transport

and the Environment Committee, who is stricken with the flu, a speedy recovery.

We spent 20 years waiting for Westminster to deliver a transport bill for Scotland. The Scottish Parliament has delivered such a bill, which is to be welcomed.

I want to pay tribute to the committee clerks and to members of the committee for doing a thorough job of scrutinising the bill. We heard from 45 witnesses representing 23 organisations. In three areas of the bill, the committee had a distinct input. There was a good debate on workplace charging levies, which led to a change of position on the part of the Executive. It responded to our concerns about minimum bus frequencies and amended the bill to take account of them. A progressive approach on concessionary travel is being adopted, in line with the committee's requests. I would like to put down a marker on the voluntary scheme for blind people. I want further improvements to be made in that area.

The bill demonstrates the strength of the Scottish Parliament and its committee system. This is a good bill and the minister is to be congratulated on taking forward an important quality agenda and taking steps to tackle congestion—an issue that has been ducked for many years. The bill should be supported.

16:11

Mr Andrew Welsh (Angus) (SNP): In saying that he looks forward to seeing a better bill, Donald Gorrie reminds us that we should keep a clear view of what is in the bill and consider its deficiencies as well as its strengths. The Executive introduced it with the aim of delivering sustainable, effective and integrated transport. The Minister for Transport made a commitment to building

"an integrated transport system, which meets our economic and social needs"

but other than delivering legislation that will allow local authorities greater control over bus services in their area, the bill does little.

When we need integrated national transport, we get a bus bill. The problem with the bill stems less from what it contains than from what it does not contain. What happened to the Government's clear commitment to integrated transport, through-ticketing and a Scotland-wide timetable? Where is the integration between bus and ferry services or between rail and ferry services? Where is the integration between rail and bus services or between various rail services? The Government fails its own integration test on every mode of transport. We have before us a bus bill.

Scotland urgently needs the highest quality of truly integrated transport. To know what that

means, we must look at Europe to see what sustainable long-term investment and organisation is. Scotland needs truly integrated transport because it is an exporting nation. We must move commuters and industry to where they are needed, internally and to our external markets. That is the challenge that this bill fails to address. Scotland has a right to expect better than this bill. I look forward to the day when that is delivered. This bill does not do it.

16:13

Nora Radcliffe (Gordon) (LD): I am sorry that Andy Kerr is unwell and is not able to be here today to put, as the convener of the Transport and the Environment Committee, his finishing touches to the passage of the bill. As the deputy convener, the privilege of speaking for the committee has fallen to me. That gives me the opportunity to express the committee's appreciation of Andy Kerr's fair, competent and pleasant chairing of our meetings, which has facilitated the smooth and effective working of the committee. We all wish him a speedy recovery.

It is my pleasure to thank the clerks to the committee, not only for doing the staggering amount of work that they have had to do, but for their unflagging good humour and helpfulness throughout. Thanks are due also to the members of the Scottish Parliament information centre, who have informed, advised and helped us. Last, but not least, the committee thanks the minister and her officials for the way in which they have worked with the committee during the passage of the bill.

I commend my fellow committee members, both the original members and those who have joined us subsequently, on working so well together. I hope that I speak for all of us when I say that this has been a positive experience to which we have all contributed in a serious, constructive and reasonable spirit—mostly in good spirits. We have produced a bill that is as good as we could collectively make it.

The motor car is a tremendous asset and the means of opening up leisure, work and social opportunities for many. It is also resource greedy, polluting and potentially lethal. As with all things, balance is important. The Transport (Scotland) Bill offers what has come to be described as a toolkit of measures, which can be used to help redress the balance between public and private transport. I commend the bill to the chamber.

16:15

Sarah Boyack: I acknowledge all the comments that have been made in this debate. Consideration of the Transport (Scotland) Bill has been an interesting process. We consulted widely.

Members who are not members of the Transport and the Environment Committee will sense that, in its huge number of debates, the committee delivered consensus where it was possible and agreed to disagree where consensus was not possible. The bill was improved by extensive pre-legislative discussion and by the work that was done by the committee.

I will add to the list of people who have given a major input to the bill and mention my officials. Members of the committee thought that they represented an army, but I remind them of the very tight time scales involved. If there is one thing that would sometimes help our legislative process, it would be occasionally to have an extra 24 hours. We are all horse trading on our amendments to improve them, but with more time we could get them right rather than almost right.

The bill will be a testament to the Parliament. It will give local authorities, transport operators and communities the opportunity to deliver the step change that we all agree is needed. I commend the bill to the Parliament.

The Presiding Officer: That concludes the debate on the Transport (Scotland) Bill. While we are in the spirit of thanking, I thank Patricia Ferguson and George Reid for chairing today's proceedings.

Parliamentary Bureau Motion

The Presiding Officer (Sir David Steel): We come now to consideration of Parliamentary Bureau motion S1M-1483, in the name of Tom McCabe, on the membership of committees.

Motion moved,

That the Parliament agrees that the following Members be appointed to committees with effect from 8 January 2001:

Keith Raffan to the Audit Committee

Karen Gillon to the Education, Culture and Sport Committee

Frank McAveety to the Education, Culture and Sport Committee

Cathy Peattie to the Equal Opportunities Committee

Margaret Smith to the Equal Opportunities Committee

John Home Robertson to the European Committee

Helen Eadie to the European Committee

Nora Radcliffe to the European Committee

Colin Campbell to the European Committee

Donald Gorrie to the Finance Committee

Janis Hughes to the Health and Community Care Committee

John McAllion to the Health and Community Care Committee

Frank McAveety to the Standards Committee

Kenneth Macintosh to the Standards Committee

Kay Ullrich to the Standards Committee

Iain Smith to the Local Government Committee

Frank McAveety to the Procedures Committee

Kenneth Macintosh to the Procedures Committee

Patricia Ferguson to the Procedures Committee

Brian Adam to the Procedures Committee

Rhoda Grant to the Public Petitions Committee

George Lyon to the Public Petitions Committee

Dorothy Grace Elder to the Public Petitions Committee

Jamie Stone to the Rural Development Committee

Mary Mulligan to the Rural Development Committee

Cathy Jamieson to the Rural Development Committee

Margaret Ewing to the Rural Development Committee

Bill Butler to the Subordinate Legislation Committee

Gordon Jackson to the Subordinate Legislation Committee

Margo MacDonald to the Subordinate Legislation Committee

John Farquhar Munro to the Transport and the Environment Committee

Bristow Muldoon to the Transport and the Environment Committee

Maureen Macmillan to the Transport and the Environment Committee

Des McNulty to the Enterprise and Lifelong Learning Committee

Kenneth Macintosh to the Enterprise and Lifelong Learning Committee

Kenny MacAskill to the Enterprise and Lifelong Learning Committee

Paul Martin to the Justice I Committee

Karen Whitefield to the Justice II Committee

Scott Barrie to the Justice II Committee

Pauline McNeill to the Justice II Committee

Lyndsay McIntosh to the Justice II Committee

Euan Robson to the Justice II Committee

Margo MacDonald to the Justice II Committee

Christine Grahame to the Justice II Committee—[*Tavish Scott.*]

Decision Time

16:17

The Presiding Officer (Sir David Steel): There are three questions to put to the chamber today. The first question is, that amendment S1M-1425.1, in the name of Murray Tosh, which seeks to amend motion S1M-1425, on the passing of the Transport (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (South of Scotland) (Con)
Gallie, Phil (South of Scotland) (Con)
Goldie, Miss Annabel (West of Scotland) (Con)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Johnston, Nick (Mid Scotland and Fife) (Con)
McLetchie, David (Lothians) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Stephen, Nicol (Aberdeen South) (LD)
Tosh, Mr Murray (South of Scotland) (Con)
Wallace, Ben (North-East Scotland) (Con)
Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Canavan, Dennis (Falkirk West)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Ewing, Mrs Margaret (Moray) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gibson, Mr Kenneth (Glasgow) (SNP)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Lamont, Johann (Glasgow Pollok) (Lab)
Lochhead, Richard (North-East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
MacDonald, Ms Margo (Lothians) (SNP)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McGugan, Irene (North-East Scotland) (SNP)
McLeish, Henry (Central Fife) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Thomson, Elaine (Aberdeen North) (Lab)
Ullrich, Kay (West of Scotland) (SNP)
Watson, Mike (Glasgow Cathcart) (Lab)
Welsh, Mr Andrew (Angus) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)
Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 83, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-1425, in the name of Sarah Boyack, on the Transport (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Transport (Scotland) Bill be passed.

The Presiding Officer: The third question is, that motion S1M-1483, in the name of Tom McCabe, on the membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the following Members be appointed to committees with effect from 8 January 2001—

Keith Raffan to the Audit Committee

Karen Gillon to the Education, Culture and Sport Committee

Frank McAveety to the Education, Culture and Sport Committee

Cathy Peattie to the Equal Opportunities Committee

Margaret Smith to the Equal Opportunities Committee

John Home Robertson to the European Committee

Helen Eadie to the European Committee

Nora Radcliffe to the European Committee

Colin Campbell to the European Committee

Donald Gorrie to the Finance Committee

Janis Hughes to the Health and Community Care Committee

John McAllion to the Health and Community Care Committee

Frank McAveety to the Standards Committee

Kenneth Macintosh to the Standards Committee

Kay Ullrich to the Standards Committee

Iain Smith to the Local Government Committee

Frank McAveety to the Procedures Committee

Kenneth Macintosh to the Procedures Committee

Patricia Ferguson to the Procedures Committee

Brian Adam to the Procedures Committee

Rhoda Grant to the Public Petitions Committee

George Lyon to the Public Petitions Committee

Dorothy Grace Elder to the Public Petitions Committee

Jamie Stone to the Rural Development Committee

Mary Mulligan to the Rural Development Committee

Cathy Jamieson to the Rural Development Committee

Margaret Ewing to the Rural Development Committee

Bill Butler to the Subordinate Legislation Committee

Gordon Jackson to the Subordinate Legislation Committee

Margo MacDonald to the Subordinate Legislation Committee

John Farquhar Munro to the Transport and the Environment Committee

Bristow Muldoon to the Transport and the Environment Committee

Maureen Macmillan to the Transport and the Environment Committee

Des McNulty to the Enterprise and Lifelong Learning Committee

Kenneth Macintosh to the Enterprise and Lifelong Learning Committee

Kenny MacAskill to the Enterprise and Lifelong Learning Committee

Paul Martin to the Justice I Committee

Karen Whitefield to the Justice II Committee

Scott Barrie to the Justice II Committee

Pauline McNeill to the Justice II Committee

Lyndsay McIntosh to the Justice II Committee

Euan Robson to the Justice II Committee

Margo MacDonald to the Justice II Committee

Christine Grahame to the Justice II Committee

The Presiding Officer: That concludes decision time. I assume that not all members will remain for members' business, so I take this opportunity to wish everybody a very happy Christmas and a good new year. However, I ask those who are heading for a happy Christmas to leave quietly, so that we can proceed with the members' business debate.

Home and Community Safety

The Presiding Officer (Sir David Steel): The members' business debate is on motion S1M-1389, in the name of Cathy Jamieson, on home and community safety.

Motion debated,

That the Parliament congratulates East Ayrshire Council for working towards achieving a community safety strategy that encompasses safety at home, on the roads, and throughout the community; is aware that more than a third of all accidents take place in the home, resulting in an estimated two and a half million casualty attendances each year; acknowledges the importance of creating a central database of information relevant to home safety, and asks the Scottish Executive to consider supporting the introduction of a Home Safety Act.

16:19

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I am glad to have the opportunity to speak in this debate, which is the last debate of the year, on the important issue of home and community safety.

First, I pay tribute to members of one of the local authorities in my constituency, East Ayrshire Council. The council has worked hard to put together a community safety strategy, which includes home safety. I pay special tribute to Councillor George Smith, who has taken a particular interest in the issue over the years.

I would have welcomed to the gallery people from various organisations who intended to travel here to hear the debate. Unfortunately, because of the change in the timetable, not all of them will be able to attend. None the less, we should welcome the effort that organisations interested in the issue have made to come here today.

I will tell members why this issue is so important and give reasons why more work needs to be done, particularly in relation to a home safety act.

Home safety is one of several aims in East Ayrshire Council's draft community safety strategy. The strategy talks about the need to prevent and reduce the number of accidents in the home, on the roads and elsewhere. We have strategies on health and safety at work and on road safety. Many local authorities are beginning to develop strategies on home safety, and the Scottish Executive has done work on the issue.

East Ayrshire Council has highlighted some key issues that still require attention, including child safety and bonfire and firework safety—I know that Margaret Jamieson wants to speak about fire safety. The council draws up strategies and arranges seminars to allow interested partners to come together to address the issues.

For a number of years, the Scottish Accident Prevention Council has advocated the need for statutory powers, including a power to collate widespread and comprehensive accident information for the national health service. It has been suggested that general practitioners do not record the number of people who are treated following accidents in the home or the type of accident in a way that could be used later. If local authorities are unable to collect accurate statistics on the number and cause of accidents in the home, they will be unable to develop effective and proactive home safety strategies. We need to address that problem.

The Scottish Accident Prevention Council lists strategic ways in which local authorities can help to promote home safety. The council suggests that local authorities form a home safety committee or give one of their committees a remit to deal with home safety; that they appoint a senior officer to co-ordinate efforts to implement good safety practices; that they appoint a home safety officer, as some local authorities have considered doing; and that they undertake the collection of accident statistics and home safety audits.

In the light of the tragedies that have occurred over the years, I know that home safety audits are very much on the agenda, particularly at this time of the year, when Christmas decorations, toys or other items that are not of high quality or that are faulty can cause accidents. The Scottish Accident Prevention Council also suggests that local authorities should disseminate home safety publicity material and should promote public awareness of home safety and of the avoidance of accidents in the home. Most important, the council suggests that home safety is the responsibility not just of the local authority, but of the health board and voluntary organisations.

The cost of employing home safety officers and of other resources to tackle the issues would be offset by the savings that their introduction would lead to. Prevention is better than cure, especially when we are talking about the cost of accidents in the home to the NHS.

Statistically, children and the elderly are the groups that are most likely to be victims of accidents in the home. There can be many causes of such accidents. Sometimes they are caused because children are curious and, while they are playing or are involved in other activities, get into situations in which they do not realise the dangers that they face. At this time of year in particular, accidents are caused by toys and other pieces of equipment. It is estimated that about 50,000 accidents may have been caused by dangerously designed toys. We should consider legislating in that area.

The other group that is most likely to be involved

in accidents in the home is the over-65s. As people become more frail and elderly, there is the potential for falls and other accidents in the home. People may not take as much care in their own home as they take when they are out and about in unfamiliar circumstances. People usually feel more safe and secure in their homes, so potential problems may not be picked up—people assume that the home is a safe place. It was estimated that between 1996 and 1998, the number of people aged over 65 in East Ayrshire who were admitted to hospital as a result of a fall in the home was 1,374 per 100,000, compared with only 113 per 100,000 among those aged between 15 and 64. In isolated parts of rural East Ayrshire, there was a higher rate of hospital admissions, which raised concern and questions about why that occurred.

A number of other arguments could be made about why home safety is important. I will conclude by asking whether the arrangements that are made should be voluntary or statutory, which is a question that we must ask. The Executive may take the view that many of the arrangements can be made through voluntary agreements, but making powers statutory may give them a higher priority. The Royal Society for the Prevention of Accidents and other organisations have made a clear argument that it is only by putting a statutory duty on local authorities and health boards to promote home safety that it will be given a high enough priority for something to be done.

A great deal of work has been done on crime and community safety, but many more people are likely to suffer serious injuries as a result of an accident in the home than are likely to suffer as a result of crime. Home safety should be at the top of the agenda.

I ask the Executive to examine seriously the statistics that have been prepared by the organisations that are involved in the debate, to highlight the good work that is being done by many local authorities and to give serious consideration to supporting the introduction of a statutory measure. That would ensure that home safety remains high on the agenda, that targets are set for reducing the number of accidents in the home and that we work towards achieving those targets.

The Deputy Presiding Officer (Patricia Ferguson): As a large number of members want to speak in the debate, I ask members to keep their speeches to four minutes.

16:27

Alex Neil (Central Scotland) (SNP): I congratulate Cathy Jamieson on raising the issue of home safety, which tends to fall off the agenda

and is never debated properly. Members' business debates such as this give us an opportunity to discuss such issues.

Cathy Jamieson rightly highlighted the vulnerability of young people and older people to accidents in the home. Research shows that there is a link between levels of poverty and the incidence of accidents in the home and surrounding area. I want to address that issue.

It is right that we deal with this subject at this time of year, as—to put matters into perspective—ROSPA, which does a great deal of work in this sphere, estimates that about 80,000 accidents in the home occur across the UK over the Christmas and new year period. Those accidents are caused by anything from people staggering around the house as a result of having had too much to drink to Christmas trees going on fire and accidents with toys and the like.

ROSPA estimates that 33,000 children across the UK are affected by poisoning, mainly from medication, in any given year. It is ironic that children are most vulnerable because their grandparents do not lock up medication. According to ROSPA, 94 per cent of people who are aged over 60 do not lock up their medication. Accidents often arise as a result of children who are staying with or visiting grandparents gaining access to medication that can poison them or do a lot of damage. Something like 500 children a year also die as a result of accidents at school or at home, which costs the UK health service around £300 million a year.

According to the Department of Trade and Industry and the Health Education Authority, around 2,000 older people die each year in the UK as a result of a fall in the home. It is estimated that one elderly person dies from a domestic accident every five hours. Members can see that, by any stretch of the imagination, the issue is serious. I endorse everything that Cathy Jamieson said—her analysis of the problem and the solutions that she suggested.

I would like to keep this contribution short to allow as many members as possible to speak. According to Government figures, of the 500 youngsters who die annually because of an accident, most are from poor backgrounds. Children of poorer parents are five times more likely to die in accidents than children from better-off families. According to research undertaken by the University of Newcastle upon Tyne in December 1999, poorer children are more at risk because they are more likely to live in houses with old wiring and because their parents have little money to spend on stair gates, smoke detectors and things of that nature. Their environment may also be more hazardous than that of other children because there are more main roads where they

live, because they do not have a garden, and because of a lack of safe play areas. The number of children who died in fires between 1981 and 1991 fell by 28 per cent in social class I. In social class V, the number of deaths rose by 39 per cent—the figure did not fall; it rose. We should recognise that there is a link between poverty and the incidence of accidents in the home. We should press for the measures that Cathy Jamieson has outlined.

16:32

Mary Scanlon (Highlands and Islands) (Con):

I will be brief—for no other reason than that Alex Neil has used up half the time for my speech.

I welcome this debate about safety at home, on the roads and in the community. I was taken aback when I discovered that one third of accidents happen in the home. I appreciate that the motion is not only about children, but I have found some interesting information in the NHS information and statistics division figures for last year. Accidental deaths among children under the age of 15 have fallen. In 1980, there were 56 deaths in the home; in 1997, there were 10. In 1980, there were 65 deaths on the road; in 1997, there were 24. In 1980, there were 40 deaths in other types of accident; in 1997, there were 14. We must welcome that downward trend in all three categories—home, road and other accidents. However, I am sure that we would all agree that one death is still one death too many.

In the road accidents and other accidents categories, the figures for emergency hospital admissions for children under the age of 15 have gone down. However, it is concerning that, in the home accidents category, the figures have gone up—from 4,076 in 1981 to 5,271 in 1997.

The figures for adults show a reduction in the number of deaths from accidents—a total of 2,312 in 1980 and 1,413 in 1997. However, although the number of deaths is down in all three categories of accident, it is startling to note that emergency hospital admissions due to home accidents have doubled over the same period, rising from around 11,000 to almost 22,000. Therefore, although there are fewer deaths, the number of accidents in the home has doubled. That is a cause for serious concern.

The motion

“acknowledges the importance of creating a central database of information relevant to home safety”.

I assume that that acknowledges the excellent information, broken down into categories, provided by the information and statistics division. Having heard Cathy Jamieson speak, I have no doubt that there is scope for further information and for a further breakdown of that information. It is only by

identifying the causes of accidents that we can make progress with—and I never thought that I would hear myself saying the word—a strategy, review or whatever. The biggest single cause of accidents in the home is human error, and I doubt that Malcolm Chisholm—even with the greatest of Christmas spirit—can legislate for human error.

As Cathy Jamieson said, specific attention should be paid to the elderly, as their environment undoubtedly becomes more hazardous as they become frailer and their senses become impaired. Quite often elderly people have worn carpets and poor lighting and they often try to do things that they are no longer fit to do. Perhaps the training of home helps and care workers could include looking out for potential hazards in elderly people's homes. The good news about home accidents is that the vast majority of them are preventable.

I congratulate Northern constabulary, Highland Council and Highland Health Board on working together to develop a strategy to reduce the tragic number of road deaths and accidents in the Highlands. By working together, the three organisations intend, from January, to raise awareness and to help to educate children. I hope that East Ayrshire Council will also adopt that joined-up approach.

16:36

Mr John Munro (Ross, Skye and Inverness West) (LD):

I congratulate Cathy Jamieson on securing this debate, in which I am pleased to take part. I support everything that has been said about accidents in the home. The situation has been well known over many years but little has been done. I am happy to support any initiatives that the Parliament or the Executive bring forward.

I want to widen the debate slightly to cover property that the public have access to, such as boarding houses, hotels, public houses and restaurants. Over the years, many such establishments have been found to have defective equipment and often antiquated and dangerous electrical installations, which the owners do not always know about. That has resulted in serious injuries and, sadly, sometimes fatal injury.

I encourage Cathy Jamieson or the Executive to consider incorporating within a safety bill a statutory requirement on all establishments with public access to submit to an annual inspection of their electrical installation and equipment and to produce an approved certificate of compliance with the inspecting authority. That can be compared to the fire safety certificate that many such establishments must produce. I see no reason why a similar system should not apply to electrical installations. I understand that a test can be very simple and takes only a few minutes. We

should do anything we can to eliminate accidents and fatal injuries in such establishments.

16:39

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I congratulate my colleague Cathy Jamieson on securing the debate and join her in congratulating East Ayrshire Council on its efforts. This is the last debate before Christmas, a time that is full of joy for so many but that, unfortunately, always seems to bring tragedy to some families. How often we see on Ceefax and in the papers at Christmas and new year stories of house fires that have brought sadness and loss of life to families who were enjoying the holiday season. In the aftermath, such fires are often found to have been avoidable.

Scotland does not have a good fire safety record. In the past year, 111 people died in fires; 85 were killed in their own home. That is a shocking figure. It is time to reassess whether the emphasis on smoke alarms is enough to prevent tragedies. Can something more be done?

Public information is important. I congratulate the Scottish Executive on its guide to fire safety, which was distributed through the media last weekend. Those who read the guide will be safer. However, we must also reckon with those who do not take, or do not understand how to take, effective precautions. After all, in the 44 homes that had a fire and had smoke alarms fitted, only six alarms were operating properly.

Recently, I met representatives of our local fire brigade to hear their views on how we could help them further. Strathclyde fire brigade has begun a campaign to fit sprinklers in new and refurbished homes. That would require legislation and I urge the minister to consider introducing provisions, either in a home safety bill or as an addendum to the Housing (Scotland) Bill. I suggest that sprinklers should be fitted in all rented housing with multiple occupation. Never again must people die in basement flats that have bars on the windows or lack effective smoke alarms. Sprinklers are effective lifesavers, particularly for those who are otherwise too old, infirm, young or incapacitated to escape from fire. We should start with new houses, but campaign to introduce sprinklers in all houses in Scotland—they save lives.

Fire safety precautions can prevent avoidable deaths. A mixture of simple personal precautions, effective and operational smoke alarms and the introduction of domestic sprinkler systems will help to avoid the tragic headlines that we read every Christmas. I support the Strathclyde fire brigade's campaign for legislation. I ask the minister to consider that issue seriously.

16:42

Robin Harper (Lothians) (Green): I will be brief. Two groups have been identified as most at risk: the elderly and the poor, particularly families on benefit. One minor way forward might be to grant such people the automatic right to a professional safety audit of their homes and to make funds available to set right the most glaring anomalies and safety risks.

My background in education means that I am aware that safety elements are included in social education, craft, design and technology, home economics, and social and vocational skills courses. Some safety issues are taught in primary schools. Unfortunately, social and vocational skills are taught in very few schools in Scotland, although the course was introduced as a standard grade subject comparable to the Duke of Edinburgh award schemes in terms of providing young people with skills and confidence. It would be wise and productive to review what is taught in schools and to do what we can to improve safety teaching.

16:44

Fiona Hyslop (Lothians) (SNP): Home is where the heart is, but it is also where the danger is.

Members may recall that in April I lodged a motion calling for a home safety bill and statutory powers. I was disappointed that no Labour members signed that motion; perhaps it was because I did not mention East Ayrshire. We should recognise the work of those councils that are promoting home safety.

I congratulate Cathy Jamieson on her election as deputy leader of the Labour party in Scotland.

We must put the issue in context. There are three times as many accidents in the home as there are on the roads, although there is a greater awareness of the need to tackle road safety. We must consider mandatory powers. We should consider the options and the direction that those should take.

Many members of the Scottish Accident Prevention Council are councillors and I welcome those members who are in the gallery, including the SAPC chairman, Brian Topping, who is an SNP councillor in Aberdeenshire. As the SAPC has pointed out, it is councillors who are asking for statutory powers. In this day and age, when people believe that the Scottish Parliament is sucking up powers from local authorities, it is interesting that local authorities and councillors are asking for some kind of statutory responsibility. The Executive has a duty to respond to that.

We also have to consider the health dimension.

If we are to have joined-up thinking, the Deputy Minister for Health and Community Care should look at the budgets of accident and emergency departments. I note that the number of accidents requiring emergency hospital admissions has almost doubled in the past 20 years, with a resultant cost to the taxpayer. This is about common sense and joined-up thinking.

I was pleased to host a meeting of the SAPC in the Parliament in April. I have a young family; to be told of the dangers that my three-year-old could get into because of his strength was an education. A lot of good work could be done to make people more aware.

Dr Richard Simpson (Ochil) (Lab): Does Fiona Hyslop agree that the people who have most access to the groups that we have been talking about are health visitors, who work with young families, the elderly and home helps? While we are waiting for legislation, it would be worth while for the Executive and the Convention of Scottish Local Authorities to consider establishing training programmes for health visitors and home helps, because a lot could be done with those groups. I know that some local authorities are already doing such things.

Fiona Hyslop: Indeed, we must ensure that we have joined-up, commonsense thinking. I am worried that the cut in the number of home helps might mean that that opportunity is limited. Richard Simpson's proposal for home helps is an example of the sort of creative thinking that we should be encouraging, but people should be recompensed for the duties that they are expected to carry out.

Margaret Jamieson talked about house fires and the fabric of buildings. She also referred to the Housing (Scotland) Bill, which was published yesterday. I am not sure that the scope of that bill would allow what she is proposing, although I would like to see her suggestion taken up if possible. The home improvement task force, which was recently set up, could consider provisions for smoke detectors and other basic issues. We might want to have a home safety bill, and the Executive may publish a home improvement bill. We have discussed energy audits in this chamber, so why do we not have safety audits? This is about developing a culture of safety in the home.

A number of members have made positive suggestions. I will be interested to hear the minister's response, because there is a will to make something happen. That something may be small but, as Margaret Jamieson mentioned, it could make a big difference to people's lives. We do not want to hear about tragedies at Christmas. Many people have burned their arms bringing the Christmas turkey out of the oven—the vegetarians

among us might not have that problem—but some of the issues are far more serious. We do not want to read about house fires and deaths. If the Parliament can do something constructive, we would be proud of it. I look forward to hearing the minister's response.

16:48

Maureen Macmillan (Highlands and Islands)

(Lab): What I wish to say has a narrow focus, but I thank Cathy Jamieson for giving me the opportunity to say it. A few weeks ago, I went to a seminar on home safety organised by Age Concern Scotland in the Highlands. The topic for discussion was a simple survey that the organisation had done on home safety for older people. Home helps were asked to check basic safety hazards, such as frayed electric flexes, torn rugs and wobbly step ladders. The findings were worrying, as they showed a high level of dangerous features in older people's homes.

More worrying was that the statistics from local hospitals on accidents in the home showed that older people living in the Highlands had proportionately more accidents in the home than older people elsewhere. We do not know why that should be the case, as Cathy Jamieson said about the statistics for rural Ayrshire. It may be part of the same problem that makes care in the community in the Highlands difficult—families have moved away, leaving elderly parents behind. Isolation in some parts of the Highlands, and therefore lack of help from neighbours, may contribute to the problem. Families and neighbours can play a part in spotting potential hazards or help with changing a light bulb or other difficult household tasks. We need a lot more research to find out exactly why the statistics are as they are.

My aunt developed dementia recently, so I know that if an older person comes to the attention of social work, an occupational therapist will visit—at least, that is the practice in Argyll and Bute—to make a safety assessment of their home. That was the first thing that happened. I do not know what provision there is throughout Scotland for occupational therapists to perform such work and I do not know how older people who have had no contact with social work are protected.

Home helps can notice hazards, but not all do, and not all old people have home helps. As Mary Scanlon and Richard Simpson said, we must train home helps to be alert to the frayed flex or the hole in the carpet. Not even families notice such problems. Familiarity breeds complacency. We must all be aware of hazards, especially those for elderly people.

I agree with Cathy Jamieson's proposal for a

national strategy on safety in the home. Every council should have a home safety officer. There should be a statutory obligation on councils to consider home safety carefully. There ought to be a high-profile campaign to alert not only older people to dangers, but their families and neighbours, because we all have a part to play.

16:51

Phil Gallie (South of Scotland) (Con): I will start by explaining why I did not sign Cathy Jamieson's motion, despite the fact that it congratulates East Ayrshire Council. I have no problem with the bulk of the motion and I have no problem identifying with the concerns that almost every speaker has expressed. However, I have a problem with supporting the implementation of a home safety act. I am worried about how far the statutory element should go. I wonder how intrusive such legislation would be and how it would be enforced. Perhaps, somewhere along the line, someone could explain those issues to me and convince me.

After hearing members' comments about the elderly, I must draw to their attention the National Health Service and Community Care Act 1990 and the fact that more and more elderly people live alone in the community. Inevitably, that will lead to the problems that are occurring. When greater use was made of residential homes and care homes, protection was greater. However, that is another matter. As far as Cathy Jamieson's motion goes, I support everything apart from the statutory element that she has suggested.

16:52

The Deputy Minister for Health and Community Care (Malcolm Chisholm): Once again, we have had a most useful debate. Members' business debates have made a massive contribution to the new politics in Scotland. The debate highlighted the importance of joined-up policy, to which Fiona Hyslop referred.

I congratulate Cathy Jamieson on highlighting this most important topic. I also congratulate East Ayrshire Council on developing a community safety strategy in the way that has been described.

The themes of today's debate remind us of two key themes from "Our National Health", the action plan that was published last week. The plan emphasised the importance of promoting health and preventing illness. The debate reminded us that we cannot sensibly deal effectively with our public health problems if we isolate them from their wider context of social and economic deprivation.

As Alex Neil and others reminded us, there is a

clear link between the accidents that have been discussed today and social deprivation. A recent paper noted that, between 1981 and 1995, the most deprived groups of the population experienced double the rate of injury mortality that the most advantaged groups experienced. That relationship did not change during those 15 years. Other research suggests an even larger gap.

The motion refers to road safety. We can take some—but only a little—encouragement from recent statistics. However, the Executive has set new targets. By 2010, we want a 40 per cent reduction in fatal and serious casualties as a whole and a 50 per cent reduction in accidents involving children. Those targets are underpinned by a Great Britain-wide road safety strategy called "Tomorrow's roads: safer for everyone".

Today, we heard of further initiatives that will help to achieve those objectives, such as the home zones, which we approved this afternoon. I also remind members of the safer routes to school initiative, into which the Executive has put more than £5 million.

Margaret Jamieson highlighted the importance of fire safety. The Executive and the Scottish fire brigades actively promote community fire safety through paid publicity and educational packages and the provision of direct advice and assistance. Moreover, smoke alarms have provided a huge boost to home safety; even wider use will pay dividends in lives saved. However, Margaret Jamieson correctly reminded us of how many people have alarms that are not working. She referred to Strathclyde fire brigade's suggestion on the installation of sprinklers in new and refurbished homes. I cannot give an immediate response to that, but I am sure that consideration will be given to that important proposal.

On accidents at home, some statistics may help to add context to the debate. Tragically, 47 accidental deaths of children under 15 were recorded in 1999. That was an improvement on the 67 deaths in the previous year and higher figures earlier in the decade. However, as Mary Scanlon reminded us, fewer deaths can coexist with more accidents. As Cathy Jamieson pointed out, we need information to inform our strategies. I agree with the reference in the motion to the need for greater sophistication in the accident data that we collect. That is an area that will be given further consideration.

Many speakers referred to a group that is especially prone to accidents: the elderly. The accidental death rate among over-75s in 1998 was nearly five times higher than among those between 65 and 74, who themselves experienced a higher rate than the other age groups. Health boards and local authorities have recognised for some time that there must be a continuing effort to

minimise the incidence and severity of falls and other accidents in the home. Indeed, various initiatives at local level have been launched to make an impact on that problem. Maureen Macmillan and Richard Simpson emphasised the importance of home helps in that regard.

A further initiative has come from the Health Education Board for Scotland, which recently produced a report on preventing falls among the elderly. Following that report, a group is seeking to develop a strategy document, which should be helpful for health boards, local authorities and voluntary bodies that are active in this area. Among other things, it is likely to recommend improved capacity building, the development of suitable printed materials for local agencies and training for health visitors. Richard Simpson referred to that earlier. Health visitors are important both for the elderly and for children, who are another key group in accident prevention. The training of health visitors is important, and we all look forward to the paper that will be published in January on the public health role of health visitors and nurses.

How long have I got, Presiding Officer?

The Deputy Presiding Officer: You have a minute and a half.

Malcolm Chisholm: Is that all? I will have to hurry, as I know that Cathy Jamieson will want me to respond to the point that she made on the statutory duty.

Many bodies are involved in this issue—I had intended to give an example of an initiative on accidents involving children by the Castlemilk community health project and to refer to the support given to ROSPA by the Executive, especially for its work with children.

Cathy Jamieson called for a statutory duty on local authorities. As she acknowledged, it is not self-evident that such a duty would appropriately rest on councils alone. Other central and local agencies—notably health boards—have a part to play. In fact, a wide range of bodies have a legitimate interest in some aspects of home safety: centrally, the Health and Safety Executive and the Department of Trade and Industry; and, locally, health boards, the police, the fire service and voluntary bodies. However, consideration will be given to what Cathy Jamieson said.

It should not be implied that legislation is required to produce action. We have heard today of the 10 councils that have appointed home safety officers on a full-time or part-time basis. There is no bar to other councils following suit, and I certainly hope that they will.

This has been an important debate and I assure Cathy Jamieson that the Executive's mind is by no

means closed, either to her central recommendation or to the many other important suggestions that have been made. I am sure that we all agree that there are no quick-fix solutions in this area. We must progress on a broad front nationally and, critically, at local level if we are to make progress in reducing the heavy toll of accidents that has been highlighted today.

Meeting closed at 17:00.

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