ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

AGENDA

1st Meeting, 2003 (Session 2)

Tuesday 10 June 2003

The Committee will meet at 1.00 pm in Committee Room 1.

1. **Declaration of interests:** Members of the Committee will be invited to declare any relevant interests.

2. **Choice of Convener:** The Committee will choose a Convener.

3. **Deputy Convener:** The Committee will choose a Deputy Convener.

4. **Legacy Papers:** The Committee will consider the Legacy Papers from its predecessor Committees.

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The following papers are attached or are relevant to this meeting:

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ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

DECLARATION OF INTERESTS

Background

1. Article 5 of the Members’ Interests Order provides that before participating in proceedings (otherwise than by attending or voting) a member must make an oral statement or declaration of any registered interests which would prejudice or give the appearance of prejudicing the Member’s ability to participate in a disinterested manner.

2. It is the responsibility of the individual Member to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Code of Conduct advises at paragraph 5.2.12 that Members should ‘err on the side of caution’. Members may also seek advice from the Standards Committee Clerks.

3. Members are not required to declare interests which they have registered on a voluntary basis (i.e. those appearing in the “Miscellaneous” category on the Register).

Declaration of Interests at the First Committee Meeting

4. In the previous parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit. Paragraph 5.3.3 of the Code of Conduct states that

   It has been established as good practice that Members should declare interests relevant to the remit of that committee at the first meeting of the committee or on the first occasion on which they address the committee, irrespective of the business before the committee at that meeting.

5. At the first meeting of the Environment and Rural Development Committee, the oldest Member who will be in the chair will invite Members to declare any relevant registrable interests. The declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Member’s interest. It is not necessary to rehearse all the details of an interest as it appears in the Member’s entry in the Register of Interests if this is more than required to explain the nature of the interest.

6. If Members have any questions about what might constitute an interest relevant to the remit of the Environment and Rural Development Committee, they should contact the Clerk to the Committee prior to the meeting. The Standards Committee Clerks are also happy to provide advice.

Declaration of Interests at Subsequent Committee Meetings
7. Members are also required to declare any registered interests which may be relevant to business discussed at subsequent committee meetings. Where a Member has an interest relevant to the proceedings, he or she must make a declaration of interest at each meeting in which he or she participates, other than by simply attending or voting. This is to allow the public attending any committee meeting to be aware of the Member’s interest. The declaration should be made at the start of the relevant agenda item or as soon as the Member is able to make the declaration, but before otherwise participating in those proceedings. A declaration must be made whether a committee meets in public or in private. Where a relevant matter is discussed in both private and public at any single committee meeting, the declaration should, as good practice, be made during the public session even if it has already been made in private session.

8. Members should, as good practice, also declare any business or personal relationships they might have with any advisers or witnesses to the committee.

Further Guidance

9. Further guidance on declaring registrable interests may be found in section 5 of the Code of Conduct. The Standards Committee Clerks are also happy to provide advice to Members.

CLERKING AND REPORTING DIRECTORATE
JUNE 2003
ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

CHOICE OF CONVENER AND DEPUTY CONVENER

Introduction
This paper is designed to inform Members of the procedure for choosing a Convener and Deputy Convener at the first meeting of the Committee.

Oldest Member
Standing Orders oblige all committees to choose a Convener at their first meeting. Rule 12.1.6 states that the meeting is to be chaired by the Oldest Committee member until a Convener is chosen. The “Oldest Committee Member” is defined as the oldest member of the committee present at the meeting and who has indicated to the Clerk that he or she agrees to chair the meeting.

Choice of Convener
On 4 June 2003, the Parliament agreed to motion SM2-107 which resolved that members of the Labour party are eligible to be chosen as the Convener of the Environment and Rural Development Committee. The Oldest Committee Member will, following the declaration of interests, invite nominations from members of that party for the convenership. There is no requirement for nominations to be submitted in advance of the meeting or to be seconded.

If only one nomination is received, Members will be asked to agree to the appointment. In the event that more than one nomination is received, the Oldest Committee Member will call a division, putting the question on each nomination in turn and declaring the nominee with a majority support to be the Convener.

On being chosen by the Committee, the Convener will immediately take the chair and will chair the remainder of the meeting.

Choice of Deputy Convener
The procedure for choosing a Deputy Convener is the same as that for the Convener and will be conducted by the newly-chosen Convener. The Parliament has resolved that members of the Green party are eligible to be chosen as the Deputy Convener of the Environment and Rural Development Committee.

Role of Convener and Deputy Convener
The duties and responsibilities of the Convener and Deputy Convener of a Parliamentary Committee are set out in Rule 12 of Standing Orders. Further detail is provided in paragraphs 4.7 to 4.13 of the Guidance for the Operation of Committees (Second Edition) which can be found at http://www.scottish.parliament.uk/business/g-committee/cg-1.htm#8
Background

1. The Rural Development Committee has had a wide-ranging and varied agenda during the first session of the Parliament. This paper aims to summarise the work of the committee throughout the first session and to identify issues which may be of interest to its successor committee. Any successor committee will, of course, have complete autonomy to select and develop its own work programme. However, we hope that the matters outlined in this paper will be of assistance to it.

Activity in the First Session

2. The remit of the committee is to consider and report on matters relating to rural development, agriculture and fisheries and such other matters as fall within the responsibility of the Minister for Rural Development. (As agreed by resolution of the Parliament on 14 December 2000, with effect from 8 January 2001). This remit relies upon the definition of the responsibility of the former Minister for Rural Development, which included responsibility for policy in relation to rural development, including agriculture, fisheries and forestry.

3. The Committee has met over 120 times and has carried out a variety of work over the first session. The work programme of the committee has been heavily influenced by referred or non-discretionary work such as primary and secondary legislation, consideration of the budget and petitions.

Primary Legislation

4. The committee has considered the following Executive Bills during the first session:

   • The Salmon Conservation (Scotland) Bill
   • The National Parks (Scotland) Bill
   • The Fur Farming (Prohibition) (Scotland) Bill
   • The Agricultural Holdings (Scotland) Bill.

The Committee was also designated as a secondary committee in relation to the Land Reform (Scotland) Bill and made a substantive report to the Justice 2 Committee on that Bill.

5. The following Members Bills were also referred to the committee:

   • The Sea Fisheries (Shellfish) Amendment (Scotland) Bill
   • The Protection of Wild Mammals (Scotland) Bill
   • The Organic Farming Targets (Scotland) Bill.
6. The committee’s work programme has been heavily influenced by the requirements of scrutinising this legislation. In particular, the Protection of Wild Mammals (Scotland) Bill attracted a great deal of public and media scrutiny. The committee received over 5000 written submissions during the passage of the Bill, and took evidence from a wide range of interested parties.

7. Overall, the committee is content that it has achieved effective scrutiny of Bills that have been referred to it, and that important and desirable changes have been made to Bills as a result of this scrutiny. For example, in relation to the National Parks (Scotland) Bill, significant changes were made to the provisions regarding the election of local members to the National Park Boards. And in relation to the Agricultural Holdings (Scotland) Bill, significant changes have been made to a number of provisions which reflect the concerns raised by the committee in its Stage 1 Report.

8. The committee remains concerned regarding the amount of time given to committees to complete legislative work. The committee notes that the timetabling of Bills seems to have become more generous over the period of the first session. However, the committee still believes that longer allocations of time would enable the committee to consider more fully the evidence put before it and debate the issues raised, thereby ensuring that the legislation that is passed is appropriate and workable. Similar considerations also apply to amendments tabled at Stage 2 of Bills. The committee therefore wishes to emphasise to its successor committee the importance of negotiating with the Parliamentary Bureau to ensure that adequate time is allowed for the scrutiny of legislation. The committee also draws the attention of its successor committee to its current practice of holding informal briefing sessions on Bills prior to commencing Stage 1 scrutiny. The committee believes that these sessions provide a useful opportunity for members to gain background knowledge of the subject matter of the Bill.

**Subordinate Legislation**

9. The Rural Development Committee has considered a high volume of subordinate legislation (more than any other committee, with the exception of the Health and Community Care Committee). During the first session the committee has considered approximately 175 negative instruments and more than 15 affirmative instruments. The committee notes that it has been important to take account of the volume of subordinate legislation likely to be referred to it when determining the forward work programme. It is important that sufficient space is built into the work programme to allow for adequate parliamentary scrutiny, and the committee notes that at times this has been difficult to achieve given the reporting deadlines that this committee (and the Subordinate Legislation Committee) are required to work to. Indeed, the need for the committee to report within the 40 day deadline, and after receiving the report of the SLC, can at times dictate the timing and frequency of committee meetings.
10. It is noted that any successor committee is also highly likely to receive the same high volume of subordinate legislation, particularly as a large number of instruments are required to be made in order to transpose European legislation into domestic law.

Petitions

11. The Public Petitions Committee has referred approximately 50 petitions to the Rural Development Committee over the first session. These petitions raised a variety of issues, some of which were connected to existing work of the committee (e.g., consideration of the Protection of Wild Mammals (Scotland) Bill or of the designation orders establishing national parks). Other petitions raised entirely novel issues, which required additional time to be set aside for Committee consideration.

12. The committee has previously agreed, in considering how best to deal with petitions, to build regular dedicated slots into the agenda for this, rather than dealing with them on an ad hoc basis. The committee has found this approach to be useful in ensuring efficient consideration of petitions, especially where a number of petitions are under consideration.

Consideration of the Budget

13. Like all subject committees, the committee has been asked to examine the Executive’s spending proposals each year. It is fair to say that the committee has generally found it difficult to undertake effective scrutiny of the budget in the manner originally intended by the Finance Committee. The main difficulty that has faced the committee is the very limited time that exists – both at Stages 1 and 2 – between the publication of the Executive’s proposals and the need to report to the Finance Committee.

14. The committee has also been frustrated with the level of information which has been made available to it, and successive changes to the format in which budget information is presented has not assisted this. The committee notes that this is an issue which is common across all subject committees.

15. The committee has adopted several practices which have helped it undertake budget scrutiny. Firstly, the committee has routinely held informal background briefings with key officials at the beginning of each budget round, which has enabled members to break down the information presented, gain a better idea of the Executive’s overall spending priorities, and understand the effects of various changes to the presentation of figures.

16. Secondly, the committee appointed an adviser on the budget process during the most recent budget year and found this to be of great assistance. However, it must be noted that it may sometimes be difficult for subject committees to find suitable candidates with knowledge of both the subject area and public sector accounting methods.
Inquiries

17. Despite its high legislative workload, the Committee has carried out a number of substantial inquiries during the session. These have included inquiries into:—

- The Operation of the Agricultural Business Improvement Scheme
- The Impact of Amnesic Shellfish Poisoning on the Fisheries Sector
- The Impact of the Scottish Adjacent Waters Boundaries Orders
- The Impact of Changing Employment Patterns in Rural Scotland
- The Closure of the Islay Creamery
- The Reform of the Common Fisheries Policy
- Integrated Rural Development
- Current Issues Affecting the Scottish Fishing Industry.

18. These inquiries have varied enormously in length with some inquiries taking only two or three meetings, and others taking around a year to complete. The committee has been careful to keep a balance between referred work and inquiry work, and also between inquiries that respond to events and those that aim to be more proactive in approach.

19. In addition to undertaking formal inquiries, the committee has also found it useful to hold occasional one-off evidence sessions on issues with key stakeholders and Ministers. Such sessions are usually followed up by a letter to the Minister outlining the views of the committee. These sessions allow the committee to respond to events and developments in Executive policy without requiring a large amount of committee time or disrupting other pre-existing commitments to consider legislation or conduct longer-running inquiries.

Outstanding Issues after the First Session

20. The committee has recently finished two inquiries. The first, into integrated rural development aimed to assess the factors that make for successful Integrated Rural Development and to identify the barriers that militate against development. The report was a wide-ranging one, which took almost a year to complete, and which raised many cross cutting issues. The cross cutting nature of the rural development remit is something which has been a recurring theme throughout the committee’s inquiries, and also its work on the budget process. The committee believes that its successor committee should consider revisiting the issues raised in this report during the next session, to ensure that progress is being made. The committee recommends that its successor committee should examine the recently received response of the Minister to the report, and consider making a bid for committee time in the Chamber to debate the findings of the inquiry.

21. In February 2003 the committee also conducted a short inquiry into issues affecting the Scottish Fishing Industry. This inquiry focused on the decision of the December EU Fisheries Council to cut cod and other associated quotas, and examined the impact of these decisions on the industry, and the ways in which the Scottish Executive could provide support to the industry to alleviate this impact.
22. The committee notes that negotiations on a revised cod recovery plan and on other matters associated with the reform of the Common Fisheries Policy will continue during the next parliamentary session. The committee believes that given the impact of these decisions on the Scottish fishing industry, any successor committee should strongly consider adopting the report of this committee and pursuing the issues raised with the appropriate Scottish, UK and European decision-making bodies.

23. The committee also notes that in addition to the continuing reform of the Common Fisheries Policy, the Common Agricultural Policy is also subject to a mid-term review, for which draft legislative proposals have recently been published. The committee has not had the opportunity to examine these proposals, and recommends that its successor committee should undertake such an examination at an early stage, in light of the impact of the proposals on the Scottish agricultural sector.

24. The committee has also not had the opportunity to undertake a detailed examination of the issues affecting the Scottish forestry industry. Such issues include the international competitiveness of the industry, the ability of rural roads and infrastructure to meet the needs of the industry and the use of rail and coastal shipping to transport timber. Any such inquiry should also investigate the development of appropriate government procurement practices to support the industry and the development of potential market opportunities (such as pulp production and biomass energy initiatives).

European Issues

25. As can be seen from the discussion above, proposals and decisions originating in the European Union directly affect much of the work of the committee. The committee has recognised the importance of keeping abreast of European developments and has sought to incorporate these matters into its work programme. The committee has agreed a three-pronged approach to scrutiny of European issues which involves:—

- seeking regular quarterly overviews of European Union policy developments, legislative proposals and transposition arrangements from the Scottish Executive;
- authorising the Convener, in conjunction with the clerks, to seek further detailed briefings from the Scottish Executive on the key dossiers within the rural development portfolio as required; and
- considering options for more detailed scrutiny of specific EU proposals as part of regular work programme discussions.

The committee also receives regular written pre and post council briefings from the Scottish Executive.

26. It is clear that European decisions will continue to have an influence on the forward work programme of any successor committee. The committee believes that the mechanisms above have assisted it in maintaining awareness of the implications of European decisions for Scottish interests, and would encourage
any successor committee to continue our efforts to influence these decisions at an early stage.

27. The committee has also developed a productive working relationship with the European Commission office in Edinburgh, and has taken evidence from European Commission officials on two occasions, in relation to fisheries matters. The committee recommends that its successor committee continue such efforts to interact directly with the Commission on issues of importance to Scotland.

Away Days

28. Approximately eighteen months into its existence the committee held an away day to consider its work programme for the following two years. The awayday also allowed the committee to speak to the Minister, key officials, and some key individuals within the committee’s remit on an informal basis. This event proved helpful to the committee in reviewing its activity and assisted it in thinking through a long-term view of its priorities and future work programme. The committee believes that its successor committee should also consider holding a similar away day at the start of the parliamentary session.

Methods of Working

29. The committee has taken a great deal of oral evidence over the past three years. Such an approach has the advantage of allowing the evidence to be given in public, with the official report of that evidence being widely available. Committees will clearly make their own choices as to how best to organise oral evidence sessions, and the approach may vary depending upon the witnesses, the subject matter and the purpose of the session. However, the committee has found the following general practices to be of assistance in ensuring that evidence sessions are as productive as possible:

- the committee should be selective in choosing from whom to take oral evidence
- witnesses should be grouped together in panels to allow them to answer questions in turn, rather than giving repetitive answers
- the numbers of witnesses on a panel should be restricted to no more than three at any one time
- realistic witness timings should be allocated for witness sessions so that they do not overrun
- the numbers of witness panels questioned in a single meeting should be restricted
- witnesses should be asked for written statements prior to the meeting, as this allows opening remarks by witnesses to be kept very brief, and allows more time for questioning.

Away Meetings

30. The committee has sought to meet outwith Edinburgh on a regular basis, and has tried to spread its away meetings amongst different geographical areas of Scotland. In the first session it has held formal meetings in Dumfries, Gartocharn, St John’s Town of Dalry, Lochaber, Lochgilphead, Huntly, Kingussie, and Aberdeen.
31. The committee has also sent delegations of reporters to Islay, Colonsay, Stornoway, Newton Stewart, Newtown St Boswells, Laurencekirk and Dingwall, and undertook an extensive informal visit to the Highlands and Aberdeenshire to examine land reform issues. Where possible during any formal away meeting the Committee has also tried to maximise its interaction with local communities, and has undertaken fact finding visits to local businesses and premises in order to gain first hand knowledge of the subject matter and concerns affecting the area. On a number of occasions the committee has also held evening receptions and invited local councillors, business people and individuals to talk informally to the committee. The committee believes that these methods have been very useful in providing the committee with information that it might not otherwise have received in more formal evidence sessions.

32. During its away meetings, the committee has also pioneered the practice of having ‘open sessions’ with local people. During these sessions the formal committee meeting is suspended and local people are invited to make short representations to the committee on the issue under consideration. Transcripts of these sessions have been published with other evidence received where they have been part of the process of conducting an inquiry. The committee believes that these sessions have been very successful in allowing members to hear a cross section of views and would commend this approach to its successor committee.

Conclusion

33. The Rural Development Committee has had an interesting and eventful life during the first parliamentary session. The committee believes that it has made a positive contribution to the development of policy and legislation in a number of areas. It wishes its successor committee well in its activities and hopes that this paper will be of assistance to it in pursuing its work over the next four years.
Introduction

1. The Transport and the Environment Committee has had an interesting and varied agenda throughout the first parliamentary session. The purpose of this legacy paper is twofold. Firstly, it is a means of passing to its successor committee information relating to the pieces of work which are outstanding at the end of the first parliamentary session. Secondly, it seeks to provide the Committee’s comments on its own method of operation – what has worked well and what areas of its work could perhaps benefit from a different method of working?

2. Any successor committee will, of course, have complete autonomy to select and undertake its work in the way that it sees fit. But it is hoped that the lessons from this Committee’s experience may prove helpful.

Outstanding pieces of work

3. The Committee has been conscious that its successor will wish to pursue its own agenda and has therefore attempted to conclude as much of its work as was reasonable and sensible prior to dissolution. The Committee believes that it has been relatively successful in these endeavours, particularly in relation to petitions. Nonetheless, the Committee recognised that it was not feasible to conclude, or even in some cases start, several pieces of work which have formed part of its work programme. The Committee recommends that its successor gives consideration to including the following subjects when it considers its first work programme.

National Waste Plan

4. In autumn 2002, the Committee had agreed to examine how the National Waste Plan would be implemented. The timescale for publication of the Plan slipped badly and it was only eventually published in February 2003. By this time, the Committee judged that it was not possible in the remainder of the parliamentary session for the Committee to undertake the level of scrutiny work that this major policy development would merit.

Petitions

PE 517

5. This petition concerned the Seafield waste water treatment plant and, more generally, issues relating to the regulatory system for dealing with odour nuisance from public sewers and sewage treatment works. The Committee agreed that odour nuisance and the perceived ineffectiveness of the current regulatory system is a subject that its successor committee may wish to pursue.
Accordingly, the petition was referred back to the Public Petitions Committee for re-referral in the next parliamentary session.

**PE 462, PE 463 and PE 464**

6. These petitions concerned the consultation procedures of Scottish Natural Heritage in relation to the designation of sites of special scientific interest. The agreed that an opportunity to look at the issues raised by the petitions is likely to arise at an early stage in the next parliamentary session, as part of the scrutiny of a Nature Conservation Bill. Nonetheless, the Committee agreed to refer the petition back to the Public Petitions Committee on the basis that its successor committee may wish to examine the issues on a standalone basis if it became apparent that there was likely to be a significant delay in the introduction of a Nature Conservation Bill.

**Reporter work into the service specification for the new Highlands and Islands Ferry Contract**

7. The Committee appointed two reporters to investigate the Executive’s proposals to subject the supply of Clyde and Hebrides ferry services to competitive tendering, in order to comply with European Competition Law. Following extensive consultation, the reporters produced a report in autumn 2002 on the draft service specification for the network which made a number of recommendations relating to issues such as costs and transparency, service levels, service development planning and the Executive’s interpretation of European Competition Law.

8. The Executive provided a response to the report in February 2003 which focused on the Executive’s decision, following the publication of the draft service specification, to remove the Gourock-Dunoon ferry route from the network and tender it separately. The Reporter’s report had suggested a similar course of action and consequently the Committee wrote to the Executive providing its general support for the decision.

9. The Executive provided a response to the other recommendations contained in the report at the end of the parliamentary session. The Committee did not have an opportunity to consider the response prior to dissolution. The successor committee may wish to consider the Executive response to inform its consideration as to whether to pursue further work in connection with the final service specification for the network as part of the committee’s work programme.

10. In addition to the above pieces of outstanding work, in the case of two pieces of work – Petition 377 and follow-up work on planning procedures for telecoms developments – the Committee has completed its work but had not received a response from the Executive at the time of dissolution.

**Petition 377**

11. Following a substantial amount of work from the Committee’s reporter, Fiona McLeod, the Committee published its report into polluting activities in built-up
areas. This work arose from petition 377 which concerned an incinerator located at Carntyne in the East End of Glasgow. The report contained a number of recommendations, particularly in relation to the interface between planning control and environmental protection regulation. The Committee concluded its work on the petition but the Convener has written to SEPA, the Minister for Social Justice and the Minister for Environment and Rural Development, requesting that responses be issued to the successor committee.

**Follow up work on planning procedures for telecoms developments**

12. The Committee’s first inquiry concerned the planning regime for telecoms developments, which led to the tightening up of regulations for the siting of both ground and non-ground based masts. The Committee revisited the issue in the last few months of the parliamentary session and took evidence from industry representatives, local authorities and community groups. The Convener wrote to the Minister for Social Justice with the Committee’s views, in order that they be taken into account as part of the research which the Executive has commissioned to undertake an evaluation of the new planning regime. The Convener requested that the Minister for Social Justice inform the successor committee of the results of this research.

**Method of operation**

13. The defining characteristic of the Committee is the diversity of the subject matter of its remit. Not only does its remit encompass the environment and transport (both broad topics in their own right), it also covers planning and other matters relating to the built environment.

14. Of particular note is that due to the combination of environment and planning responsibilities, the Committee has received a large number of petitions relating to concerns over planning decisions or environmental regulation at specific locations. This is discussed in greater detail below.

15. Initially, the Committee met on a fortnightly cycle but as the workload increased, the norm has been for the Committee to meet weekly. So, the number of meetings rose significantly between the start and middle years of the parliamentary session – 20 meetings in 1999-200 to 40 meetings in 2001-02. It is not surprising that there should be this peak given that this was the time when most new work was being generated – including Bills, referrals of petitions and new inquiries, while ongoing work was still to be completed. Unsurprisingly, the first few months of 2003 have seen a drop-off in the intensity of the Committee’s work programme as dissolution has drawn nearer.

16. The Committee’s workload comprises three main items:

- Scrutiny of primary legislation
- Inquiry work
- Referred work (petitions, subordinate legislation, European legislation and budget scrutiny).
Scrubiny of primary legislation

17. The Committee has been the lead committee in respect of four pieces of primary legislation, namely:

- Transport (Scotland) Act 2001
- Water Industry (Scotland) Act 2002
- Water Environment and Water Services (Scotland) Act 2002
- Building (Scotland) Act 2002.

18. Furthermore, the Committee has been a secondary committee and made substantive reports in respect of the following pieces of primary legislation:

- National Parks (Scotland) Act 2000
- Organic Farming Targets (Scotland) Bill.

19. Overall, the Committee is content that, through its scrutiny of the general principles of the Bill at Stage 1 and line-by-line consideration at Stage 2, the bills passed by the Parliament were markedly stronger than they had been at the point of introduction. In particular, the Committee would make reference to its work on the Water Environment and Water Services Act. Virtually every recommendation in the Stage 1 report had been positively addressed by the Executive by the time the Bill received Royal Assent.

20. The amount of time given to Bill scrutiny is determined by the Parliamentary Bureau (for approval by the Parliament). While time for Stage 1 scrutiny has been fairly constrained on occasion, the Committee has – on the whole – been content with the amount of time it has been allocated to undertake scrutiny. Given the speed of the bill process, a successor committee may wish to take steps to ensure that its work programme is sufficiently flexible to allow pre-introduction informal briefings to take place. The Committee considers that such events, like seminars and site visits, would be a useful aid to making Stage 1 as productive as possible.

21. The Committee did not appoint any advisers in connection with its scrutiny of legislation. This contrasts with how the Committee chose to undertake inquiry work. Given that Stage 1 of the Bill process is not dissimilar from a short inquiry, a successor committee may wish to consider whether appointing an adviser would be worthwhile (particularly in relation to long or technically complex pieces of legislation).

Inquiry work

22. The Committee has conducted inquiries into and reported on:

- Proposals to introduce new planning procedures for telecommunications developments
- Genetically Modified Organisms (Public Petition 51)
- Interaction of birds of prey and pigeons (Public Petition 8) (Reporter’s report)
• Water and the Water Industry
• Management and maintenance of trunk roads [This inquiry was suspended as a result of a court action being lodged at the Court of Session, on the basis that prospective inquiry witnesses could find themselves in contempt of court at common law if public oral evidence taking sessions went ahead prior to a subsequent court case.]
• Impact of aquaculture on the environment (2 reports)
• Spreading of organic waste on land (Public Petition 327)
• Planning guidance in respect of opencast coalmining (Public Petitions 346 and 369) (Reporters' report)
• Rail industry in Scotland
• Proposals for service specification for Highlands and Islands Ferry Services (Reporters' report)
• Polluting activities in built-up areas (Public Petition 377)
• 6 reports to the Finance Committee as part of the annual budget process.

Scheduling

23. The Committee has striven to balance its scrutiny of primary legislation with scrutiny of the Executive’s policies. The Committee has been more fortunate than some other committees in not being faced with a conveyor belt of bills, meaning that it has been possible for the Committee to pursue its own agenda. Those comments notwithstanding, the moveable nature of a bill’s introduction has meant that it has not been possible for the Committee to plan its work programme with certainty. Indeed, the Committee’s experience is that there is often a considerable disparity between the date by which a bill is intended to be introduced and the actual date of introduction.

24. Accordingly, the Committee has had to be flexible in its approach to scheduling its work programme. This is not always a bad thing - there can be rewards in the Committee having to work in the shadow of the Executive’s bills timetable. For example, following a slippage in the introduction of the Water Environment and Water Services Bill, the Committee was able to carry out - at relatively short notice - its inquiry into the rail service in Scotland at a critical time for the industry.

25. In general, however, the Committee has endeavoured to make its inquiries as structured as possible.

Types of inquiries

26. It is fair to say that the inquiries undertaken by the Committee have fallen into two main categories. Firstly, those inquiries which have “reacted” to events – whether this be the lodging of certain time-critical petitions (e.g. work on GMOs) or the announcement of a consultation exercise (e.g. Calmac work) or a Ministerial decision (maintenance of trunk roads). Secondly, there are inquiries which might be termed “own initiative” – where the Committee has taken a decision to examine a particular area of the Executive’s responsibility, to consider whether the policy being pursued by the Executive is appropriate to the needs of the
people of Scotland – most notable in this regard are the telecoms, water and rail inquiries.

27. The “reactive” inquiries tend, by their nature, to be time-restricted. As such, the Committee has found that there is little scope for extensive scoping work or research to be carried out prior to the Committee beginning its inquiry work. It has not been uncommon for such inquiry work to be reporter-led in the first instance.

28. The “own initiative” work lends itself to extended briefings taking place or, even, research being commissioned prior to the inquiry commencing. The Committee believes that this preparatory work has assisted the Committee in drawing up relevant, feasible and clear terms of reference for an inquiry. The Committee believes that a successor committee may wish to make greater use of the external research budget when undertaking this longer-term, “own initiative” work.

29. It is probably fair to say that the “reactive” type of work has had more of a political edge than the “own initiative” work which typically has been more consensual in style. The Committee believes that the “reactive” work will always be an integral part of a Committee’s work programme since the Committee will be viewed as being the public forum for debate of big, topical issues.

30. The challenge for this Committee has been to get the balance right: that is to be sufficiently flexible in its working practices to be able to take on “reactive” work when there is a political imperative to do so but to recognise the impact that such work has on previously agreed work programmes, meaning that decisions to undertake “snap” inquiries should not be taken lightly. The Committee believes that it has basically been successful in striking this balance, albeit that a consequence has been that at certain times in the parliamentary session there has been the need for a series of 4 hour plus committee meetings.

31. The Committee believes that the successor committee is likely to face no fewer demands on its time and is, therefore, likely to face a similar challenge.

Advisors

32. The Committee did not appoint an advisor in respect of its early inquiries into telecoms developments or GMOs. Latterly, the Committee has chosen to appoint an advisor in respect of its major inquiries. The Committee believes that there are numerous advantages in making such appointments: the adviser can help the Committee in framing a remit; assist in the drawing up of a call for written evidence and in the compilation of a list of witnesses to give oral evidence, as well as being invaluable subject experts, on-hand to answer Members’ queries.

33. Advisors have also been used in the drafting of Committee reports although this has been to more mixed effect, with some advisors finding it difficult to adopt the tone and language used by the Committee in its reports, as well as fully understanding the timescales to which committees work.
34. The Committee would certainly recommend that a successor committee make full use of the budget which exists for appointing advisors. The Committee also recommends that it is important that each specification for an advisor is carefully framed in order that the advisor is clear as to his/her role and how it relates to the role of the committee and its clerks. The Committee believes that such clarity is essential in order to achieve maximum benefit from the appointment of an advisor.

**Referred work**

35. One of the characteristics of the T&E Committee is the amount of work which is referred to it by the Parliament (subordinate legislation) and other committees (petitions, European documents and budgetary documents).

**Subordinate legislation**

36. The Committee has dealt with around 125 pieces of subordinate legislation over the first parliamentary session, with only the Health Committee and Rural Development Committee having had more subordinate legislation referred to them. The subject matter of these instruments has been tremendously diverse – some instruments have been inconsequential in nature while others have been major changes in the law, for example a negative instrument which implemented several of the recommendations that the Committee had made in respect of planning powers for telecoms developments.

37. There has been a mix of negative instruments and affirmative instruments, proportionately in the order of around 5:1. All instruments are distributed to Members well in advance of the date on which they are due to be considered. The Committee has been faced with the challenge of achieving an appropriate level of scrutiny which does not consume a disproportionate amount of time at committee meetings.

38. In the case of affirmative instruments (where a Minister is required to move a motion stating that the Committee recommends the instrument to the Parliament) the Committee has dealt with this by adopting the practice of the Minister making a statement on the instrument before he/she moves the motion. This way allows Committee members to ask questions of both the Minister and his/her officials prior to any debate on the motion taking place. The Committee has found such an approach useful in clarifying factual issues ahead of any political debate. On occasion such clarification has circumvented the need for any such debate. The Committee considers such a practice to have been helpful to aiding sensible scrutiny of affirmative instruments.

39. In the case of negative instruments, the onus has been placed on Members to contact the Convener and/or clerks in the first instance to request further information about a negative instrument. Although rare, there have been occasions on which officials have been asked to attend committee meetings to provide such clarification. Alternatively, Members have the option of putting down a motion to annul the instrument. This has meant Ministers and officials attending in order to put the Executive point of view in the debate.
40. Overall, the Committee is content with the way in which subordinate legislation has been considered in the first parliamentary session. Looking to the future, the Committee wishes to advise its successor that there are likely to be a number of important pieces of subordinate legislation stemming from primary legislation passed in the first parliamentary session, particularly the Water Environment and Water Services (Scotland) Act. Given that this Act was largely framework in nature, a lot of detail was left to be dealt with through instruments.

41. Accordingly the successor committee may wish to consider whether it deems it appropriate to find the time within its work programme to take evidence from interested parties prior to the formal consideration of the key pieces of subordinate legislation.

Petitions

42. The Committee has been referred more petitions – 65 – than any other subject committee. It is clear that petitions have had a major influence on the work which has been undertaken by the Committee: the telecoms inquiry; aquaculture inquiry; work on spreading of waste; opencast coalmining and use of incinerators in built-up areas are all issues which started as a result of the Committee being referred a petition on the subject.

Remit issues

43. A significant number of the petitions which have been referred to the Committee have concerned local environment or planning problems, where petitioners have clearly felt frustrated with that their concerns have not been adequately addressed by the relevant authorities. They have turned to the Parliament as a last resort. Often these petitions have proved very complex and long-running since there may be inter-related planning, environmental regulation and public health issues at stake.

44. The first two of these issues are already encompassed by the Committee’s remit. To a considerable extent, the Committee has been frustrated by the limitations of its remit in respect to public health matters. In the case of a number of high profile petitions – notably spreading of waste, GMOs and opencast coalmining – the terms of reference for a committee or reporter inquiry have meant that the Committee has only been able to deal with the matter in a partial way. To illustrate, the Committee has often started by looking at the statutory framework in relation to planning or environmental protection in the context of an individual case but quickly established that there are important public health factors which have a bearing on the core issues raised by the petition.

45. The Committee has, to some extent, been hamstrung by the wording of its remit. Rather than be able to follow through in respect of these related public health matters, the Committee has felt duty-bound to refer the public health aspect on to the Health and Community Care Committee. It is fair to say, however, that each committee has its own busy work programme and just because an issue is important to one committee does not mean that it will be accorded similar status
in another committee. Accordingly, the momentum which a petition has developed in this Committee has generally not been carried over into the work of another Committee.

46. The Committee is not being critical of any other committee – it is simply the product of the busy committee system of the Parliament. Nonetheless, the Committee considers that the experiences of the first parliamentary session justify the Committee writing to the Presiding Officer to request that an incoming Parliamentary Bureau give consideration to adopting a slightly different approach when considering the remit of any successor committee to the T&E Committee. The letter, attached an Annex A requests that the Committee with responsibility for environment in the next parliamentary session should also have responsibility for dealing with associated public health issues arising from environmental protection issues.

Work programme issues

47. The Committee is satisfied that its method of operation has ensured that each petition is taken seriously and that the inevitable prioritisation of petitions has only taken place after the issues raised by each petition have been properly identified, by way of cover papers.

48. In relation to petitions which have been prioritised, in most cases extensive preliminary work has often been carried out by reporters (i.e. one or more Members of the Committee). Such work has typically involved Reporters undertaking site visits and meeting with interested groups prior to bringing an issues paper back to the Committee for consideration. This work has invariably been extremely useful in clarifying the nature of the issue (including the legislative framework), leaving the Committee with a more informed and focussed range of options than it would have faced had it attempted to consider the petition in the absence of this work.

49. The Committee wishes to commend the use of reporters for petitions. However the successor committee should be mindful of the resource implications. Appointing a Reporter on a complex issue (which petitions invariably are!) will entail the Member spending a sizeable amount of time undertaking the necessary level of work (including meetings, site visits, discussions about drafting of papers/letters) in order to report back to the Committee. The duration of reporter work should not be underestimated – the Committee’s experience has been that six months is the minimum length of time involved and that some work (e.g. aquaculture) ran for around 18 months.

50. Reporters have been supported by a member of the clerking team. The Committee has found this to be very useful but, again, the resource implications should be noted. Scrutiny of primary legislation and committee inquiry work has taken precedence and, to some extent, support for Reporter work has necessarily had to be fitted-in around this core work.
51. Generally, however, the Committee considers that the characteristics of the T&E Committee mean that it should be possible for clerking support to be given to one piece of Reporter work at any given time.

52. Given the number of petitions (and the likelihood that their number may increase in the next parliamentary session as awareness of the petitions system grows), the successor committee may wish to give early thought as to how it develops its work programme in respect of petitions. The successor committee is likely to face the question of how much committee time and resources it wishes to give to petitions. A secondary question relates to how the resources allocated to petitions should be divided up. Is there, say, merit in introducing a more structured prioritisation system?

**European scrutiny**

53. The Scottish Parliament has a role to play in European policy-making in relation to devolved matters, notably where implementing action is required. There are a number of courses of action that can be taken by the Parliament:

- The Scottish Parliament can scrutinise the activities of the Executive governed by these arrangements by ensuring that the Executive is successfully developing and pursuing the expression of Scottish interests within the UK negotiating line on draft European legislation, if only to hold the Executive to account for the proper implementation of the role which the concordat specifies for it.

- The Scottish Parliament must act through legislation and statutory instruments to give effect to EU Directives and Regulations and avoid non-compliance procedures. It has a crucial role to play in overseeing the proper implementation of EU legislation as, if the Executive fails to implement EU legislation by a certain date or implements it wrongly, the UK as the Member State could be brought before the European Court of Justice. The Parliament is able to hold the Executive to account for the proper implementation in Scotland of EU legislation.

54. Transport and environment are two of the key areas of European policy-making. Indeed, it is understood that around 40% of all European legislation is environment based. In recognition of the role that Europe has in these policy areas, the Committee held a seminar on this subject in March 2002.

55. The European Committee has referred to this Committee a range of documents, resulting from the sift which it carries out on regular basis. These documents have included proposals for forthcoming directives, agendas and reports of Council meetings.

56. However, the Committee notes that, due to the demands in the work programme, scrutiny of developments in the European Union has not received the attention that it may have merited.

57. Obviously, the successor committee may wish to look at how it can develop its work programme in such a way that will allow for more effective scrutiny of European developments. However, the successor committee may decide that
the same constraints (in terms of Members’ and staff time) which have faced this Committee are also likely to apply to the new Committee. As such, the successor committee may need to adopt an innovative approach.

58. It occurs to this Committee that, given the sheer amount of European policy that relates to the environment and transport, there may be merit for a successor committee making the case for the appointment of a standing adviser on the subject. Such an appointment would allow the Committee to obtain a greater handle on what’s going on in Europe and enable the Committee to more properly hold the Executive to account on (1) how it influences UK policy in relevant areas and (2) how it implements European law in Scotland. A longer term goal for the Committee would be for it to be in a position to be able to influence the drafting of European legislation.

59. This type of appointment would also have the advantage of not tying-up committee staff time in the time-consuming process of tracking the developments of particular areas of European policy, law making and implementation into Scots law. Staff would therefore have more time to, say, produce value-added papers on petitions and provide assistance to Reporters. Nonetheless, it is to be expected that the advisor would liaise closely with the committees clerks and researchers as well as the parliamentary official based in Brussels.

60. Clearly, such a proposal would need to be worked up in some detail and this would, of course, be a matter for the successor committee and its clerks.

**Budget scrutiny**

61. Like all subject committees, the Committee has been asked to examine the Executive’s spending proposals each year. It is fair to say that the Committee has generally found it difficult to undertake effective scrutiny of the budget in the manner originally intended by the Finance Committee. The main difficulty that has faced the Committee is the very limited time that exists – both at Stages 1 and 2 – between the publication of the Executive’s proposals and the need to report to the Finance Committee. At times the Committee has also been frustrated with the level of information which has been made available to it.

62. In relation to the 2003-04 budget, the Committee took the decision to concentrate exclusively on the transport budget. The Committee considers that it was able to provide more substantial budget scrutiny than would have been the case had it attempted to examine the environment budget as well. Indeed, it could be argued that a successor committee may wish to focus its analysis even more sharply, perhaps by picking just one or two budget lines. This specialisation, combined with commencing analysis prior to the publication of the budget proposals by utilising previous years figures plus departmental targets that are already in the public domain, may lead to a more satisfactory holding-to-account process.

**Conclusion**

63. The Transport and the Environment Committee has had an eventful life during the first parliamentary session and considers that it has made a positive
contribution to the development of policy and legislation in a number of areas. The purpose of this paper has been two-fold, Firstly, the areas of work which are outstanding at the end of the parliamentary session have been identified. It is entirely a matter for the successor committee to determine the extent to which it wishes to follow-up on these matters.

64. Secondly, the paper has discussed the methods of operation of this Committee – pointing out the aspects the Committee believes has worked well, and the areas of work which may benefit from revised methods of working. On the basis of this Committee’s experiences, the Committee believes that the demands that are likely to be placed on the successor committee mean that it is very desirable for that committee to decide at an early point in its existence the approach and methodology it will take to the component parts of its work programme.

65. The Committee wishes its successor well in its activities and hopes this paper will be a helpful aid to how it pursues its work over the next four years.
As you are aware, Ross Finnie MSP, Minister for Environment and Rural Development, gave evidence on the current situation at the Scottish Agricultural College to the Committee at its meeting on 25 March.

The Committee first considered this matter in the context of petition PE 480 which called for the Parliament to urge the Scottish Executive to review the situation at SAC Auchincruive. Since considering that petition, the Committee has continued to monitor the developments at SAC as a whole. The impending dissolution of the Parliament has considerably constrained the Committee’s options for considering this as fully as it would have liked. However, the Committee was particularly concerned to consider the matter again following the recent publication of Volume 2 of the Deloitte & Touche report on the future delivery of SAC’s services.

The Committee recognises that maintaining the status quo at the SAC is not a viable option. However, the Committee also expressed unanimous and very considerable concern about the course of action currently being pursued by the SAC board.

I am therefore writing on behalf of the Committee to follow up a number of issues raised by members at the meeting.

Firstly, the Committee remains unclear as to the process and timescale you anticipate for moving towards a final decision, and would be grateful for further clarification of these matters.

Secondly, the Committee unanimously agreed that many of the assumptions underlying the report are questionable. In its view, a number of the assumptions do not adequately reflect appropriate evidence or adequately recognise the vital functions of the SAC both as an institution and as a crucial player in the agricultural
community and economy. The Committee was also concerned to note the apparent lack of an assessment of the socio-economic impact of campus closures on surrounding communities. In light of this, the Committee unanimously agreed that centralisation of the SAC’s functions on Edinburgh was very obviously the least acceptable option available. The Committee therefore strongly recommends to the SAC board that it reconsiders its decision and in the interim withdraws redundancy letters recently issued to staff.

Thirdly, the Committee was particularly concerned that there was no evidence of a structured programme of consultation as an integral part of a transparent and open decision-making process. The Committee was particularly concerned by reports that consultation on the proposed option would be very limited. The Committee noted the Minister’s indication that his officials were raising a significant number of detailed questions with the SAC. In addition the Committee strongly recommends that a genuine and comprehensive consultation process is conducted prior to any final decision about the options.

Fourthly, the Committee noted the Minister’s view that a final decision on the options by the SAC board was unlikely prior to the election on 1 May. The Committee strongly recommends to the SAC board that a final decision should be delayed until further Parliamentary scrutiny can take place in the new session.

I would be grateful for your urgent consideration of the Committee’s recommendations, and for your early reply. For your reference, I enclose a copy of the Official Report of the meeting and would request your consideration of the significant number of detailed comments expressed by members.

In view of the impending dissolution of the Parliament I would be grateful if you could reply directly to the Clerk to the Committee, Tracey Hawe, at the above address. You may wish to note that the Committee has also decided to write to the Minister in similar terms, and to copy that letter to the Minister for Enterprise, Transport and Lifelong Learning in view of the educational aspects of the SAC’s role. You may also wish to note that the Committee has asked the Minister to consider releasing detailed costings and studies which underpinned Volume 2 of the report, as it believes that the consideration of the future of the SAC should be taken forward in an open and transparent manner. The Committee has also agreed to write to the convener of the Rural Development Committee’s successor committee recommending that it take up this matter immediately in the new Parliamentary session. Should you require any information on the potential mechanisms and timetable for any such inquiry please contact the Clerk to the Committee.

Yours sincerely

ALEX FERGUSSON MSP
Convener
Rural Development Committee
Dear Alex,

This is in response to your letter following your questioning of Ross Finnic, with regard to our Board’s plans for the rationalisation and restructuring of SAC.

Firstly, I have to say that it is a great pity that your committee, prior to tackling the Minister, did not consider taking evidence at length from a small SAC team which, in addition to myself speaking for the Board, would have included our Chief Executive, Finance Director and Director of Education. Your committee would have been much better informed of the crucial issues being faced, and most if not all of those raised by yourselves would have been clearly dealt with. With the purpose of securing an in-depth understanding, you are aware that we did invite all interested MSPs to a briefing meeting on 13 March. Only four attended, and the meeting lasted 20 minutes.

Full explanation is crucial and is without doubt best achieved through face-to-face dialogue. We would welcome an opportunity to proceed in this manner by presenting evidence to the Rural Development Committee at a mutually convenient time.

Meantime I would respond to your current points as follows.

1. “Process and timescale” of “moving towards a final decision”. Please be clear that defining the way forward for SAC has been the over-riding concern of my Board for well over two years. We have made a decision, after much careful thought, to recommend to the Minister and to our stakeholders that the preferred option outlined in the D & T phase 2 report should be taken forward to the business planning stage by our Executive Management Team. At a strategic level the SAC Board has endorsed the recommendations to:

- consolidate our education activities on the existing campus at Kings Buildings, Edinburgh, whilst maintaining satellite education capability in the North and West, the scale of which will depend on local demand, and will depend on the
development of appropriate partnerships with other education providers in those areas. We are exploring how best to deliver on a wider access basis in line with government policy.

- site most, but not all, of our R&D programme at the Bush Estate, Midlothian which is where many of our core R & D activities are already located. This will ensure an intellectual and operational “critical mass” for the development of applied research that our industry views as important. We intend to retain local regional resources where those are the most appropriate facilities for certain research programmes - for example dairy research at Dumfries and local ‘List Trial’ capability in Aberdeen.

The Board is unanimous in this decision and resolve in its pursuit, but we realise that we must secure SEERAD and wider political endorsement for the process. There is much important implementation detail to work out and, to that end, there will be much discussion with interested parties. We will of course amend our implementation plans appropriately in the light of those discussions, provided there are demonstrable benefits.

If the needs of local communities and their political representatives are such that SAC requires to amend its plans then SAC will look to government to finance any extra costs involved, and guarantee that those extra costs are met for the period of the plan (20 years). If such proposals were put to my Board we would, of course, give them due consideration, taking into account the strategic disadvantages inherent in the options which have been rejected.

2. "Many assumptions questionable" — “don’t recognise the vital functions of SAC”

I totally disagree with this assertion. The assumptions are based on robust rationale and (in D & T’s view, not ours) a considerably wider consultation has taken place than they have undertaken in any similar exercise. If you disagree with their view then, as Mr Finnie suggested, it is for your committee to be specific; generalities should be set aside. This is where good interactive dialogue between us would help in securing understanding and hopefully agreement by all interested parties.

The “vital functions” of SAC and their relevance to the rural sector were explored and articulated at length in D & T Phase 1. The stakeholder responses were very positive and the Board very happily accepted their steer to focus clearly on the land-based activities of rural Scotland. D & T Phase 2 focuses exclusively on evolving the structure that most effectively and efficiently delivers these “vital functions”. Your committee needs to study both reports in order to fully understand the findings.

We understand your concern for the “socio-economic impact” of campus closures, and we have already been working closely with Council Authorities and Local Enterprise Companies to seek alternative uses. Frankly that issue is political, not commercial, and is not an issue that my Board can resolve on its own or in the absence of a specific funding commitment from government. However, if such additional funding were to be put in place, then of course my Board would consider
that carefully, and would wish to work closely with the relevant authorities in order to address specific concerns.

Our priority is to seek for and implement the solution that secures the financial viability and capability of SAC to deliver effectively and efficiently its technology transfer remit for the good of all Scotland. My Board is in no doubt whatsoever that, following the clear independent advice of the D & T report, the most cost-effective option is to consolidate our academic activities on our existing sites in the Lothians, whilst retaining local capabilities in Education and R & D as appropriate in other areas of Scotland. You offer no objective evidence that warrants a reconsideration other than the general desire to decentralise some of the civil administration from Edinburgh. Whilst we may have sympathy for it, it is not my Board’s job to effect that policy when it would involve substantial additional cost.

With regards to redundancy letters recently issued, please note that, as yet, no redundancy letters have been issued as part of the restructuring proposals. Such letters will not be issued until a full operational implementation plan has been worked up in consultation with all those closely affected.

3. “no evidence of a structured programme of consultation” It would be useful to know with whom else we should have consulted on the strategy. Phase 1 was a huge exercise in stakeholder consultation involving over 10,000 contacts with stakeholders. The job now is for us to explain and to discuss our plans with our stakeholders. We are engaged in that process. There is much to do with regard to discussion on the crucial planning of the details of implementation, and we will be addressing this at various levels.

It is of note that the strategy secured the immediate public support of the RHASS, the NFUS, the Scottish Landowners’ Federation, and the Scottish Dairymans’ Association. Furthermore, the full 22 person combined senior and mid-management team is enthusiastically supportive of the strategy, as are the majority of staff in SAC, who, you should remember, are not based at Ayr or Aberdeen, but are dispersed widely around rural Scotland providing front line services to land-based communities.

4. You call for decision delay for new parliament to consider.

You should note that each month of delay in implementation costs SAC and the taxpayer over £300,000 per month. You should also note that SEERAD are planning to reduce our funding for Education for the next three years by 25%. Restructuring is an inevitable consequence of the very substantial real funding reductions experienced over recent years and the downturns in the fortunes of the agricultural industries.

Further funding reductions make it imperative that we engage immediately in restructuring radically to effect both the savings required and, at the same time, create for Scotland a strong, financially robust organisation well enabled to effect its technology transfer remit through its three integrated principal functions of Advisory & Consultancy, Research & Development, and Education.

To deliver that is the over-riding concern of my Board, and we are in little doubt that the adoption of the D & T plan will permit us to achieve this. However, we will be
happy to further discuss our proposals with the Rural Development Committee in early course, following the reassembly of the Parliament.

Yours sincerely

Maitland Mackle CBE LLD
Chairman
The Scottish Agricultural College

Thank you for giving evidence to the Committee earlier this week regarding the future of the Scottish Agricultural College.

As you know, the Committee has previously considered this matter in the context of petition PE 480 which called for the Parliament to urge the Scottish Executive to review the situation at SAC Auchincruive. Since considering that petition, the Committee has continued to monitor the developments at SAC. Although clearly constrained by the impending dissolution of the Parliament, the Committee was particularly concerned to consider the matter again following the recent publication of Volume 2 of the Deloitte & Touche report on the future delivery of SAC's services.

The Committee recognises that maintaining the status quo at the SAC is not a viable option. However, the Committee also expressed unanimous and very considerable concern about the course of action currently being pursued by the SAC board.

I am therefore writing on behalf of the Committee to follow up a number of issues raised by members at the meeting.

Firstly, the Committee remains unclear as to the extent of your responsibility for, and the level of your involvement in, the decisions to be made by the SAC on its future options for service delivery. The Committee notes your comments regarding both the independence of the Board, and the need for the Executive to ensure value for money in funding the SAC, but would be grateful for further clarification of these matters.

Secondly, the Committee welcomed your invitation for comments on the report to be submitted, and your indication that your own staff were raising a significant number of detailed questions with the SAC. The Committee would be grateful for further details of the timescale you anticipate for the consideration of responses to the report, and for the finalisation of decisions on the future of the SAC. This issue is of major concern to the Committee in the light of earlier indications that any consultation would be limited.
Thirdly, the Committee unanimously agreed that many of the assumptions underlying the report are questionable. In its view, a number of the assumptions do not adequately reflect appropriate evidence or adequately recognise the vital functions of the SAC both as an institution and as a crucial player in the agricultural community and economy. The Committee was also concerned to note the apparent lack of an assessment of the socio-economic impact of campus closures on surrounding communities, and considers that this factor should be taken into account in the decision. In light of this, the Committee unanimously agreed that centralisation of the SAC’s functions on Edinburgh was very obviously the least acceptable option available. The Committee has therefore strongly recommended that the SAC board reconsiders its decision and, in the interim, withdraws redundancy letters recently issued to staff. The Committee requests that you take steps to explore these issues with the staff and Board of the SAC before any final decisions are made.

Fourthly, the Committee noted your view that a final decision on the options by the SAC board was unlikely prior to the election on 1 May. However, as noted above, the Committee is particularly concerned that there is no evidence of a structured programme of consultation as an integral part of a transparent and open decision-making process. The Committee has therefore made a strong recommendation to the SAC board that a final decision should be delayed until further parliamentary scrutiny can take place in the new session. The Committee seeks your active support for this recommendation.

Finally, you will recall that you undertook to consider whether detailed costings and studies which underpinned Volume 2 of the report could be made available for any future Parliamentary scrutiny. I would be grateful to have your response on this matter. The Committee believes that it is imperative for the consideration of the future of the SAC to be taken forward in an open and transparent manner.

I would be grateful for your urgent consideration of these matters, and for your support for the Committee’s recommendations. For your reference, I enclose a copy of the Official Report of the meeting.

In view of the impending dissolution of the Parliament I would be grateful if you could reply directly to the Clerk to the Committee, Tracey Hawe, at the above address. You may wish to note that the Committee has written to the Chairman of the Board of SAC in similar terms, and will write to the convener of the Rural Development Committee’s successor committee recommending that it take up this matter immediately in the new session. In view of the educational aspects of the SAC’s role I am also copying this letter to Iain Gray, Minister for Enterprise, Transport and Lifelong Learning.

Yours sincerely

ALEX FERGUSSON MSP  
Convener  
Rural Development Committee
I refer to the letter of 28 March from Mr Alex Ferguson, then Convenor of the Rural Development Committee, following up a number of issues raised by members of the Committee as a result of their concern about the course of action currently being pursued by the Board of the Scottish Agricultural College in connection with its strategic review.

In his letter Mr Ferguson asks me to clarify the extent of Ministers’ responsibility for, and involvement in, the decisions to be made by SAC on its future options for service delivery. As I said, when I gave evidence to the Committee on 25 March, Ministers’ involvement in the decisions made by SAC on its strategic review is determined primarily by their responsibility for being satisfied that SAC delivers value for money in return for the considerable financial sponsorship it receives from the Scottish Executive Environment and Rural Affairs Department. That sponsorship includes revenue funding of approximately £18m per annum, but although Ministers can, therefore, influence SAC’s decisions - as SAC depends on the Executive for about 40% of its current income - SAC is a private company limited by guarantee and is not subject to strict Ministerial control.

Against that background, SAC needs to determine the best configuration for service delivery that is both operationally and financially sustainable and Ministers need to be satisfied that any reconfiguration proposed by SAC is the best way forward in meeting the Department’s and the taxpayers’ interests. That is why, despite the clear need for SAC to address its underlying severe financial problems, I have registered concerns with SAC about its proposals and have asked it to undertake additional work on its strategy for education services, on the financial viability and affordability of the options in the Deloitte and Touche Report, and on the need to relocate its services to the extent set out in that Report.
Mr Fergusson’s letter also raises points about consultation on SAC’s proposals and the timetable for further work and decision making. SAC has invited comments from staff and other stakeholders on the Option Appraisal Report on which the College’s preferred option is based by 14 April. Thereafter SAC has considerable work to do in responding to the issues I have raised and I expect it will take until June at the earliest, and possibly longer, before it submits revised proposals to Scottish Ministers.

The Committee was also concerned to note the apparent lack of an assessment of the socio-economic impact of campus closures. The Option Appraisal Report highlights that SAC currently has five times as much space as it needs and makes a powerful case for some form of rationalisation of the current configuration of SAC’s facilities. However, SAC’s advisory and consultancy staff, which account for nearly half of its total staff complement, will be unaffected by any reconfiguration. In addition, SAC plans to provide outreach education centres in the west and north-east. The socio-economic effect of its proposals will depend on the use for which the surplus assets it proposes to sell are put and therefore cannot be assessed at this stage.

I suggest that the issue raised in the Convenor’s letter about the withdrawal of redundancy letters is an operational matter for SAC. I also suggest that making available Volume 2 of the Options Appraisal Report is a matter primarily for SAC since it was the College that commissioned Deloitte & Touche.

I hope this reply will be of help to the Convenor and members of the Rural Development Committee’s successor Committee in the new Parliament.

ROSS FINNIE