The Committee will meet at 9.30 am in Committee Room 2, to consider the following agenda items:

1. **2003-04 Budget Process (in private):** The Committee will consider possible areas of questioning for witnesses as part of its consideration of the 2003-04 Budget Process.

2. **Item in Private:** The Committee will consider whether to take agenda item 7 in private.

3. **Subordinate Legislation:** The Committee will consider the following negative instruments—
   - The Financial Assistance for Environmental Purposes (Scotland) Order 2002, (SSI 2002/83)
   - The Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 2002, (SSI 2002/104)

4. **Public Petition:** The Committee will consider a response by the Minister for Environment and Rural Development to a letter from the Convener, on issues raised by Petition PE470 by Mr Anthony Jackson on behalf of the Munlochy Vigil on Genetically Modified Crops.

5. **Covenant Between Local Authorities and the Scottish Parliament:** The Committee will consider a draft covenant between local government and the Scottish Parliament, proposed by the Local Government Committee.

6. **2003-04 Budget Process:** The Committee will take evidence as part of its consideration of the 2003-04 Budget Process from—
   - Iain Docherty, Department of Urban Studies, Glasgow University
7. **Rail Inquiry:** The Committee will consider the names of possible witnesses for its inquiry into the rail industry in Scotland.

The following public papers are relevant for this meeting:

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<td>The Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 2002, (SSI 2002/104) (Agenda item 3)</td>
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<td>Letter from the Convener to the Minister for Environment and Rural Development on Petition PE470, and the Minister’s response (Agenda item 4)</td>
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<td>Letter from the Convener of the Local Government Committee, plus copy of the draft covenant between local government and the Scottish Parliament (Agenda item 5)</td>
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PETITION 470: GENETICALLY MODIFIED CROPS

At yesterday’s meeting, the Transport and the Environment Committee considered a petition from Mr Anthony Jackson on behalf of the Munlochy Vigil. This petition calls for the Scottish Parliament to take the necessary steps to (a) immediately end GM Farm Scale Evaluations and (b) debate the future handling of the GM crops issue in Scotland.

I understand the Scottish Executive’s position to be that releases of oilseed rape crop, including the trial at Munlochy, have only been permitted because of the explicit advice of the Scottish Executive’s expert advisory bodies that the crop can be grown on these sites in safety, both for the people living near the trial sites and for the wider environment. Furthermore, I understand that your position is that if there was any evidence that the crop posed threat to human health or the environment that you would not be prepared to permit the releases on these sites.

The Committee agreed that I should write to you, as a matter of urgency, to seek clarification on a number of issues in order that at its next meeting on 17 April, the Committee can consider what further action it wishes to take. Accordingly, I should be grateful if you would provide comprehensive responses to the following issues by 11 April 2002:

- Firstly, can you outline what is the nature of the crop trial at Munlochy; the process under which consent for this trial site was given; the purpose of the trial and what monitoring and safety mechanisms are being employed on an ongoing basis.

- Several members of the Committee cited a number of pieces of research which purportedly raise new concerns about the harmful effect of the growing of GM crops on the environment and for public health. Among the bodies cited as conducting such research were English Nature (including references to Canadian research), the Royal Society, the European Environment Agency, and the New Zealand Royal Commission on Genetic Modification (including the submission of
researchers from Massey University). The Committee wishes to be reassured that the Executive’s policy on GMOs takes full cognisance of emerging scientific evidence. Can you therefore inform me of the Executive’s position on each of the pieces of evidence cited above. Furthermore, can you provide an assurance that the advice you received from advisory bodies, prior to you approving the latest releases of GM oilseed rape crops, took into account these pieces of research.

- Can you confirm what powers the Scottish Executive has under the relevant European Directives in respect to GM trials and, specifically, what powers you have to intervene should there be any evidence that the trials pose a threat to human health or the environment.

- Can you inform me what representations the Scottish Executive has made to HM Government or to the European Commission in respect of licensing crops in the light of emerging scientific evidence and the data from the existing Scottish field trials.

- Can you provide information as to who would be legally responsible should there be a legal action relating to the field trials.

I shall also be writing to the European Commission Environment Directorate-General on the wider issues concerning GM policy.

I recognise that I have asked you to provide responses to a number of detailed issues in a constrained time period. I know, however, that you are fully aware of the high level of public concern about the GM crop trials at Munlochy and elsewhere in Scotland. Accordingly, I consider that is important that members of the Transport and the Environment Committee are properly informed of the issues prior to the Committee next considering this petition on 17 April.

I am copying this letter to the members of the Committee and Margaret Smith MSP, Convener of the Health and Community Care Committee. I should be grateful if you would ensure that your response is copied Ms Smith and the clerk to the Transport and the Environment Committee.

Yours sincerely

Bristow Muldoon MSP
Convener
PETITION 470: GENETICALLY MODIFIED CROPS

Thank you for your recent letter which seeks clarification of a number of issues arising from your consideration of the above petition. I welcome the opportunity to respond in detail to the five issues the Committee has raised.

However, before doing so I would remind the Committee of their previous inquiry and report into genetically modified organisms (Petition PE 51). That report and the subsequent Parliamentary debate supported a precautionary approach to GM releases and recognised in the context of the European legislative framework a role for farm scale trials in a cautious but not unnecessarily restrictive approach to GM development.

Petition 470 is concerned with the deliberate release of genetically modified organisms (GMOs) for research and development, including the farm scale evaluation programme. In particular, it advocates the consideration of possible new evidence which may have consequences for the risk posed by a particular release. It may be helpful to summarise the regulatory position for the benefit of your Committee Members.

The deliberate release of GMOs for research and development is governed by Part B of Directive 90/220/EEC. This, together with the implementing UK legislation, aims to prevent danger to human health and damage to the environment by establishing a statutory system of risk assessment and prior consent, before any GMO can be released. Only if the risks are assessed as negligible will the release be granted consent. Applications for individual sites to be included on the farm scale evaluation programme must comply with the Part B requirements. The Directive is soon to be replaced but the principles are retained in the new Directive 2001/18/EC.

Deliberate release of GM crops in Scotland, both for research and development and marketing is a devolved responsibility of the Scottish Executive within the confines of the overarching European law. It is for Scottish Ministers to decide, on the basis of the advice of statutory expert advisers whether or not to grant consents for Scottish trials of GM crops. Article 6 of Directive 90/220/EEC gives the Scottish Executive powers to modify the conditions of, suspend or terminate a release for research and development (including farm scale trials) where information becomes available subsequently which could have significant consequences for the risks posed by the release.

It is important to recognise that the entire release process is underpinned by a detailed risk assessment which, to the best of current scientific knowledge, examines and evaluates the possible harmful consequences of releasing a particular GMO on a case by case basis. An important question which is considered in depth each time an application to release a GM plant is made is whether the GM crop will pose any more of a risk to the environment than an equivalent conventional crop. The Chairman of the Advisory Committee on Releases to the Environment (ACRE), Professor Alan Gray said at the publication of ACRE’s seventh annual report that “ACRE remains confident that the current GM crops on which we have advised pose no greater risk to health or the environment than non-GM varieties”.

The Scottish Executive is required to operate within governing European and domestic law. Under existing law, a moratorium or refusal to grant deliberate release consent would be illegal unless based on sound scientific evidence of potential harm.

The Scottish Executive, as competent authority, has no role in promoting the planting of GM crops. However, the Scottish Executive will give consent based on scientific advice as required by EU and UK law. Trials are not, and will not be, permitted if our expert advisers are not satisfied that a wide and rigorous series of safety assessments have been completed satisfactorily.

I now turn to the specific issues you have raised. I will deal with each in the order listed in your letter.

1. **Firstly, can you outline what is the nature of the crop trial at Munlochy; the process under which the consent for this trial was given; the purpose of the trial and what monitoring and safety mechanisms are being employed on an ongoing basis?**

The crop trial at Munlochy is part of the UK farm scale evaluation (FSE) programme which is a three-year [four years including the pilot year] research programme designed to assess the impact on the environment of the agricultural practices used to grow certain GM crops on a commercial scale. 2002 is the final year of the programme. Spring crops planted between March and May will be harvested in the autumn. Autumn 2002 sowings will be harvested in late summer 2003. Individual fields are only used once, although sites are monitored for a further year after harvest.

I have already outlined the regulatory process and necessary considerations before approval is given to release a GMO into the environment. The release of winter GM oilseed rape as part of the FSE programme at Rothienorman, Daviot and Munlochy is covered by consent 01/R33/11S, dated 23 July 2001 issued under Section 111(1) of the EPA. This consent, like other consents, is available for inspection on the GMO public register maintained by DEFRA under Section 122 of the EPA, a copy of which is held by the Scottish Executive.
The crop being grown at Munlochy, and other sites across the UK, is a variety of winter GM oilseed rape which has been modified to be resistant to the herbicide, glufosinate ammonium. A control crop of non-GM plants is being cultivated adjacent to the GM crop. Farming these particular GM crops requires the application of herbicides in ways which have not been used on fields of this size before. This has given rise to some concerns about whether growing GM crops could be more detrimental to farmland wildlife than conventional agriculture. The trials will help assess this. They are not testing the safety of the GM crops.

During the growing season, field researchers from the Scottish Crop Research Institute (SCRI) monitor and compare a number of key indicators of biodiversity including weed species, insects and the soil seed bank in the GM and non-GM sides of the field and the field margins. Researchers, from the Centre for Ecology and Hydrology and Central Science Laboratory, are also looking at how pollen travels from the GM crop into the non-GM part of the field and to wild relatives of rape in the vicinity of the trial. Results from all the UK trials sites will be collated upon completion of the programme. Thereafter, results will be peer-reviewed by other experts in the field and published in a scientific journal. The essential aim of the FSE programme is to provide ecological data to help inform wider decisions on possible commercial growing of GM crops in the future.

All releases of genetically modified organisms into the environment are governed by the limitations and conditions of the particular consent and compliance is monitored by inspectors appointed under Section 114 of the EPA. Inspectors from the Scottish Agricultural Science Agency (SASA) carry out this function on behalf of Scottish Ministers. Failure to comply with the terms of the consent may result in the suspension or withdrawal of the consent under Section 111(10) of the EPA. SASA inspectors check compliance with the terms of the consent and they would also pick up any unexpected occurrences in relation to the release. They are satisfied that there has been no breach of the consent and no new evidence of risk at Munlochy or other Scottish release sites.

The terms of consent issued under Section 112 of the EPA require the consent holder to provide the Scottish Executive with monitoring reports one month and a second report one year after the termination (harvest) of the release. The consent holder is also required to notify the Scottish Executive immediately, if at any time it appears that any risks are more serious than were apparent when the consent was granted.

2. **The Committee wishes to be reassured that the Executive’s policy on GMOs takes full cognisance of emerging scientific evidence etc.**

There is a statutory requirement on the holder of a consent to release a genetically modified organism to inform the relevant authorities if any new information comes to light which affects the assessment of risk posed by the GMO.

ACRE also monitor new research results and consider the implications of the new information on their advice on the assessment of risks of both existing and new consents. The consent covering the oil seed rape in the farm scale evaluations and the specific release site at Munlochy are included in such considerations.

No new potential hazards have been identified in recent studies although in some cases more detailed information of previously considered risks have been published.

No previously unknown hazards associated with growing genetically modified plants have been raised since the farm-scale trial was approved at Munlochy. Scientists in the regulatory authority and ACRE consider new information as it is published to evaluate whether it has any implications for risk assessment for both new applications and in relation to existing consents. The four documents mentioned in the petition are described below.
2A. **English Nature Commissioned Report 05/02/2002: Gene stacking - lessons from Canada.**

This report documents the experiences in Canada, where three novel types of herbicide tolerant oil seed rape are in commercial production. Each gives tolerance to a different herbicide, one is the product of conventional breeding, the other two are genetically modified. Volunteer and feral oil seed rape plants have been found which have tolerance to more than one herbicide. This accumulation of genetic traits is called ‘gene stacking’. This is a consequence of cross-pollination between different transgenic oilseed rape lines, modified with different herbicide tolerant genes. For ‘gene stacking’ to occur therefore, pollination must occur across the distance separating two transgenic varieties grown at the same time or between transgenic volunteer plants (germinated from seeds shed in a previous year) and a current herbicide resistant crop. The plants found in Canada are able to be controlled by normal agronomic practices and other herbicides.

The regulatory authorities and ACRE have always been aware of the issue of gene stacking and its possibility is always considered as part of the risk assessment. In the UK only one herbicide tolerant GM trait in oilseed rape is being trialled in the farm scale evaluations. So gene stacking is not an issue. Should a different herbicide tolerance in oil seed rape be promulgated the issue of gene stacking will be considered.

With respect to the Munlochy trial, no other transgenic oilseed rape crop carrying a different herbicide resistance is being grown in Ross-shire. In addition, consent for the trial was given under the condition that ‘measures were taken to minimise the production of volunteers, including hybrids containing tolerance to more than one herbicide’.

ACRE considered the implications of this report at their meeting on 21 February 2002. The Committee felt the problem was not a question of ‘superweeds’ but one of control of volunteers in agriculture.


This report considers the possible implications of genetically modified plants on human health. This report finds no evidence for harmful effects of the currently approved GM foods on human health and supports the continuation of research to assess the potential of GM plants. The report found no evidence that the currently available GM foods cause allergic reactions or that pollen from GM crops poses any greater threat than that from conventional crops, but recommended that allergenicity is considered as part of the regulatory process. The report proposes that there be a formal assessment of the allergic risks posed by inhalation of pollen (and dust) from both conventional and transgenic crops.

The allergenic properties of the GM rape in the farm scale evaluations have been evaluated in the risk assessment. The Royal Society report did not provide any new evidence relevant to that assessment. The oilseed rape grown at Munlochy will not be put into human food or animal feed.

2C. **Environmental Issue Report no. 28 for the European Science Foundation and the European Environment Agency : Genetically Modified Organisms (GMOs) : The Significance of Gene Flow through Pollen Transfer (Katie Eastham and Jeremy Sweet).**

This is a useful review document, but it does not present any new data. The report includes published research that relates to the potential of oilseed rape to cross with other oilseed rape plants and with wild relatives. Oilseed rape was rated as a high risk crop in terms of gene flow from crop to crop and from crop to wild relative. The authors made particular mention of the potential for an increased frequency of gene transfer from genetically modified plants to male sterile oilseed rape.
varieties. This occurs because the transgenic pollen has no competition from these male sterile plants.

ACRE had considered all these aspects of gene flow when assessing Aventis’s application to trial the transgenic oilseed rape crop at Munlochy.

The authors of the Environmental Issue Report also concluded that the current understanding of sexual barriers between oilseed rape and related species is not sufficient to predict what hybrids can form and what their persistence in the environment would be. Until sufficient data is available the authors suggest that risk assessments be carried out taking into consideration the ‘specific trait introduced, the biology of the plant and the agricultural context’. These three areas are fully addressed before any genetically modified organism is released into the environment. In the case of the Munlochy trial consideration was given to the environmental impact of the oilseed rape hybridising with wild relatives both at the release site and at Munlochy Bay.


The New Zealand Government set up this Commission to consider specific areas relating to genetic modification. These included cultural and ethical issues as well as scientific ones. Formal hearings took place over a 13-week period; in addition there were numerous public consultations in regional centres. The report reviews currently available information and does not present any new information.

The report identifies the major concerns with respect to transgenic oilseed rape. These are associated with gene flow between crops and wild relatives and the possibility of conferred herbicide tolerance. Gene flow can occur through transfer of pollen by wind or insects. More generic issues included the molecular characteristics of transgenes inserted into crop plants and the possible implication for genome stability. ACRE was already aware of all these issues and when assessing a dossier considers the characteristics of inserted DNA, both physically and its level of expression as well as stability in successive generations.

2E. ACRE Note on new research.

Enclosed as an Appendix to this letter is a note from the ACRE Secretariat dated 8 April 2002, which considers the four pieces of research on which your Committee sought urgent clarification. ACRE remain satisfied that no new information has come to light which has implications for the safety of the trial being carried out at Munlochy, or other FSE sites in Scotland. I would be grateful if you could draw this to the attention of your Committee.

3. Can you confirm what powers the Scottish Executive has under the relevant European Directives in respect of GM trials and, specifically, what powers you have to intervene should there be any evidence that the trials pose a threat to human health or the environment.

As I have explained the deliberate release of GM crops in Scotland is a devolved responsibility of the Scottish Executive within the confines of overarching European law.

Article 6(6) of Directive 90/220/EEC, and Section 111(10) of the EPA, give the Scottish Executive powers to modify, suspend or terminate a release for research and development, including farm scale evaluations where new evidence becomes available which could have significant consequences for the risks posed by the release. Any such new evidence would be evaluated by the scientific advisers to Ministers. Dependent upon the nature of the evidence highlighted, that advice could come from the Advisory Committee on Releases to the Environment (ACRE), the Health & Safety Executive,
the Food Standards Agency or Scottish Natural Heritage. If the conclusions of those advisers was that evidence did indeed suggest that a particular GM release could harm human health or the environment then I would have no hesitation in withdrawing consent for the release.

4. **Can you inform me what representations the Scottish Executive has made to HM Government or to the European Commission in respect of licensing crops in the light of emerging scientific evidence and the data from the existing Scottish field trials?**

ACRE, in discharging its statutory duty to provide the best quality advice to Ministers continues to take into account the latest scientific evidence and developments. ACRE routinely presents advice to government on new evidence which may call into question the safety of, or risk posed, by a current or proposed release. ACRE advice, which is published on the Internet, is then considered by the Scottish Executive in the context of GM crop trials and the farm scale evaluation programme.

A number of reported allegations about leaked results from the farm scale evaluations claim to indicate that the trials of GM oilseed rape are damaging the environment. In fact no interim results from the ecological studies yet exist for any of the crops which are being assessed as part of the UK farm scale evaluation programme. The data from the three years of field trials will be collated upon completion of the programme and the results will be peer reviewed and published thereafter. At that stage the Scottish Executive will be in a position to determine how to respond to the results.

To date no evidence has emerged which might call into question the safety of any of the Scottish trials. As a result, the Scottish Executive has made no representations to the UK Government or Europe over what has been described as emerging scientific evidence. If any such evidence does emerge, the Scottish Executive will of course report it immediately to the UK Government and the European Commission.

The UK Government remains equally satisfied on this point.

5. **Can you provide information as to who would be legally responsible should there be a legal action relating to field trials?**

There are currently no provisions within Scots or UK law expressly covering liability for damage caused specifically by genetically modified organisms including GM crops. Under the EPA there are powers to prosecute where the limitations and conditions attached to a deliberate release consent are breached. Under common law, there is recourse for damages resulting from any possible negligence and nuisance. The ability of an individual to secure restoration for any alleged damage caused by GMO releases has not been tested in the courts.

I trust this explanation is of assistance to your Committee. I have arranged to forward copies of this reply to Margaret Smith MSP, Chair of the Health and Community Care Committee, and to the clerk to the Transport and the Environment Committee.

ROSS FINNIE
The Advisory Committee on Releases to the Environment

The Advisory Committee on Releases to the Environment (ACRE) carefully monitors new information about the risks of genetically modified organisms. Where new information has implications for advice ACRE has given on an existing consent this is reviewed and further advice given if necessary.

Since advice was given on the Munlochy site no new information has come to light which has implications for the safety of the trial being carried out at this particular location or any of the other farm scale evaluation sites in Scotland.

The four documents cited for particular attention were:


  ACRE considered this document on 21 February 2002. The potential issue of gene stacking of herbicide tolerance was identified by ACRE in the early 1990s and is always taken into account in assessing risks. The English Nature commissioned report documents the incidence of herbicide tolerance gene-stacking in practice in commercial crops of oilseed rape in Canada, but does not identify any new issues. Gene stacking is not an issue at Munlochy, as the trial involves only one type of herbicide tolerant GM rape.


  This report reviews the safety of the currently available GM foods and plants on human health. The report found no evidence that such GM foods cause allergic reactions or that GM pollen poses any greater hazard than pollen from conventional crops. The report does not present any new information that has safety implications for the farm scale site at Munlochy. The oilseed rape at Munlochy will not be put into the human food or animal feed chain.

- **Environmental Issue Report** no. 28 for the European Science Foundation and the European Environment Agency: Genetically Modified Organisms (GMOs): The Significance of Gene Flow through Pollen Transfer (Katie Eastham and Jeremy Sweet).

  This is a valuable review of currently available information on gene flow but does not present any new information or any information which was not available to the committee when they gave advice on the site at Munlochy.


  This report reviews currently available information on genetic modification and does not present any information which would lead to a re-assessment of the risks of the oil-seed rape in the trial at Munlochy. The report considers issues related to gene flow between crops, molecular characterisation of transgenes and genome stability. ACRE took all these issues into account when the Committee gave advice.

ACRE Secretariat
9 April 2002
Letter sent to all subject committee Conveners

6 March 2002

Dear Convener

Covenant between local government and the Scottish Parliament

You may recall that the report of the Commission on local government and the Scottish Parliament (The McIntosh Report) recommended, amongst other things, the establishment of a covenant and joint standing conference between local government and the Scottish Parliament.

Since the establishment of the Parliament, representatives of COSLA, on behalf of local government, and the Local Government Committee have been working towards the establishment of such a Covenant and joint standing conference. I am pleased to say that the attached draft document, which has resulted from that work, has now been endorsed by COSLA on behalf of its member councils and has also been passed for information to those councils who are currently not in membership. The draft text has been approved by the Parliament’s Legal Office.

The Local Government Committee agreed some time ago that once it had been signed off by representatives of local government, the Parliament’s subject committees together with the Procedures Committee should be invited to consider and, if appropriate, comment on the draft document. Thereafter, it is intended that the Covenant should become a topic for committee business in the Chamber, with an accompanying motion that the Parliament approves the Covenant.

I would be grateful if you would arrange for your committee to consider the draft document, and make comments on it if you wish to do so. Comments should be made in writing to Eugene Windsor, Clerk to the Local Government Committee, before Friday 26 April.

cont/
Copies of this letter go to Carol Devon, Director of Clerking and Reporting, Ann Nelson, Director of Legal Services, Elizabeth Watson, Head of Committee Office, Ken Hughes, Head of Chamber Office and the Clerks to the Committees referred to.

Yours sincerely

Trish Godman
Convener – Local Government Committee

cc:
Carol Devon, Director of Clerking and Reporting
Ann Nelson, Director of Legal Services
Elizabeth Watson, Head of Committee Office
Ken Hughes, Head of Chamber Office
Clerks to the Committee
THE SCOTTISH PARLIAMENT AND LOCAL GOVERNMENT WORKING TOGETHER

"THE COVENANT"

COVENANT DEFINING WORKING RELATIONSHIPS AND THE ESTABLISHMENT OF A STANDING JOINT CONFERENCE
INTRODUCTION

1. This Covenant which has been adopted by the Scottish Parliament and Local Government is founded upon a recommendation from the McIntosh Commission which stated that:-

   the Parliament and the 32 councils should commit themselves to a joint agreement – which we call a Covenant – setting out the basis of their working relationship; and that they should set up a standing Joint Conference to be a place where parliamentarians and local government representatives may hold a dialogue on a basis of equality.

BACKGROUND

2. Councils, like Parliament, are democratically elected and consequently have their own legitimacy as part of the whole system of governance.

3. It is therefore essential and entirely in keeping with the power sharing and participation principles of devolution that the Parliament should develop a working relationship directly with local government.

4. Based on parity of esteem and the principles underlying the European Charter of Local Self Government, (text of the Charter is annexed) this Covenant sets out the understanding of, on the one hand the Scottish Parliament and on the other local government, of the principles that will underlie relations between them.

5. The arrangements acknowledge the need for the parties to work together in an atmosphere of mutual trust and respect, recognising the value and legitimacy of the role that both have to play in the governance of Scotland.

6. This Covenant does not constitute a legally enforceable contract or create any rights or obligations that are legally enforceable. It is intended to be a broad guidance document, binding in honour only and not an exhaustive text of those issues that might arise.

7. The Covenant is therefore founded upon mutual respect, with a “Code of Operational Practices” covering recognition and relationships while a Standing Joint Conference will monitor review and renew the arrangements as appropriate.

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1 In this document, the "Scottish Parliament" means the Scottish Parliament and the powers devolved to it in terms of the Scotland Act 1998, and "local government" means the councils constituted under the Local Government Acts and COSLA as the representative organ.
8. In furtherance of the European Charter of Local Self Government the Parliament recognises the need to secure and maintain a strong and effective system of local government based on their parity of esteem and the principal of subsidiarity, underlying the European Charter of Local Self-Government. The parties also acknowledge and respect each other’s roles and functions, which are distinct and complementary:

- Within the powers conferred by the Scotland Act 1998 the Parliament has responsibility for determining the powers and duties of local government, while the Executive has responsibility for setting the national framework for local service provision.

- Councils have a democratic mandate to ascertain the needs of their communities and the priorities of their electorates; to plan, co-ordinate and ensure the delivery of local services accordingly, within the legal framework laid down by Parliament.

9. It is inherent in the McIntosh report that the Parliament, Executive and local government have a shared responsibility to serve the people of Scotland; and it is the clear intention of the report’s recommendations that so far as possible these several institutions should work in partnership towards this common objective.

10. The parties agree that for the relationship to be effective and meaningful it has as the core objective the establishment of operational arrangements which ensure that local government is fully engaged in all relevant aspects of the Parliament’s work and that working together, sharing information, experiences and views is integral to the whole process.

11. Noting that Her Majesty’s government has signed and ratified the European Charter of Local Self-Government, the parties also agree to work within the framework established by the Charter.

12. The parties agree to work to the Code of Operational Practice set out below.

13. The Covenant may be subject to review from time to time at the initiative of either party.

14. This Code has at its core objective the establishment of clearly defined processes and procedures for engaging local government in all relevant aspects of the Parliament’s work.

15. Primarily through the Parliament’s committee arrangements there will be active involvement of local government on both the principle and practice of any proposals which impact upon local government.

16. The procedures adopted by the Scottish Parliament provide for a high level of consultation and discussion at all stages of the preparation and consideration of legislation, involving interested
bodies and individuals, the Executive and committees of the Parliament. Within that framework -

- The Parliament via its committee arrangements undertakes to facilitate consultation with local government on all proposals which affect or might affect the structure, role, functions and financing of local government. The financial effects of policy and legislative proposals on local government will be given specific attention; as will the impact of cross-cutting developments which span a number of service or policy areas.

- Local government undertakes to provide a considered, co-ordinated and timely response to issues on which it is consulted.

- The Parliament and Local Government undertake to respect confidentiality where that is required or requested; and otherwise to conduct their dialogue openly.

- Consultation with local government will involve both COSLA and individual councils, on the understanding that, where appropriate and applicable, COSLA will undertake to provide a co-ordinated response which takes account of the views of the individual councils. On certain specialised topics some councils will have an interest and others will not: in these cases COSLA will facilitate more targeted consultation.

- Local government will be invited to submit views on the likely costs associated with legislative and other changes which impact on the services provided by local government.

- There will be opportunities for local government to bring to the Parliament's notice matters on which local government wishes to see legislation introduced or existing legislation amended.

- The parties will support arrangements where appropriate for secondments and/or regular job exchanges between local government officers and Parliamentary staff.

17. The working arrangements will require to evolve as the relationship between the Parliament and local government develops. However, the above represents the anticipated minimum level of participation of local government.

**LOCAL GOVERNMENT COMMITTEE**

18. The following arrangements will operate in relation to working arrangements between the Parliament's Local Government Committee and local government, although they may also be taken up in whole or in part by any of the Parliament's committees:

- observer status for the Committee at COSLA meetings, with an understanding that observers may be excluded where required at private meetings.

- observer status for COSLA at meetings of the Local Government Committee, with an understanding that observers may be excluded where required at private meetings.

- regular meetings between the Committee and Council Leaders to consider issues of mutual interest.
• regular programme of visits to councils by the Committee or their representatives, although specific ground rules need to be set out and agreed for arranging and reporting back on visits.

**MONITORING THE AGREEMENTS**

**REVIEW AND RENEW**

19. In recognition of the key role that local government plays in the governance of Scotland, a Standing Joint Conference will be established with equal numbers (not more than 16 from each side) of representatives from Parliament and local government.

20. The Parliamentary membership of the Conference may include conveners of the Parliament’s Committees and local government membership will be selected annually so that each council will be directly represented during a three year period and the selection process will have regard to the political balance of councils and geographical spread.

21. The main functions of the Conference are to:

- **Review** how the procedures set out within the Covenant are operating in practice and make proposals to **renew** the arrangements where appropriate.

- **Review** how the Partnership Agreement between the Executive and local government is operating in practice and make proposals for changes / improvements where appropriate.

- **Renew** and work towards the promotion of excellence in Government as a whole by improving governance and public service standards across the board. Exploit the opportunity for Parliament and local government to exchange ideas, review existing policy, discuss future policy and consider the impact of legislative changes. Consider views of a strategic nature as well as those of more immediate interest.

22. The Conference will develop its own set of agreed working practices, including the establishment of a clear work programme, procedures and protocols, however the following specific arrangements will apply:

- Conference meetings will be jointly chaired and will be serviced by a secretariat drawn from the Scottish Parliament and Local Government

- Conference meetings will be held on at least 2 occasions per year (provisionally April and October) with arrangements being made for special meetings as required

- Members of either side can initiate a special meeting of the Conference by presenting a notice of motion signed by at least 5 members of the Conference.

- Policy issues impacting upon local or central government services may be placed on the agenda by either side

- With agreement of the joint chairs any Minister, MSP, council or relevant body or person with a specific interest, has the right to submit papers on agenda items, or to be invited to attend and address the Conference
THE SCOTTISH PARLIAMENT AND LOCAL GOVERNMENT

“THE COVENANT”

OPERATIONAL ASPECTS CODE OF OPERATIONAL PRACTICES

RECOGNITION

RELATIONSHIPS

FOUNDATION OF COVENANT

RESPECT

REVIEW

RENEW

MONITORING THE COVENANT STANDING JOINT CONFERENCE