The Committee will meet at 9.15 am in Committee Room 1 to consider the following agenda items:

1. **Building (Scotland) Bill (in private):** The Committee will consider possible lines of questioning for witnesses.


3. **Items in private:** The Committee will consider whether to take agenda item 6 in private.

4. **Building (Scotland) Bill:** The Committee will take evidence at Stage 1 on the general principles of the Building (Scotland) Bill from—

   - Heather Fiskin, Policy Analyst, Disability Rights Commission
   - Glyn Evans, Advisory Council, Fire Protection Association
   - Trisha McAuley, Head of Corporate Services, Scottish Consumer Council
   - Bob Christie, Head of Policy, COSLA
   - Bob Renton, Secretary, Scottish Association of Chief Building Control Officers
   - Iain Ross, President, Scottish Association of Chief Building Control Officers.

5. **2003-04 Budget Process:** The Committee will take evidence as part of its consideration of the 2003-04 budget process at Stage 2 from—

   - Iain Gray, Minister for Enterprise, Transport and Lifelong Learning
6. **2003-04 Budget Process (in private):** The Committee will consider the evidence it has taken as part of its consideration of the 2003-04 budget process at Stage 2.

The following papers are attached for this meeting:

<table>
<thead>
<tr>
<th>Title</th>
<th>Reference</th>
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<tbody>
<tr>
<td>Briefing Paper from SPICe on the Building (Scotland) Bill (private paper)</td>
<td>TE/02/30/1 (to follow)</td>
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<tr>
<td>Submission from Disability Rights Commission</td>
<td>TE/02/30/2</td>
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<tr>
<td>Submission from the Fire Protection Association</td>
<td>TE/02/30/3</td>
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<td>Submission from the Scottish Consumer Council</td>
<td>TE/02/30/4</td>
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<td>Submission from COSLA</td>
<td>TE/02/30/5</td>
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<tr>
<td>Submission from the Scottish Association of Chief Building Control Officers</td>
<td>TE/02/30/6</td>
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<tr>
<td>Paper by the Committee’s adviser on the 2003-04 transport budget (private paper)</td>
<td>TE/02/30/7 (to follow)</td>
</tr>
<tr>
<td>Extract from the Scottish Executive publication ‘Closing the Opportunity Gap’ Scottish Budget for 2003 –2006</td>
<td>TE/02/30/8</td>
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Papers not circulated:

**Agenda item 4**
Members are reminded to bring the SPICe briefing note on the Building (Scotland) Bill which was issued with the meeting papers for Meeting 28 (plus the Bill; Policy Memorandum and Explanatory Notes which were circulated as part of the papers for Meeting 26).

**Agenda item 5**
Members are reminded to bring a copy of the Executive’s 2003-2006 Spending Proposals: “Building a Better Scotland” and the correspondence between the Convener and the Minister for Enterprise, Transport and Lifelong Learning on the 2003-04 transport budget. These documents were circulated as part of the papers for Meeting 27.
The Disability Rights Commission

The Disability Rights Commission (DRC) is pleased to have this opportunity to submit evidence to the Transport and Environment Committee on the Building (Scotland) Bill.

The DRC was established by statute as a Non Departmental Public Body in 1999 and launched in April 2000. Our goal is ‘a society where all disabled people can participate fully as equal citizens’.

We are committed to the effective delivery of disabled people’s rights across Scotland and Great Britain. The DRC Scotland Office aims to ensure that Scottish issues are to the fore of the Commission’s work across Britain, and that the establishment of the Scottish Parliament and the opportunities it affords for the promotion of equal opportunities in Scotland are utilised fully.

The Built Environment and Disabled People

There are some 800,000 disabled people in Scotland, approximately one in seven of the population. Inaccessible built environments are undoubtedly one of the major contributory factors to disability discrimination in society today. An inaccessible or badly designed built environment can prevent disabled people from participating and benefiting from opportunities alongside, and on an equal basis to, the rest of society.

Inaccessible buildings are not only those that a disabled person cannot approach and enter, they include buildings which are badly managed and maintained, badly designed, where access is undignified or segregated or where the facilities available to others are not available or not readily available to disabled people.

1 Disability in Scotland, A Baseline Study – Riddell and Banks, DRC 2001
Buildings that make it harder, more frustrating, more expensive and more time consuming for a disabled person to use may be deemed to be accessible, in the broadest sense of the word, but they cannot be considered either usable or inclusive. For example, where you ring a bell on the street and wait in the rain for assistance for 20 minutes, where you have to depend on someone else to open doors because they are too heavy or facing the wrong way, where you can get into a small lift but cannot reach the lift buttons or where the gradient of the ramp is so steep that it is potentially hazardous.

Badly designed, built and maintained environments have a negative impact on many aspects of everyday life. Employment, education, housing, leisure activities, participation in public life, access to services including essential services such as health can all be out of reach or less readily available for disabled people.

The Built Environment and others
It is important to highlight also that it is not only disabled people who are disadvantaged by inaccessible and unusable built environments. The elderly and young children as well as the families, friends and carers of disabled people are also disadvantaged. Service providers may fail in their duties under the DDA and face court action (see The Building Bill and the DDA, below), traders may lose vital business to competitors who provide a more accessible environment, employers may have to make expensive alterations to buildings in order to recruit the best person for the job or face a court case under the DDA and the political and democratic process will not be representative of the full spectrum of Scotland’s society in the 21st Century if disabled people cannot participate as councillors, MSP’s or at the polling booth.

The Building Bill and the Disability Discrimination Act 1995
One of the duties of the DRC is to monitor and review the Disability Discrimination Act 1995 (DDA) in practice. From 1st October 2004 a new duty in Part III DDA, Rights of Access Goods, Facilities, Services and Premises comes into force. The duty is placed on service providers to ensure that if a ‘physical feature’ makes it impossible or unreasonably difficult for disabled people to make use of any service which is offered to the public, they must take reasonable steps to remove the feature, alter it, provide a reasonable means of avoiding the feature or provide a reasonable alternative means of providing that service.

At present, disabled people in Scotland benefit, albeit to varying degrees, from those elements of the Technical Standards that place a duty on
building owners to ensure a minimum standard of access. It will be important for the Building Bill to provide the framework through which buildings will be required to address access for disabled people and to give clear guidance to builders and building owners on how to achieve this.

In particular, developers who create buildings to lease or sell to businesses and other service providers may find, following 1st October 2004, that service providers are not be prepared to buy or lease their properties if they do not provide an exemplary level of accessibility or usability. Service providers, who are the responsible party under the DDA, not to discriminate against disabled people, will prefer the buildings they occupy or own to be accessible.

European Year of Disabled People (2003)
In 1981, the International Year of Disabled People, Local Authorities in Scotland were encouraged to create the position of Local Access Officer. Generally, this role was an add-on for one of the existing Building Control Officers. Over time, many Local Access Officers forged productive relationships with Access Panels in their area and have achieved success in promoting accessibility and usability. However this picture is not consistent throughout Scotland – some Local Authority’s have no dedicated access officer and no provision to support or work with a Local Access Panel, should one exist in that area.

2003 is the European Year of Disabled People and a timely reminder of 1981. We hope that practice following enactment of this Bill will contribute to continuing the good practice evident in some areas and to spreading the coverage of such to the rest of Scotland.

2. Disability Rights Commission Comment on the Building Bill
The Building Act 1959 and the Technical Standards contribute a key element in achieving a level of physical access to the built environment for disabled people in Scotland. The Building Bill, when enacted, will have a pivotal role to play to achieve buildings that are both accessible and usable through underpinning the rights of access of disabled people enshrined in the DDA (see above).

We fully appreciate the need for changes to be made to the system of building control in Scotland given the age of the current legislation and the impact of EU legislation. The Bill incorporates a number of new developments, which are welcome, and we recognise that the intention is to make the system more streamlined and to encourage innovation.

However, the Bill has implications for access for disabled people to the built environment given the changes to the hierarchy and the introduction of new roles and responsibilities to take forward the system of building standards in Scotland. Our major concern has arisen from the change whereby the mandatory status of the Technical Standards has been reset to guidance level. We believe that to redress this loss it would be helpful if inclusion of access and usability for disabled people were explicitly covered by reference in the functional standards in such manner as to ensure that they are clear enough for the courts to determine whether the design and construction of a building has fulfilled that particular function.

We urge that access issues for disabled people and the perspective of disabled people in Scotland are reflected upon fully as part of Parliament’s consideration of this Bill.

Our specific comments on the Bill are;

The New Hierarchy and compliance with Guidance documents

Whilst we recognise the principles behind the development of the revised hierarchy we feel it is essential that the impact of this for disabled people be highlighted.

We acknowledge that the new hierarchy reflects that in place in England and Wales, where the Approved Documents have guidance status, and it is our understanding that practitioners mostly apply the guidance available to them and we have been informed that this is also expected to be the case in Scotland.

However those Technical Standards that prescribe access standards for disabled people and which will be the basis of the early versions of the forthcoming guidance, have often been criticised for the minimal standards
of access they provide for. Also the building control system itself has failed to deliver these standards, such as they are, consistently and satisfactorily in the past.

Consequently, we are disappointed that the solution to the challenges levied at the Building Control System has resulted in the issue of Guidance documents to replace mandatory Technical Standards.

We would also highlight, particularly in relation to Section 5 Compliance, that interpretation and application of accessibility and usability guidelines is subjective. Future revision of the Guidance (which in the first instance will be reproduced directly from the current Technical Standards) should be as explicit as possible. We would recommend that the Guidance take account of the standards in BS8300 in whatever form it appears at that time and would suggest also that it encourages builders and designers to go beyond even those standards.

Finally, we emphasise the need for Guidance which is clear, articulate, accessible and written in Plain English. This will benefit all involved including designers, building owners, builders and verifiers and will also help to engage disabled building owners and users in the process.

Sections 4 and 5

The Functional Standard for accessibility and usability
The Bill sets out a new approach to the development of functional standards through regulation. These functional standards will be mandatory, made in the public interest and apply across the board to all relevant buildings and all building users. However one in particular, that of ‘convenience’, is intended to include accessibility and usability for disabled people. It is on this facet of the Bill on which accessibility and usability for disabled people will rest.

We recognise that the language of the Bill mirrors that of the 1959 Act and that both the Policy Memorandum (part 6) and Explanatory Notes (part 10) imply inclusion of access and usability. However, we feel the word ‘convenience’, as set out, does not adequately cover, or may not be understood to cover, the requirements of disabled people. Where a building is not accessible or usable for a disabled person it creates a situation that is considerably more than inconvenient. Rather, it creates a situation that is discriminatory, exclusive and may hinder that person from accessing services and facilities at all or with the same ease as the rest of society.
The new Bill is a good opportunity to modernise the language of the law as well as modernising the building control system. We feel it would be helpful if the definition of ‘convenience’ that is implied by the Policy Memorandum and the Explanatory Notes could be made explicit in the body of the Bill. This could potentially be achieved through expansion of sub-section 1(1)(a) to take account of access and usability for disabled people.

Section 1(1)

Further to our comments on Section 1, above, Schedule 1(5)(2)(o) ‘access’ implies access to the building for everyone such as the means of entry. We would welcome enhancement of this and also part (p) ‘accommodation and auxiliary equipment’ to include more detail specifically relating to disability access similar to that provided at Schedule 1(5)(2)(c), ‘fire precautions’. Such a change is critical given that the functional standards, to be set by the regulations, will be the only mandatory level within the new hierarchy of the new framework.

Schedule 1

Competence and observance of equal opportunities for Verifiers and Certifiers

This Section gives Scottish Ministers authority to appoint and direct both Local Authority and independent verifiers and approved certifiers of design (ACD’s) and of construction (ACC’s). The responsibility on those who will hold these roles, in relation to ensuring access and usability for disabled people, is immense. It is of primary concern to disabled people that all verifiers and those certifiers working across those elements of the building standards system, which have an impact on accessibility and usability of buildings, include only those who have the competency, authority and qualification in accessibility and usability for disabled people.

We feel that it will be essential that the regulations pertaining to the responsibilities, functions and appointment etc of verifiers and certifiers impose on them the need to take account of access and usability for disabled people including observance of the relevant equalities legislation. Whilst it would be helpful if the Bill were amended, in relation to verifiers who are the Local Authority, to include reference to Schedule 5 of the Scotland Act 1999 in those regulations which will relate their responsibilities etc, this would have no bearing on independent verifiers or certifiers as they are not public bodies bound by the Scotland Act. Consequently, we suggest that Schedule 2 is expanded to take account of observance of equal opportunities by both verifiers and certifiers through the regulations.

Schedule 2
Further, we would advise that where there are widely recognised standards and practitioner bodies for certifiable functions such as gas installation, this is not the case for accessibility for usability etc. There is however a growing number of practitioners on the Register of Access Consultants which is managed by the Centre for Accessible Environments. The process of registration is stringent and is subject to ongoing accountability and includes a complaints and disciplinary system.

Consequently, we would suggest that Schedule 2 take account of the competence and qualification of those who are being considered for approval under this section of the Act in relation to regulations which will impact on access for disabled people.

Schedule 2

Relaxation of building regulations
Relaxations, whether granted on application or through a class relaxation, have long been a contentious issue for disabled people. We would recommend strongly that no building in current use by the public be granted relaxation of those aspects of any regulation that would have a direct or indirect negative impact on accessibility and usability for disabled people.

We would further recommend that consideration of all applications for relaxation etc take full account of potential and prospective users of buildings alongside current or expected users. Potential users of a building could include disabled people who wish to buy a building, use the services within a building or to require to work there. As employment rights and aspirations of disabled people are advancing, relaxation of regulations relating to accessibility and usability for buildings such as nuclear installations, a common example, may no longer be viable in a few years.

Ministers could also take account of the fact that buildings for a specific purpose may in future be subject to a change of use and the relaxation allowed for the original use may no longer apply. Achieving accessibility and usability in a building, which is complete and occupied, is more expensive and time consuming than at the design stage.

Section 3

Building Warrants & Completion Certificates
The application for and grant of a building warrant will be a crucial stage in the building standards system. It is at this point that the verifier will give approval of design and a warrant will be issued to permit building work to commence, to that design. There are two main elements of this process
worth considering in relation to accessibility and usability for disabled people.

Firstly, it is important that the competency of the verifier to grant or amend a warrant is addressed. This is particularly so where the application is not accompanied by a certificate of design and further highlights the need to ensure that ACD’s include those who are competent and qualified to certify a design as accessible and usable for disabled people.

Secondly, this process is a cornerstone for access as it takes place before the building work starts and therefore getting it right at this point is more straightforward and cheaper than trying to remedy an inaccessible building on completion. Another consideration is the impact on the lives of disabled people who cannot readily access or use a building.

It would be particularly helpful if, in future, when procedures are being formulated to support the legislative requirement for building warrants, if applications were required to include a statement of access. Such a document, if developed, could specifically show how all the elements and facilities associated with a building design would be accessible and usable and would assist verifiers where designs are particularly groundbreaking, or difficult to visualise. The DRC will be addressing the issue of access statements in a UK wide stakeholder seminar in London in December 2002.

Section 6

Continuing Requirements and compliance

The DRC welcomes the continuing requirements, including on services, fittings and fixtures, to be imposed on owners by regulations. We recognise the value of such a requirement for everyone in relation to the public interest goals and would add that this may have particular value for disabled people. Services and fittings such as lifts and doors can become less than accessible if not maintained properly e.g. if an ancillary sliding door, alongside an aesthetic revolving door is not maintained in working order.

Poor management, such as keeping accessible toilets locked or using them as storerooms, can often hinder access for disabled people. In such cases the disabled person can ask the DRC to assist and the DRC may take legal action against the service provider. However it is less clear-cut how a disabled person could seek remedy from the enforcement authority to redress any problems relating to inaccessible buildings including services, fixtures and fittings.
We acknowledge the principle behind enforcement notices for breaches of continuing requirement(s) and welcome their inclusion in this Bill. Disabled people, along with the general public, have no legal redress through the Building Bill and are reliant on the enforcement body to take appropriate action to protect the public interest.

We note that whilst building owners already have a clear channel of communication with verifiers allowing them opportunity to make a case, no similar opportunity is afforded to building users. It would be helpful if the guidance supporting the Bill included a responsibility for Local Authorities to provide such channels through which the public could report suspected breaches.

Section 2

Building Standards Advisory Committee (BSAC)
We welcome the continuance of BSAC and recognise the valuable role it plays in advising Scottish Ministers on the technical aspects of buildings and building control. BSAC are positioned at the developmental and investigative forefront of the Building Standards giving them the wherewithal to make real and positive impact on access for disabled people through attention to equal opportunities in pursuance of their remit.

We note that the present membership, recruited in 2001 by Scottish Ministers based on application and nomination, is representative of many of the practitioners who are active at the design and development stage of buildings. We would point out that there is no representation of users or managers of builders. This is an imbalance which if addressed would have positive effect for output and reports of BSAC for Scottish Ministers.

We would welcome specific representation of disability access experience to be a permanent feature of BSAC and we would particularly welcome if BSAC were charged to take account of equal opportunities and access and usability for disabled people in their relevant activities, through reference to Schedule 5 of the Scotland Act.

Section 28

Consultation by Scottish Ministers
Sub-sections 1(2) and 3(4) give duties to Scottish Ministers to consult with the Building Standards Advisory Committee and others ‘as appear to them to be representative of the interests concerned.’ We welcome the inclusion of these sub-sections as consultation with those concerned is vital to ensuring a result that meets with both practitioner and user needs.
Evidence, collated from the seminar with disabled people in Dundee in June 2002 strongly supports this. The DRC will be pleased to offer support to Ministers in relation to this duty including advising on how to consult, inclusively, with disabled people. Consequently, we would emphasise the need to include disabled people and their representatives within the catchment of those who are representative, wherever this is pertinent.

Sub-sections 1(2) and 3(4)

Reports and information
Although not directly relevant to this Bill, we would urge that any directions from Scottish Ministers to verifiers and certifiers to provide reports and information should, where pertinent, take account of accessibility and usability.

This would assist Scottish Ministers, and latterly the proposed new Executive Agency, to monitor consistency of application of regulations relating to access etc across Scotland and across classes of buildings. It would also ensure that verifiers and certifiers focus, during the preparation of their reports etc. on equality of access for disabled people. Section 31

3. Conclusion
At the seminar in Dundee in June 2002, we asked attendees what their hopes were for the forthcoming Building Bill. They replied;

- peace of mind,
- physical and emotional safety,
- reliability and
- equality of opportunity for all

Whilst we recognise the desire and need for modernising and restructuring of the building control system, we wish to emphasise that the technical standards, though inconsistently applied and offering a minimum standard of access, were mandatory. Disabled people have told us that they do not want to lose that status.

It is crucial that this Bill and the new framework provide for an acceptable, even an improved, standard of accessibility and usability of the built

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2 The DRC presented a seminar ‘Improving Building Standards’ on behalf of the Scottish Executive in Dundee in June 2002. The purpose of this was to inform disabled people and their representatives of the consultation proposals and to foster dialogue and debate to inform the Executive Bill Team. (See also Paragraph 19, Policy Memorandum)
environment in Scotland, for disabled people, their families and friends, educators, employers and service providers.

The Disability Rights Commission would welcome further opportunity to support the development of regulation and guidance to underpin the duties in this Bill and recognise that much of the strengthening we hope to achieve may be achieved through these routes.

4. Facts & Figures

- 35% of railway stations in Scotland are inaccessible or only partly accessible to disabled people. Only 15% of them have disabled toilets and 22% have disabled parking\(^3\)

- A survey of polling places used in 2001 General Election found that 60% of polling places had accessibility problems\(^4\)

- In Scotland 38% of people do not think that disabled people's needs are taken into account when designing and renovating buildings and public spaces. Nearly 1/2 of the disabled people who were asked think that disabled people's needs are not taken into account\(^5\)

- A recent survey of accessibility of Tourist Offices in Scotland estimated that:
  - 40% had unsuitable parking arrangements
  - 20% provided access by steps alone
  - 20% were rated difficult to access
  - 20% no access at all
  - 20% provided public desks at an unsuitable height

- The education and professional development of designers and other building practitioners does not equip them with an understanding of the needs of disabled people or the principles of inclusive design. As shown in a recent unpublished survey by the Disabled Persons Transport Advisory Committee\(^6\)

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3 ‘Transport Provision for Disabled People in Scotland’ Scottish Executive Central Research Unit
4 ‘Polls Apart 3, Campaigning for Accessible Democracy, The Scottish Dimension’ Capability Scotland
5 ‘Scotland Disability Awareness Survey 2001’ Disability Rights Commission
For further information contact

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Direct telephone – 18002 0131 444 4313 (18002 places your call via TextDirect, the relay service for deaf people)
Facsimile - 0131 444 4301
Email – heather.fisken@drc.gb.org
Thank you for inviting a representative of the FPA to appear before the Transport and Environment Committee to present evidence relating to the Building (Scotland) Bill. We have examined the text of the Bill, the Explanatory Notes and the Policy Memorandum that are on the Internet and we have the following comments to make on the principles outlined in these documents which our representative will expand upon before the Committee.

1. **Section 1 - Building Regulations.**

We would recommend that in section 1(a) of the Bill the term "others" be defined in section 51 of the Bill as meaning, *inter alia*, emergency service personnel and particularly fire-fighters when carrying our rescues and fire-fighting. In doing so Scotland would then be complying with Essential Requirement 5 of the EC Construction Products Directive which requires that the safety of emergency service personnel be taken into account in the construction of buildings.

2. **Section 2 - Continuing Requirements.**

This section of the Bill gives Scottish Ministers the power to impose continuing requirements on building owners, so that the purposes of particular provisions of the building regulations are not frustrated once work has been completed and the completion certificate has been accepted. In common with owners and managers of buildings, we are keen to avoid a situation where building control departments and fire authorities could present conflicting requirements in respect of an existing building and we would urge Ministers to consider the following.

If this power were deployed with regard to fire safety standards it could under certain circumstances crossover existing fire safety legislation enforced by fire authorities. There must be therefore, a clear division of enforcement roles to make it immediately apparent which authority has supremacy.

Traditionally this demarcation of enforcement role has ensured the building control verifier deals with the design and construction of a building in all its aspects up to the completion and occupation of the building. Beyond this point other enforcers, notably the fire authorities deal with the safety of the building in its occupation and day to day use. We seen no reason to depart from this position.

3. **Section 4 - Guidance Documents.**

If the potential for conflict between enforcers as outlined in paragraph 3 above is to be avoided then there has to be meaningful consultation process between the verifier and the fire authority over any building regulation application in which the fire authority may have a subsequent enforcement role. Such a consultation process should be set in statute. Equally, and to support the consultation process there needs to be clear and unequivocal guidance given under this section to both verifiers and fire authorities on acceptable consultation procedures. In England and Wales this is called a procedural guidance document which is created nationally.

4. **Section 22 - Building Regulations Compliance.**

This section effectively gives Scottish Ministers the power to apply the building regulations retrospectively and sets the technical standards which support them as a benchmark standard for existing buildings. This power, should Ministers be minded to deploy it, needs to used with caution as if applied to matters relating to fire safety standards in workplaces which fall within the Fire Precautions (Workplace) Regulations 1997 (as amended) could place the Scottish Parliament in danger of infraction proceeding from the European Commission for failing to comply with the Framework and Workplace Directives.
5. **Section 28 Building Standards Advisory Committee.**

The proposed Building Standards Advisory Committee as part of its constitution should maintain a standing joint fire safety sub committee with the Scottish Central Fire Brigades Advisory Council which should include equal numbers of members drawn from both Committees under the Chairmanship of a mutually agreed Chairman. There should also be nominees from the insurance industry and the fire service organisations appointed by Ministers to serve upon the Building Standards Advisory Committee.

Although we do not wish to present evidence in person to the Committee at this juncture, we do think that we will have a valuable contribution to make when the Building Standards Advisory Committee has draft supporting documents available for comment.

We are particularly keen that appropriate fire protection measures are incorporated so as to reduce the loss of life in fires in Scotland as well as to minimise property losses and business interruption. We hope that the building standards will include robust advice regarding issues involving the installation of automatic sprinkler installations in industrial and commercial properties and smoke alarms in homes.

We look forward to working with our Scottish colleagues at this stage of the development of the legislative framework.

The Fire Protection Association.
Scottish Consumer Council

1. GENERALPRINCIPLES

The Scottish Consumer Council (SCC) supports the general principles of the Bill. We welcome the objectives in the Policy Memorandum which seek to modernise the system so that it is flexible and responsive to consumers while at the same time maintaining and improving both standards and protection for consumers.

The focus of our evidence relates to the role of regulation of the construction industry. The Bill presents a real opportunity to eliminate the problem of cowboy builders and effectively increase consumer protection through a national approach to the regulation of building standards and accreditation of builders. However, the new system will stand or fall on consumers not only knowing that registers exist and being able to access them easily but also in knowing what standards they should then expect from tradespeople and how they can seek redress when things go wrong. In addition to ensuring technical competency of construction an effective national framework for building standards should also promote best practice and ensure effective consumer awareness. The Bill appears to focus on technical competencies rather than other key components within an effective framework.

We are, however, not convinced that the policy objectives outlined in the Policy Memorandum have been adequately reflected on the face of the Bill which is described as “making further provision with respect to buildings, building standards, work in relation to buildings and related matters; and for connected purposes.”

We therefore believe that the Bill requires to be strengthened to ensure that it is objective- rather than process-driven. This could be done by amending the preamble so that it more clearly reflects these objectives. This would need to be accompanied by a strengthening of Section 7 so that it contains requirements for Scottish Ministers to not only make lists available but also to ensure that they are accessible, widely publicised and effectively promoted. Ministers should also be required to issue guidance on how these functions are carried out, and to consult widely on the content of this guidance.

Furthermore, the central body which will be tasked with making the Bill work, and therefore achieving the policy objectives, is not mentioned in the Bill. While understanding the Scottish Executive’s reasons for excluding this we think that the Committee’ should consider whether this is the correct approach, and whether the objectives of the Bill might be better served by explicit reference to the central body in the text of the Bill itself.

2. APPROVED CERTIFIERS OF CONSTRUCTION

We welcome the proposals to have approved certifiers of construction. The public must be made aware of these lists and be able to access them easily. It will be very
important that a wide approach is taken to certification and not one based on technical competence alone. The integrity and solvency of the business must be assessed in conjunction with its competence if proper protection is to be afforded to consumers. We therefore welcome the proposals to work in partnership with the construction industry in the ACC scheme. There is a strong drive within the industry in Scotland to improve professionalism and this should be welcomed and supported. Trade bodies are developing some good models of self-regulation which encompass best practice and they are working together to establish an industry-wide licensing scheme. However, the national body should not be exclusive in accrediting only businesses who have trade body membership as this could be seen as anti-competitive.

3. BUILDING STANDARDS ADVISORY COMMITTEE

The BSAC should have provision for public interest representation and representation from people who actually use the built environment. It will be very important for it to have a close relationship with the national body.

4. PUBLIC INFORMATION

We welcome the proposal for a Building Standards Register which will provide improved information for house-buyers. However, the success of the Register will depend on consumers being aware of its presence and on its accessibility to all. Section 21 should contain a duty on local authorities to take adequate measures to ensure public awareness of the Register, and should be more prescriptive about accessible formats and ease of access.

There should be no fee to view the register which could provide a disincentive to use, particularly by low income consumers.

We support the proposals to have building standards assessments rather than letters of comfort. This will also give consumers thorough and more consistent information. Although a national approach to setting fee levels would be fairer, we would, however, be concerned if the new system was to increase considerably the cost to the seller.

October 2002
Building (Scotland) Bill
Introduced to the Scottish Parliament on 18th September 2002

Written Evidence to the Transport and the Environment Committee

Robert A Renton
Head of Building Control
SCOTTISH BORDERS COUNCIL
BUILDING (SCOTLAND) BILL

INTRODUCTION:

1. In making this written submission, the Scottish Association of Chief Building Control Officers takes the opportunity to recognise and place on record an appreciation of the work carried out by the Building Standards Division of the Scottish Executive in drafting the new Building (Scotland) Bill. The Association wishes to record its appreciation of the opportunities afforded to it to date and looks forward to contributing to the development of this legislation to ensure that the improved Building Standards will serve Scotland well in the future.

2. It is encouraging to note that many of the issues raised address the reality of current building design and construction methods and processes and seek to anticipate the future in ensuring the credibility of building standards legislation. The Association believes that the Bill reflects many of the concerns that the members of the Association have that any new system:-

   ▪ must have a robust base with credible enforcement powers,
   ▪ must reflect basic accountability and competence needs, both from the design professional and those charged with verifying compliance,
   ▪ must be reactive to the needs of developers and proactive in addressing innovation and sustainability, and
   ▪ must build on the experiences of practicing building standards professionals.

3. While the following comments reflect some of the continuing concerns the Association has, in general terms at least, the Bill as presented provides a clarity of purpose in a clear and concise manner.

PART 1: POWERS TO MAKE BUILDING REGULATIONS:

Section 1: Building regulations:

Exemption powers:

1. While accepting the generality of Section 1(1) of the Bill, the Association would wish to seek assurances, in terms of Section 1(3) and paragraph 4 to Schedule 1, that care is exercised in providing exemption from the requirements of building regulations.

2. Given the policy objectives of the Bill in terms of:-

   ▪ providing a greater reassurance for using tradespeople, and
   ▪ in encouraging sustainable development

the Association would urge careful consideration of the proposed empowerment to disapply minimum building standards either directly or through an exemption from the need for a building warrant.
3. It could be argued that the removal from control of many buildings and building works in Scotland, at least, has increased the activity of the “Cowboy Builder”. Why should all standards be disapplied in exempted classes of building? While there may be an argument for specific standards to be disapplied, it is difficult to support total exemption. In this scenario what recourse has an individual owner have against the “cowboy builder” if he can use the exemptions in support of his “shoddy work”?

Building operations:
4. It is noted that powers are retained under paragraph 3 to Schedule 1 to make regulations controlling Building Operations on site working and site security. The Association fully supports this inclusion to complement the work of the Health and Safety Executive.

Extension of remit:
5. The Association notes and welcomes the extension of matters to be addressed under building regulations in respect of paragraph 5 to Schedule 1:
- resistance to infestation,
- services, fittings and equipment (including electronic communications services),
- security, and
- reuse of building materials.

Section 2: Continuing requirements:

Enforcing authority remit and advice:
1. While recognising the intent and prescribed limits under sub-section (4) (services, fittings or equipment) of Section 2, and the imposition of a duty on the owners of buildings, the Association has concerns on how this will be implemented and controlled.

2. Section 23 gives local authorities (as the enforcing authority) an empowerment to serve “continuous improvement notices” on an owner who has failed to meet any “continuous requirements” applied under Section 2.

3. Currently a building control involvement effectively ceases when a certificate of completion has been issued. The proposed continuous requirements provisions effectively places additional duties on the enforcing authority to maintain an interest beyond the completion stage.

4. With a statutory requirement placed on an owner, under Section 2, to advise the enforcing authority (the local authority) by an entry in the proposed building standards register of their need for continuous compliance with a “continuous requirement” an effectively controlled benefit in such “continuous requirement” provisions should accrue.

5. Section 2(4)(c) allows building regulations to specify all or any matters outlined under (a), (b) or (c). The Association would argue that without (c) the aims of Section 2 may be flawed.
Section 3: Relaxation of building regulations:

Consultation with the enforcing authority:
1. Given the procedural possibility in the future of verifiers being someone other than local authorities, the Association are of the view that the consultation procedures on all relaxation decisions should include a prescribed requirement to consult the local authority (the enforcing authority) under Section 3(4).

2. This procedural requirement should apply both in terms of site specific applications and for “class relaxations”.

3. In general terms, the Association would seek guidance on whether there is merit in including at this time an empowerment to the Scottish Ministers to devolve some relaxation powers to the enforcing authorities (the local authorities), for example, in respect of building standards assessment procedures.

4. See further notes under Section 6: Building standards assessments in terms of the possibility of relaxation.

Section 4: Guidance documents for purposes of building regulations:
Section 5: Compliance with guidance documents:

Aims:
1. The Association is fully supportive of these sections and would endorse the principles behind them.

Resources and benefits:
2. Additionally, the Association would urge the Scottish Executive through the Scottish Parliament to ensure that adequate resources are available to the Building Standards Division and/or the new Central Building Standards Agency to maximise the benefit such guidance documents should accrue in terms of:

   - increasing the awareness of designers, developers and verifiers of the building standards system,
   - increasing the awareness of individual applicants and the public generally of the building standards system, and
   - using such documents and information to eliminate the “Cowboy Builder”.

Consistency and flexibility:
3. The use of guidance notes must take into account the need for consistency and flexibility both generally in terms of building standards interpretation but equally in terms of increasing an awareness in the benefits of the system to encourage the use of competent and certified tradespeople.
Section 6: Building standards assessments:

Implementation and scope:

1. This statutory duty to carry out building standards assessments has significant implications for both the local authorities and for building owners. On balance the Association sees value in the principles behind this Section but has various concerns in its implementation.

2. The Policy Memorandum issued in support of the Bill offers some clarity of the purpose of such building standards assessments and explains the background to their introduction. However, the wording of Section 6 as proposed provides less clarity. The Association is of the view that the wording must reflect the basis for the assessment, i.e. against current building standards and not against building standards in force at the time the building was erected, altered, converted or extended.

Statutory duty:

3. The other significant change is that currently the “letter of comfort” system is non-statutory. The proposed building standards assessment duty will be statutory by the use of the word “must”. The Association is in full agreement that because the current systems are non-statutory their implementation throughout Scotland is inconsistent and consequently flawed when viewed nationally. The move to a statutory “service” should remove these weaknesses.

4. The resource implications of this move to a statutory “service” together with the potential for such building standards assessments to be utilised and incorporated in “sellers packs” during property transactions should not be underestimated. It is the Association’s view is that if this was to evolve, such assessments would/could become the norm which will result in the volume of such requests for local authority “clearance to radically increase. The fee structure to be set nationally must reflect these resource issues.

Consequences of failure to comply:

5. Given that the building standards assessments will be undertaken in relation to current building standards, the likelihood of a failure to comply could be greatly increased notwithstanding the proposals to prescribe the mandatory level of compliance under the proposed expanded performance standards. It is also conceivable that the relaxation arrangements could be utilised. Given that the building standards assessment powers are likely to be used at the time of property transactions, there may be merit in providing the local authorities with devolved relaxation powers to expedite decision making at this time.

6. The Association recognises that in determining the consequences of a failure to comply, powers are available to remedy significant safety issues under Sections 24 and 25. Provided there is a realism in interpretation of “significant safety issues” which should/must be pursued from the enforcing authorities, solicitors and building owners the Association is reasonably content that the building standards assessment system is achievable.
7. The success of the current “letter of comfort” system is founded on a declaration from the building standards authorities that enforcement action would not be pursued to regularise the lack of a completion certificate or to rectify minor unauthorised work. This should continue to be the basis of any assessment carried out under these powers with the additional safeguard that such determinations will be recorded in the proposed building standards register.

PART 2: APPROVAL OF CONSTRUCTION WORK ETC:

Section 7: Verifiers and certifiers:

Verifiers:
1. Paragraph 23 of the Policy Memorandum indicates that approved certifiers of design and of construction must be recognised as competent. The same requirement for competency must apply to the verifier whether they are local authority verifiers or private sector verifiers.

2. It is unfortunate that while paragraphs 34 and 35 of the Policy Memorandum highlight good issues in terms of the need to audit the performance of those charged with verifying the adequacy of a design, this section is headed “Auditing of local authority performance”. It is, of course, right and proper that local authority building standards services should be subjected to audit. The Association would argue that this is equally applicable to the private sector verifiers, indeed, could/should be even more relevant to maintain their transparency, accountability and consistency.

3. In assessing the competence of any verifier, the Association would urge recognition of the building control profession. It would argue that any individual verifier or body charged with verification should meet a minimum standard of competency through membership of the RICS Building Control Forum with relevant levels of experience as a practitioner in building control.

Certifiers of Design:
4. Similar criteria in the assessment of competency of certifiers of design, outlined under 3 above should be encouraged, particularly if entire building certification is being considered. Any certification system must guard against simple competency of profession. The construction process and particularly the building standards system are so reliant on links between trades and other design professionals that “single professional competencies” are not enough.

Certifiers of construction:
5. The Association recognise the steps which are even now being taken to establish Construction Licensing Schemes by various trade associations. However, they are firmly of the view that such licensing schemes must properly address competency issues of the building standards system itself rather than be restricted merely to their own trade. The construction process and particularly the building standards system are so reliant on links between trades that “trade only competencies” are not enough.

6. There is equally an argument which would support a requirement for such licensing schemes also to be subjected to registration with the proposed central body. In so doing the schemes themselves would be assessed and audited.

Procedures::
7. While the Association recognises the proposals to implement approved certifiers (and verifiers), it has concerns on the procedures to be adopted.

- procedurally there should be a statutory requirement placed on the certifiers to declare to the verifier at the building warrant application/approval stage the proposed method of design, certification, inspection and supervision.

- without such confirmation the verification of compliance at the completion stage is simply unworkable.

- whoever is charged with verification must have resources and procedures in place at the start to suit the design and construction method. The funding of such inspections to allow an acceptance of a certificate of completion can only be set at the start of the works.

If such arrangements are not confirmed adequate supervision could fall between two stools. The assessment of robust verification must recognise that unless monitoring takes place minimum standards of construction to ensure compliance are unlikely to be achieved.

Acceptance of certification:
8. The Policy Memorandum appears to say that certification will only be allowed if submitted to a local authority (as the enforcement authority). This should be clarified as the Bill itself does not actually say this. It is, in fact, understood that any verifier be they local authority or in the private sector will be able to accept a certification of design or construction. The only caveat being that the same body (or individual) cannot be a verifier and a certifier on the same project.

Approved inspectors:
9. The Association fully supports the conclusions reached on the Approved Inspectors. The commitment in Scotland to a third party check should not be lost.

Limitations of interest:
10. Paragraph 8 to Schedule 2 provides that verifiers will not be allowed exercise any functions of the Act in relation to building in which it has an interest unless the Scottish Ministers otherwise direct. The Association notes the effect this will/could have on local authority building standards services.
Sections 8 - 15: Building warrants

Offences:
1. The Association supports the clarity under Section 8(2) in terms of the respective responsibilities of the building owner and, say, the builder.

Owner / ownership:
2. A view has been expressed that the wording of Section 9(1) implies that it is only the owner who can submit an application for a warrant. It is understood that this does not change the current system procedurally where an “agent” working on behalf of an owner can procedurally submit an application. It is, however, the owner who retains the legal duty to make the application.

3. The Association is of the view that in submitting an application for a warrant other than by an owner, there should be a statutory requirement to declare that the “owner” has been advised of such a submission. Additionally, there should be a declaration on every application to confirm the ownership position of the property which is the subject of the application. If this was adopted, tenants with full repair leases or equivalent could reasonably submit building warrant applications for works for which they are legally responsible for (under the terms of their lease, say).

4. NOTE: It is not without precedent that, under the current building regulation system, an application has been approved only later to discover that the “applicant” had no legal right to the ground or building being altered or extended. This could be avoided by seeking a declaration of ownership.

Building subject to conversion or change of use or occupancy:
5. The Association notes that in terms of Section 9(2)(c) a building, which is subjected to a conversion, must comply fully with all current building standards.
[But see comment under Section 10(3)(b) below].

6. If the “conversion criteria” is not solely applicable simply to a change in purpose group but covers also changes in room or space uses and/or occupation, the Association is content that the provisions of Section 9(2)(c) are tenable.

7. NOTE: This position represents a significant change from current legislation where the application of standards resulting from a change of use or “conversion” would be applied only if the standard applies more onerously as a result of the change.

8. Section 10(3) appears to contradict the requirements of Section 9(2)(c) where 10(3) empower a refusal of a warrant for a conversion only if the resultant completed building “will fail to comply to a greater degree”.

Other enactments:
9. Section 9(9) requires clarification since the decision to refuse a warrant is normally solely on the grounds of compliance with plans, specifications and the building regulations. It is understood that this empowerment can only be applied if the “other enactment” makes a direct reference “conferring power to a local authority to refuse to grant a building warrant in particular circumstances”.

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Robert A Renton
Secretary of the Scottish Association of Chief Building Control Officers
Page 8 of 13

Last printed Friday, November 01, 2002 5:56
Certification of design:
10. While the Association notes the principle of submissions by approved certifiers of design, it is felt that procedurally there should be a statutory requirement to include a declaration of ongoing involvement in any site specific project.

- is the approved certifier seeking approval to a warrant only with no further remit in terms of the construction,
- is an approved certifier of construction to be employed,
- is supervision by an approved certifier to be provided.

11. These points are made to allow any verifier to facilitate and resource any specific project from a knowledge base at the application stage. Without this knowledge it would be practicably impossible for a verifier to carry out their “checking functions” adequately.

Late applications:
12. The Association is firmly of the view that penalties must be prescribed under the Bill for such late applications to provide an incentive for bona-fide pre-emptive approvals.

13. The Association is of the view that where works have been carried out without a warrant any verification duties or any acceptance of a certificate of completion must be solely under the remit of an enforcing authority. An offence has been/may have been committed by the owner and/or builder/tradesman and consequently it would not be competent for a “private certifier” to determine such a case.

Completion certificates: Sections 16 to 20:

Certification of construction:
1. The Association recognise the steps which are even now being taken to establish Construction Licensing Schemes by various trade associations. However, they are firmly of the view that such licensing schemes must properly address competency issues of the building standards system itself rather than be restricted merely to their own trade. The construction process and particularly the building standards system are so reliant on links between trades that “trade only competencies” are not enough.

2. To allow verifiers to properly accept “certification of construction” the extent and competence of this certification must be understood and reliable.

3. The Association welcomes the empowerment to seek an interdict to restrain or prevent any actual or apprehended occupation or use of a building, particularly in circumstances which may seriously affect the safety of the building users.

4. The clarity of purpose now incorporated under Section 20(10) and (11) is also welcomed.
Section 21: Building standards registers:

Commentary:
1. This original proposal, where a “list was to be freely available” to the public may have a negative impact on the ability of local authorities to raise income from enquiries from solicitors etc. Any funding assessment of local authority building standards operations to set up and maintain the building standards register must guard against this shortcoming.

2. While the recording and maintenance of the register itself is relatively straightforward, the ongoing demand for information from the register, particularly in the form of copy documents and drawing information from historical records, is more significant. Charges to be set nationally must be realistic to avoid budgetary problems for the enforcing authorities.

PART 3: COMPLIANCE AND ENFORCEMENT

Section 22: Building regulations compliance:

New statutory duty:
1. While this Section is deemed equivalent to Section 11 of the 1959 Act, the changed emphasis through a now mandatory requirement for a local authority to comply with a direction issued by the Scottish Ministers (the word “must”) places a duty on local authorities which they currently do not have. The Association would seek some assurances that the resource implications of such a mandatory duty has been taken into account.

2. This new section also removes an empowerment, currently available to the local authority enforcing bodies, to take action to require existing buildings to comply with minimum building standards. If deficiencies within in existing buildings are to addressed in the future the powers under Sections 25 – defective buildings powers and Sections 26 and 27 – dangerous buildings power.

Section 23: Continuing requirement enforcement notices:

Empowerment lies with the local authority (the enforcing authority):
3. Unlike Section 22 the empowerment vested in the local authority under this Section is entirely within their control and decision making.

Section 24: Building warrant enforcement notices:

New “stop notice” powers:
4. The Association fully support the introduction of the empowerment to suspend works with immediate effect and continually until matters have been resolve – see Section 42(5).

5. The requirement for the completion certificate or, as the case may be, the application for the building warrant to be submitted to a verifier should be strengthened to clarify that it is the enforcing authority (the local authority) which needs to documentation for determination rather to “a verifier” as is implied under sub-section (2)(a).
PART 4: DEFECTIVE AND DANGEROUS BUILDINGS:

Section 25: Defective buildings:

Statutory linkage with dangerous building empowerment:

1. The Association welcomes the introduction of the defective building procedures under the Building (Scotland) Act as opposed to the Civic Government (Scotland) Act and supports fully the effective linkage now achieved between defective buildings and dangerous buildings.

2. The empowerment given to local authorities to carry out the works (without a building warrant but with a completion certificate) is welcomed and necessary.

3. The need for a building warrant for work carried out by an owner to meet a defective building notice is supported.

Section 26: Dangerous buildings:

Immediately dangerous buildings:

4. The Association welcomes this Section and believes it recognises current practice where a truly immediately dangerous building can be dealt with effectively and expeditiously.

5. It is recognised that action under this Section is limited. Any works which could have reasonably waited pending the “dangerous building notice” procedures under Section 27 are not competent under Section 26.

6. Clarification is required on what is meant by “after giving the owner of the building such notice (if any) as the circumstances permit” – sub-section (4). While it is recognised that most cases requiring action under this section would probably not allow prior notice to the owner, is it the intention that the word “notice” is a reference to a “dangerous building notice” within the terms of Section 27 or is the intention simply that the owner be notified of the action to be taken.

Section 27: Dangerous building notices:

Building likely to present a danger:

7. The abbreviated “notice procedures” are noted and welcomed.
PART 5: GENERAL:

Section 28: Building Standards Advisory Committee:

1. BSAC should be constituted under statute. The need for a truly independent body comprising legislators, practitioners and building professionals and developers should not be compromised as a legitimate source of advice to Ministers. This is not to say that the membership or constitution of such a body need be constrained by statute. On the contrary the enabling legislation should be sufficiently wide to allow for a varied membership and remit. While the need for advice is undeniable the nature and sources for such advice must be flexible and reflect the needs of the industry with the ability to co-opt built in to the procedures.

Section 32: Scheduled monuments, listed buildings etc.

Consultation or notification:

2. The Association accepts the need to protect our built environment and in the cases specified under Section 32(2)(a)(i),(ii),(iii),(iv) and (v) it foresees no particular problem in carrying out a form of “notification” to the Scottish Ministers, the planning authority and other persons.

3. The Association would argue that having been advised of impending actions to meet matters of health and safety to protect the public interest, these other authorities should be geared up to deal with matters within their own remit.

4. The same requirement to consult when using the powers under Section 26(4) carries some concern with the Association and it welcomes the acceptance of this “requirement” in practice where the need to consult is framed in terms of “only if reasonably practicable”.

5. In particular, it is simply untenable for building standards practitioners dealing with a dangerous building under the powers available to them under Section 26(4) to engage in a consultation exercise.

Section 35: Fees and charges

Commentary:

1. The Association has long argued that a thorough investigation is required of the running costs of an effective building control system. The Bill introduces the potential for alternative bodies providing approvals and assessments of building works which, it may be argued, will eventually reduce the current workload of local authority services.

2. On the other hand new statutory powers are being given to local authorities which will no doubt increase their workload.

- statutory requirement to carry out building standards assessments,
- delivery of a building standards register which will be freely available to the public,
- undertaking improvement and upgrading works under a direction by Scottish Ministers,
- the provision of inspection services for defective and dangerous buildings.
3. Reference is made to the new central building standards body and that this may be staffed from existing local authority staffing resources. The Association is concerned that in the short term at least a reduction in resource potentially available to local authorities will seriously affect the roll out and implementation of the building standards system. Much is made in the explanatory notes and policy memorandum of the need for local authorities to be more professional and reactive to those seeking building standards approval. The Association agrees wholeheartedly with this but would warn that such aims cannot be achieved without adequate funding.

4. Any fee system must be easy to operate, should resist challenge and cognisance should be given to the processes involved and their time span. The current system where reference to an “arbitrary estimated cost of operations” is applied leads to challenge with little scope to resist.

Section 40: Compulsory purchase where owner cannot be found
Section 41: Sale of materials from demolished buildings

Costs recovery mechanisms:
5. While the powers available under Sections 40 and 41 are understood, the Association must urge that the ability to recover costs through the “charging order regime” which exists in the 1959 Act be retained.

6. Compulsory purchase may allow some cases to provide value for money for works undertaken by local authorities but some will invariably lead to “extra costs” in terms of future capital costs to develop a vacant site or revenue costs to maintain a derelict site.

7. The charging order retains the onus for repayment on the owner of the property at any time.

Section 50: Meaning of “building”

Commentary:
8. Given the need, in many instances, to provide access via a private road which consequently attracts minimum standards of construction and adequacy, why is a “private road” not deemed a building for the purposes of the building regulations.
COSLA welcomes the opportunity to provide evidence on Stage 1 of the Building (Scotland) Bill. In doing so, COSLA wishes to acknowledge the open and inclusive process by which the Scottish Executive has consulted upon the drafting of the Bill.

The existence of a safe, efficient and sustainable built environment in Scotland is largely taken for granted. It underpins our quality of life and is one of the unsung achievements of local government. It is, in particular, a credit to the building standards profession.

It is because the system has served us so well that building standards have rarely been seen as a strategic issue for local government. However, the system is now over 40 years old and both the Scottish Executive and local government have recognised the need and opportunity for change.

COSLA accepts this need for change and believes that the general principles of the Bill will both promote the aim of a safe, efficient and sustainable built environment while protecting the ability of local government to ensure its delivery. However, there are points in the Bill where change or clarification will first be required.

It is vital to the public interest that the building standards system should be delivered in a way that is impartial, transparent, accountable and consistent. Only local authorities are able to fulfill these criteria. COSLA therefore urges the Committee to ensure that it is fully satisfied that the Scottish Executive’s proposals, to allow other organisations to become verifiers under the new system, will comply with these standards of impartiality, transparency, accountability and consistency.

COSLA, as the representative voice of Scottish local government, relies on the professional advice of local government officer societies. We are indebted to the Scottish Association of Chief Building Control Officers (SACBCO) for all their work in the consultative stages before the introduction of the Bill.

The building standards system is an essential public service which depends on local government for its delivery. So any change to the system must have the endorsement and confidence of the local authority building standards officers who will make it work.

COSLA endorses the written evidence which has been provided by SACBCO and does not propose to add to or differ from their evidence. COSLA urges the Committee to give full consideration to the points being made by the professional officers whose job it is to safeguard our built environment.

SACBCO has identified some issues which could affect the resourcing of local authorities and therefore their ability to continue to deliver a safe, efficient and sustainable built environment.
if the Bill is enacted as introduced. They also identify a fundamental issue of workability at Section 11. COSLA invites the Committee to give particular consideration to the issues raised by the Association on the following sections of the Bill:

**Section 6: Building standards assessments**

The resource implications of this move to a statutory ‘service’, together with the potential for such building standards assessments to be utilised and incorporated in “sellers packs” during property transactions, should not be underestimated. It is the Association’s view that if this was to evolve, such assessments would/could become the norm, which will result in the volume of such requests for local authority ‘clearance’ to radically increase. The fee structure to be set nationally must reflect these resource issues.

**Section 11: Building warrants: certification of design**

While the Association notes the principle of submissions by approved certifiers of design, it is felt procedurally there should be a statutory requirement to include a declaration of ongoing involvement in any site specific project.

- is the approved certifier seeking approval to a warrant only with no further remit in terms of the construction?
- is an approved certifier of construction to be employed?
- is supervision by an approved certifier to be provided?

These points are made to allow any verifier to facilitate and resource any specific project from a knowledge base at the application stage. Without this knowledge it would be practically impossible for a verifier to carry out their ‘checking functions’ adequately.

**Section 21: Building standards registers**

This original proposal, where a “list was to be freely available” to the public, may have a negative impact on the ability of local authorities to raise income from enquiries from solicitors etc. Any funding assessment of local authority building standards operations to set up and maintain the building standards register must guard against this shortcoming.

While the recording and maintenance of the register itself is relatively straightforward, the ongoing demand for information from the register, particularly in the form of copy documents and drawing information from historical records, is more significant. Charges to be set nationally must be realistic to avoid budgetary problems for the enforcing authorities.

**Section 22: Building regulations compliance**

While this Section is deemed equivalent to Section 11 of the 1959 Act, the changed emphasis through a now mandatory requirement for a local authority to comply with a direction issued by the Scottish Ministers (the word “must”) places a duty on local authorities which they currently do not have. The Association would seek some assurances that the resource implications of such a mandatory duty have been taken into account.

**Section 35: Fees and charges**
The Association has long argued that a thorough investigation is required of the running costs of an effective building control system. The Bill introduces the potential for alternative bodies providing approvals and assessments of building works which, it may be argued, will eventually reduce the current workload of local authority services.

On the other hand new statutory powers are being given to local authorities which will no doubt increase their workload, i.e.

- statutory requirement to carry out building standards assessments,
- delivery of a building standards register which will be freely available to the public,
- undertaking improvement and upgrading works under a direction by Scottish Ministers,
- the provision of inspection services for defective and dangerous buildings.

Reference is made to the new central building standards body and that this may be staffed from existing local authority staffing resources. The Association is concerned that in the short term at least a reduction in resource potentially available to local authorities will seriously affect the roll out and implementation of the building standards system. Much is made in the explanatory notes and policy memorandum of the need for local authorities to be more professional and reactive to those seeking building standards approval. The Association agrees wholeheartedly with this but would warn that such aims cannot be achieved without adequate funding.

Any fee system must be easy to operate, should resist challenge and cognisance should be given to the processes involved and their time span. The current system where reference to an “arbitrary estimated cost of operations” is applied leads to challenge with little scope to resist.
Scottish Budget for 2003 -2006

Closing the Opportunity Gap: Transport

Everybody in Scotland in some way relies on our transport infrastructure. People travel to work, they do business across Scotland, they visit family and friends. And for many, public transport links are a necessity – for those living in island communities, of course, but also for the many who do not have access to a car but who nevertheless need to travel in order to live their daily lives. And the requirement is, for all these people, that the public transport systems they use are safe, reliable, serve the needs of users and are affordable. Poor or expensive transport systems can be instruments of social injustice; good systems can help close opportunity gaps. Our intention is to develop transport systems that meet the needs of everybody living and working in Scotland.

What we are already doing

In our work so far, we are helping to close gaps in the following ways:

Providing services
- Using Public and Integrated Transport Funds to make step change improvements so that the services people need for work, health, shopping and recreation are available to them.
- Subsidised bus services and rural transport measures to improve bus services generally, and off-peak rural services in particular.
- Providing affordable life-line ferry services such as Clyde and Hebrides Ferry Services, which are critical to people’s participation in employment, education and training opportunities.

Support for disadvantaged groups
- Enhancing existing concessionary fares schemes to allow for free local bus travel within existing scheme boundaries for pensioners and disabled people outwith the morning peak.
- Work through the Mobility and Access Committee for Scotland to improve access to transport for disabled people, to open up a job, education and recreation opportunities.

Scottish Budget for 2003-06

As a result of the Building a Better Scotland announcements, we will continue to close the gap, working to provide:

- wide access to good public transport services for the significant proportion of the Scottish population for which public transport is its main or sole mode of transport; and
- good access by road and ferry to the remoter parts of Scotland which would otherwise suffer disadvantage compared to more populated areas.

In particular we will:
- Invest in new transport infrastructure through the Integrated Transport Fund.
- Protect fares and enhance services as we let new ferry contracts.
• Through the new Scottish Passenger Rail Franchise, build on existing improvements and accessibility to rail travel and the development of viable rural communities.
• With additional funding for British Waterways, encourage social and rural regeneration throughout the canal network.
• Through increasing support for Highlands and Islands Airports Limited, provide a base from which air services are maintained and developed for the economic and social benefit of the communities served.

How will we know that we are closing the opportunity gap?
We are setting objectives and targets that include:

OBJECTIVE: To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links
Target: Traveline Scotland to answer at least 1 million enquiries per annum by 2006; Transport Direct portal to achieve at least 1.5 million visits per annum by 2006; and for performance and output standards to be met.
Target: Increase passenger numbers passing through HIAL airports by 5% by 2006.
Target: Increase the quality and quantity of lifeline ferry services and ensure 98% of planned sailings actually sail and 98% arrive on time by 2006.

OBJECTIVE: To support sustainable development by promoting more efficient transport networks and more sustainable modes of transport, having regard to the overarching principles of minimising resource use, energy and travel
Target: Increase rail passenger journeys on the Scottish rail network by a further 5% by 2006.
Target: Increase local bus passenger journeys by 5% by 2006.

OBJECTIVE: To improve road safety and reduce road accident casualties
Target: Reduce the number of serious and fatal road accident casualties by 40% by 2010 and by 50% for children over the same period, compared with the 1994-98 annual averages.
The Scottish Executive Draft Budget 2003-04

TRANSPORT

During the Spending Review period, 2003-04/2004-05/2005-06, we plan to spend £1408m/£1485m/£1616m Among our key priorities are:

- Strive to stabilise road traffic at 2001 levels by 2021.
- Let a new 15 year Scottish passenger rail franchise and deliver our top priority rail projects - investing in the infrastructure the Scottish economy needs;
- Invest to develop rail links to Glasgow and Edinburgh Airports - providing better links for business visitors and tourists coming to Scotland;
- Begin construction of the final part of the M74 into Glasgow;
- Deliver the top priority public transport projects flowing from the Central Scotland Transport Corridor studies - easing congestion and promoting more sustainable transport;
- Continue to improve the trunk road network, including the preparation for the A8 and A80 motorway upgrades;
- Take forward new contracts for lifeline ferry services - ensuring affordable services for island and remote mainland communities;
- Introduce free local off-peak bus travel for elderly people and those with a disability - making it easier for them to travel, improving their quality of life;
- Improve and enhance Traveline, and implement Transport Direct - giving everybody access to better information about the transport services they depend on;

- Encourage local authorities to promote through-ticketing on local buses - ensuring that those who rely most on public transport can use it.
- Support the development of Aberdeen’s Modern Transport system including support for further development of a Western Peripheral Road if the value for money case can be made.

To promote economic growth, social inclusion and sustainable development via a safe, integrated, effective and efficient transport system.

An effective transport system is central to a thriving economy and strong communities, giving everybody access to jobs and services and ensuring the easy and sustainable movement of goods and people across Scotland. We have set out in our Transport Delivery Report, Scotland’s Transport - Delivering Improvements, a comprehensive vision for transport built on the principles of sustainable development. This will address the immediate needs and equip Scotland for the next 25 years.

Recognising that over half the population depend on public transport, we have increased spending on public transport dramatically over the full range of services from bus to rail. We have introduced free off-peak local bus travel for elderly and less able people. Scotland has invested in a high quality road network which is being maintained to a good standard and many important new schemes to improve road safety and reduce congestion have been constructed, reducing pollution and improving communities' health and quality of life.

Our priorities for delivery during the Spending Review period are:

- Increasing capacity and services on the rail network in Scotland - encouraging
more use of sustainable transport;

- increasing capacity on the rail network in and around Edinburgh - reducing congestion, stimulating the local economy and improving access to services;
- opening up direct access to the rail network for business and to travellers from Scotland’s airports - providing the transport links that the economy needs;
- developing an effective, modern 21st century public transport system for Edinburgh, worthy of a capital city;
- addressing the concerns of business and the wider community in and around Aberdeen by fixing Aberdeen’s congestion - stimulating the local economy, strengthening the community;
- tackling inter-urban congestion in central Scotland - providing sustainable transport links;
- accessing economic benefits by opening up the Borders area - helping to sustain rural communities and provide better access to services;
- encouraging the use of buses by more of the Scottish population and tackling social exclusion;
- providing travellers with access to customised information - better quality, more accessible services; and
- making it easier to use public transport in Scotland, helping the vulnerable and disadvantaged to make full use of public transport and reach key services.

These priorities address our commitment to social justice - enabling large sectors of the population to have access to good services at affordable prices. We also provide essential transport services to rural and island areas communities, who depend heavily on them. They will contribute significantly to progress on reducing the impact of climate change.

SPENDING PLANS (LEVEL 2)

Table 8.01 Spending Plans (level 2)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Services in Scotland(^1,2)</td>
<td>181</td>
<td>210</td>
<td>211</td>
<td>211</td>
</tr>
<tr>
<td>Clyde and Hebrides Ferry Services(^2,3)</td>
<td>31</td>
<td>37</td>
<td>38</td>
<td>38</td>
</tr>
<tr>
<td>Highlands and Islands Airports Ltd</td>
<td>28</td>
<td>30</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>British Waterways</td>
<td>8</td>
<td>11</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Other Public Transport(^4)</td>
<td>166</td>
<td>254</td>
<td>310</td>
<td>414</td>
</tr>
<tr>
<td>Motorways and Trunk Roads(^5)</td>
<td>788</td>
<td>866</td>
<td>884</td>
<td>911</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,202</strong></td>
<td><strong>1,408</strong></td>
<td><strong>1,485</strong></td>
<td><strong>1,616</strong></td>
</tr>
<tr>
<td>Grants to Local Authorities(^6)</td>
<td>2</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
</tbody>
</table>

Notes:
1. Includes £31 million for 2003-04, 2004-05 and 2005-06. This is a baseline transfer due from DfT for the reprofiling of the Scottish passenger rail franchise.
2. Figures for 2004-05 and 2005-06 are notional pending the outcome of tendering exercises.
3. Formerly Caledonian MacBrayne.
4. Includes provision for Public Transport Fund previously shown in the Local Government Spending Plans.
5. Motorways & Trunk Roads line includes depreciation charges (classed as DEL) and cost of capital (classed as AME). The split between DEL and AME is as follows:

Table 8.02

<table>
<thead>
<tr>
<th>£m</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6. This is the provision for Piers & Harbours included within the Local Government Spending Plans. Additional funding for Concessionary Fares is also included within the Local Government Spending Plans.

OBJECTIVES AND TARGETS

Objective 1
To promote economic growth by enhancing the effectiveness of the transport network and reducing congestion

Target 1 Reduce the time taken to undertake trunk road journeys on congested/heavily trafficked sections of the network by 2006.

Target 2 Achieve best value for money by reducing the proportion of the trunk road network that requires close monitoring to 6% for motorways and 8% for dual carriageways by 2006.

Objective 2
To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links

Target 3 Traveline Scotland to answer at least 1 million enquiries per annum by 2006; Transport Direct portal to achieve at least 1.5 million visits per annum by 2006; and for performance and output standards to be met.

Target 4 Increase passenger numbers passing through HIAL airports by 5% by 2006.

Target 5 Increase the quality and quantity of lifeline ferry services and ensure 98% of planned sailings actually sail and 98% arrive on time by 2006.

Objective 3
To support sustainable development by promoting more efficient transport networks and more sustainable modes of transport, having regard to the overarching principles of minimising resource use, energy and travel

Target 6 Increase rail passenger journeys on the Scottish rail network by a further 5% by 2006.

Target 7 Increase local bus passenger journeys by 5% by 2006.

Objective 4
To improve road safety and reduce road accident casualties

Target 8 Reduce the number of serious and fatal road accident casualties by 40% by 2010 and by 50% for children over the same period, compared with the 1994-98 annual averages.
What we will do

We are determined to deliver real improvements to Scotland’s transport network and over the Spending Review period we will:

- let a new 15 year Scottish passenger rail franchise and deliver our top priority rail projects - investing in the infrastructure the Scottish economy needs;
- invest to develop rail links to Glasgow and Edinburgh Airports - providing better links for business visitors and tourists coming to Scotland;
- begin construction of the final part of the M74 into Glasgow;
- deliver the top priority public transport projects flowing from the Central Scotland Transport Corridor studies - easing congestion and promoting more sustainable transport;
- continue to improve the trunk road network, including the preparation for the A8 and A80 motorway upgrades;
- take forward new contracts for lifeline ferry services - ensuring affordable services for island and remote mainland communities;
- introduce free local off-peak bus travel for elderly people and those with a disability - making it easier for them to travel, improving their quality of life;
- improve and enhance Traveline, and implement Transport Direct - giving everybody access to better information about the transport services they depend on; and
- encourage local authorities to promote through-ticketing on local buses - ensuring that those who rely most on public transport can use it.

RAIL SERVICES IN SCOTLAND

Table 8.03 Broad categories of spending (Level 2)

<table>
<thead>
<tr>
<th></th>
<th>£m 2002-03</th>
<th>Plans</th>
<th>£m 2003-04</th>
<th>New Plans</th>
<th>£m 2004-05</th>
<th>New Plans</th>
<th>£m 2005-06</th>
<th>New Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Services in Scotland</td>
<td>181</td>
<td>210</td>
<td>211</td>
<td>211</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What the rail services budget does

The Scottish Executive is responsible for funding rail services in Scotland — for ScotRail and the new Scottish passenger rail franchise.

- This budget funds the Scottish passenger rail franchise including the part covering services in the Strathclyde Passenger Transport Authority area
- Resources under this heading cover the fixed payments to ScotRail under the current franchise agreement

Table 8.04 More detailed categories of spending (Level 3)

<table>
<thead>
<tr>
<th></th>
<th>£m 2002-03</th>
<th>Plans</th>
<th>£m 2003-04</th>
<th>New Plans</th>
<th>£m 2004-05</th>
<th>New Plans</th>
<th>£m 2005-06</th>
<th>New Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>ScotRail Franchise</td>
<td>108.0</td>
<td>138.1</td>
<td>138.1</td>
<td>138.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant to SPTA</td>
<td>72.5</td>
<td>72.5</td>
<td>72.5</td>
<td>72.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>180.5</td>
<td>210.6</td>
<td>210.6</td>
<td>210.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OBJECTIVES AND TARGETS

Objective To support sustainable development by promoting more efficient transport networks and more sustainable modes of transport, having regard to the overarching principles of minimising resource use, energy and travel.

Targets

- Increase rail passenger journeys on the Scottish rail network by a 4% by 2006 compared to 2002-03.
- To reduce overcrowding on ScotRail services by the end of 2005-06 so no passenger has to stand for more than 10 minutes on any journey.
• To improve punctuality and reliability.

**Strathclyde Passenger Transport**

Provides financial assistance to SPT to secure passenger rail services for its area.

• Annual grant support is recalculated each year and is declining over time due to the overall costs of the franchise decreasing as fare revenues are increasing.

**CLYDE AND HEBRIDES FERRY SERVICES**

**Table 8.05 Broad categories of spending (Level 2)**

<table>
<thead>
<tr>
<th></th>
<th>£m 2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clyde and Hebrides Ferry Services</td>
<td>31</td>
<td>37</td>
<td>38</td>
<td>38</td>
</tr>
</tbody>
</table>

**What the Clyde and Hebrides ferry services budget does**

The budget currently provides deficit grant funding to allow CalMac to operate a network of 24 lifeline ferry routes serving islands and remote mainland communities on the Clyde and off the west of Scotland. During the Budget period, it is expected that a new contract for the services will be placed following a competitive tendering exercise. In subsidising CalMac our aims are:

• To ensure the provision of a suitable standard of transport connection, in terms of quality, frequency and capacity, to island communities which would otherwise suffer social and economic disadvantage.
• To ensure ferry fares and charges are not excessive;
• To ensure that ferry services are delivered efficiently;
• To ensure that the necessary level of service is provided for the minimal amount of public subsidy.

These aims will be carried forward under the new contract.

The resources allocated will allow existing CalMac and planned enhancements to be delivered and meet the set up and running costs of the vessel-owning company which will be formed as part of the tendering proposals. There will be an announcement in due course on a new vessel programme.

**Table 8.06 More detailed categories of spending (Level 3)**

<table>
<thead>
<tr>
<th></th>
<th>£m 2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficit Grant CalMac</td>
<td>21.9</td>
<td>24.4</td>
<td>24.4</td>
<td>24.4</td>
</tr>
<tr>
<td>Capital Loan</td>
<td>0</td>
<td>2.3</td>
<td>3.5</td>
<td>3.5</td>
</tr>
<tr>
<td>Capital Charges</td>
<td>6.6</td>
<td>11.0</td>
<td>11.0</td>
<td>11.0</td>
</tr>
<tr>
<td>Total</td>
<td>28.5</td>
<td>37.1</td>
<td>38.3</td>
<td>38.3</td>
</tr>
</tbody>
</table>

**OBJECTIVES AND TARGETS**

*Objective* To promote social inclusion by improving access to public transport, and by maintaining and enhancing the lifeline links.

*Target* Increase the quality and quantity of lifeline ferry services and ensure 98% of planned sailings actually sail, and 98% arrive on time, by 2006.

**HIGHLANDS AND ISLANDS AIRPORTS LIMITED**

**Table 8.07 Broad categories of spending (Level 2)**

<table>
<thead>
<tr>
<th></th>
<th>£m 2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highlands and Islands Airports Ltd</td>
<td>28</td>
<td>30</td>
<td>31</td>
<td>31</td>
</tr>
</tbody>
</table>

**What the Highlands and Islands Airports Limited budget does**

Highlands and Islands Airports Ltd (HIAL) operates 10 airports in the Highlands and islands, varying in size from Inverness to Tiree.

• The 10 airports provide an essential infrastructure which supports vital social, business and welfare air links.
• This helps to counter the remoteness of the communities concerned, provides support to the fragile economic base and helps counter further depopulation

Table 8.08 More detailed categories of spending (Level 3)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficit Grant</td>
<td>19.3</td>
<td>18.7</td>
<td>19.3</td>
<td>19.9</td>
</tr>
<tr>
<td>Capital</td>
<td>2.2</td>
<td>2.2</td>
<td>2.2</td>
<td>2.2</td>
</tr>
<tr>
<td>Capital Charges</td>
<td>6.3</td>
<td>9.0</td>
<td>9.0</td>
<td>9.0</td>
</tr>
<tr>
<td>Total</td>
<td>27.8</td>
<td>29.9</td>
<td>30.5</td>
<td>31.1</td>
</tr>
</tbody>
</table>

What we will do with the money
HIAL’s activities are heavily influenced by the Civil Aviation Authority’s safety regulations, as well as standards imposed by DfT and the Health and Safety Executive.

• HIAL receives its income from the charges it levies on air transport operators for the use of the airports and air traffic facilities
• Charges are set at a level which allows essential air services to continue and are generally increased in line with the rate of inflation
• The difference between its operating revenues and its costs and capital spending requirements needs to be met by grant from us.

OBJECTIVES AND TARGETS
Objective To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links.
Target Increase passenger numbers passing through HIAL airports by 5% by 2006.

BRITISH WATERWAYS
Table 8.09 Broad categories of spending (Level 2)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>British Waterways</td>
<td>8</td>
<td>11</td>
<td>11</td>
<td>11</td>
</tr>
</tbody>
</table>

What the British Waterways budget does
British Waterways has responsibility for 235km of canals in Scotland including statutory navigation and safety functions. In addition to its statutory functions, the Scottish Executive looks forward to British Waterways Scotland to:

• Promote regeneration
• Maintain and enhance leisure, tourism and educational opportunities
• Encourage greater use and associated facilities by the Scottish public.

Table 8.10 More detailed categories of spending (Level 3)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficit Grant</td>
<td>7.1</td>
<td>8.1</td>
<td>8.6</td>
<td>8.6</td>
</tr>
<tr>
<td>Capital</td>
<td>0.3</td>
<td>0.3</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td>Capital Charges</td>
<td>1.1</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Total</td>
<td>8.5</td>
<td>10.9</td>
<td>11.4</td>
<td>11.4</td>
</tr>
</tbody>
</table>

Output measures
• Number of visitors to the Falkirk Wheel
• Number of days Caledonian Canal closed during operational season
• Number of boats using Lowland Canal network

OTHER PUBLIC TRANSPORT
Table 8.11 Broad categories of spending (Level 2)

|-----------|---------------|-------------------|-------------------|-------------------|
Other Public Transport 166 254 310 414

**What the Other Public Transport budget does**

This budget centres on the Integrated Transport Fund which is the main support for new transport initiatives across Scotland. The range of activities in this programme supports a strong approach to improving public transport in several modes, in particular providing resources to fund major capital projects.

**Table 8.12 More detailed categories of spending (Level 3)**

<table>
<thead>
<tr>
<th>£m</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Plans</td>
<td>New Plans</td>
<td>New Plans</td>
<td>New Plans</td>
</tr>
<tr>
<td>Integrated Transport</td>
<td>10.0</td>
<td>139.2</td>
<td>193.5</td>
<td>296.0</td>
</tr>
<tr>
<td>Northern Isles Ferries &amp; Tariff Rebate Subsidy</td>
<td>14.2</td>
<td>14.1</td>
<td>13.3</td>
<td>13.4</td>
</tr>
<tr>
<td>Campbeltown-Ballycastle Ferry Services</td>
<td>0</td>
<td>0.7</td>
<td>0.7</td>
<td>0.7</td>
</tr>
<tr>
<td>Ferry Consultants</td>
<td>0</td>
<td>0.2</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Independent Piers &amp; Harbours</td>
<td>9.6</td>
<td>3.5</td>
<td>3.5</td>
<td>2.5</td>
</tr>
<tr>
<td>CalMac Piers and Harbours</td>
<td>2.8</td>
<td>1.7</td>
<td>1.7</td>
<td>3.0</td>
</tr>
<tr>
<td>Lifeline Air Services Subsidy</td>
<td>1.0</td>
<td>1.0</td>
<td>0.7</td>
<td>0.8</td>
</tr>
<tr>
<td>Rural Transport Measures</td>
<td>6.1</td>
<td>6.7</td>
<td>8.3</td>
<td>8.7</td>
</tr>
<tr>
<td>Bus Service Operators Grant</td>
<td>54.8</td>
<td>57.4</td>
<td>57.4</td>
<td>57.4</td>
</tr>
<tr>
<td>Track Access Grants</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Freight Facilities Private Sector</td>
<td>12.1</td>
<td>14.4</td>
<td>14.6</td>
<td>15.4</td>
</tr>
<tr>
<td>Road Haulage Modernisation Fund</td>
<td>0.0</td>
<td>3.8</td>
<td>3.8</td>
<td>3.8</td>
</tr>
<tr>
<td>Road Safety</td>
<td>3.0</td>
<td>3.4</td>
<td>4.7</td>
<td>4.8</td>
</tr>
<tr>
<td>Scottish Mobility Centre</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Mobility &amp; Access Committee for Scotland</td>
<td>0.1</td>
<td>0.2</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Bus Users Complaints Tribunal</td>
<td>0.0</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Smartcard Applications</td>
<td>0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Transport Direct</td>
<td>1.0</td>
<td>2.5</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Traveline</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>115.8</strong>(^1)</td>
<td><strong>254.0</strong></td>
<td><strong>309.8</strong></td>
<td><strong>414.1</strong></td>
</tr>
</tbody>
</table>

\(^1\) British Waterways £8.5m (2002-03) identified separately in table XX above.

**Integrated Transport Fund**

The fund supports initiatives that:

- are founded in well prepared and widely accepted local or regional transport strategies
- clearly contribute to our vision of a modern, safe, reliable and integrated transport system
- lever in private investment
- pave the way for the introduction of congestion charging

**Northern Isles Ferries and Tariff Rebate Subsidy**

This budget pays subsidy for the Northern Isles passenger and car ferry contracts. It also meets the cost of subsidising the transport of livestock from the Northern Isles and subsidises the carriage of certain types of bulk freight over a range of routes in the Highlands and Islands.

**Campbeltown-Ballycastle Ferry Services**

This will provide the Scottish Executive contribution to the subsidy associated with the re-introduction of a ferry service between Campbeltown in Kintyre and Ballycastle in Northern Ireland to promote tourism and economic development in Campbeltown and Kintyre. Prior to the reinstatement of direct rule, the Northern Ireland Executive agreed to contribute the balance of £0.3 million per annum to make up the subsidy limit of £1
million agreed by Ministers.

**Ferry Consultants**
This budget will meet the costs of consultancy support required to take forward the tendering and implementation of the various ferry contracts placed by the Scottish Executive.

**OBJECTIVES AND TARGETS**
*Objective:* To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links.

*Target:* Increase the quality and quantity of lifeline ferry services, and ensure 98% of planned sailings actually sail and 98% arrive on time by 2006.

**Caledonian MacBrayne Piers and Harbours Grants**
These grant schemes help to support the development of piers and harbours in the Highlands and Islands owned by CalMac or independent harbour authorities.
- Grant is normally available at up to 75% of eligible capital costs and helps to make sure that shore side infrastructure supports lifeline ferry services to remote rural communities.

In the case of CalMac, the projects to be funded over the next 3 years will be determined on the basis of detailed appraisals currently being conducted by the company. For the Independent sector, the final payments will be made for works to accommodate the new Northern Isles ferry services at Scrabster and Lerwick and a pier extension at Tarbert (Loch Fyne) will also be completed. New projects are likely to include new piers at Canna and Inverie (on the Knoydart peninsula).

**Lifeline Air Services Subsidy**
The subsidy supports and safeguards lifeline passenger air services between Glasgow and Campbelltown, Tiree and Barra.
- public service obligations have been re-imposed on the routes in line with EC Regulation 2408/92, which allows us to pay subsidy for these lifeline services
- contract arrangements were finalised with Loganair Ltd in March 2000 for the 3 years from 1 April 2000 to 31 March 2003. New contractual arrangements need to be in place from 1 April 2003

**Rural Transport Measures**
Contributes to sustainable rural communities by improving transport access for individuals and groups living in those communities:
- the Rural Public Passenger Transport Grant allows local authorities to provide new and improved transport services in rural areas
- the Rural Community Transport Initiative encourages the growth of community transport in rural areas
- the Rural Petrol Stations Grant supports the viability of rural petrol stations by assisting with capital works to replace storage tanks and introduce liquefied petroleum gas supplies

**Bus Service Operators Grant**
The Grant seeks to encourage the use of public transport by offsetting the impact of duty levied on diesel fuel used in the operation of local bus services. It:
- helps to keep fares down for users
- reduces the cost to local authorities of supporting socially necessary services, including un-commercial services in rural areas and off-peak services

**Track Access Grants**
This grant scheme supplements the Freight Facilities Grant scheme.
- It delivers environmental benefits by encouraging hauliers to transfer freight from
road to rail. The scheme is currently under review by the SRA

- Grants help operators meet the cost of track access charges

**Freight Facilities Grant**

Grants are made to move freight off the roads and on to trains and ships based on the environmental benefits that projects are judged to deliver.

**Road Haulage Modernisation Fund**

The Fund is designed to encourage hauliers to drive cleaner vehicles by improving fuel efficiency and implementing latest technology. The Fund in Scotland offers grants to enable hauliers to fit emissions reduction technology, and to offer training in fuel efficiency measures.

**Road Safety**

This budget provides funds to the Scottish Road Safety Campaign to develop road safety education resources and publicity campaigns. In addition it funds the Children’s Traffic Club in Scotland which offers free road safety training to all 3 and 4 year old children in Scotland.

**OBJECTIVES AND TARGETS**

*Objective To improve road safety and reduce road accident casualties.*

**Target** Reduce the number of serious and fatal road accident casualties by 40% by 2010, and by 50% for children over the same period, compared with the 1994-1998 annual averages.

**Scottish Mobility Centre**

Support funding is given to the Scottish Mobility Centre, for the mobile training and assessment facility.

**Mobility & Access Committee for Scotland**

Funding provides for the costs of members’ expenses and a secretariat for the Mobility & Access Committee for Scotland.

- The committee will advise Scottish Ministers on the transport needs of people with disabilities and how to improve the accessibility of transport for them

**Bus Users Complaints Tribunal**

This budget supports the new Tribunal which gives a statutory voice to bus users.

**SmartCard Applications**

Smartcards offer the opportunity substantially to improve delivery of public transport by enabling through ticketing and monitoring of concessionary fare use. This budget would contribute to work across the Scottish Executive on smartcard applications.

**Transport Direct**

To make more information available to passengers through the Transport Direct initiative.

- Transport Direct is a one of the key initiatives contained within DTLR’s 10 Year Transport Plan published in July 2000. It builds on the Traveline project. There is an expectation that we will match DTLR’s progress in what is a complex GB wide joint project that will take up to a decade to fully deliver

- Transport Direct is envisaged as a comprehensive national public transport information service available on the Internet, Digital TV and public access terminals. It will enable people to plan their journeys and compare routes and prices. It is intended to cover all modes of public transport as well as the car, walking and cycling

**OBJECTIVES AND TARGETS**

*Objective To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links.*

**Target** Traveline Scotland to answer at least 1 million enquiries per annum by 2006;
Transport Direct portal to achieve at least 1.5 million visits per annum by 2006; and for performance and output standards to be met.

**National Timetable (Traveline)**

The National Public Transport Timetable project (Traveline Scotland) aims to provide travellers with multi-modal information on public transport timetables, routes, pre-planned alterations to rail, and contact numbers for public transport operators.

**OBJECTIVES AND TARGETS**

*Objective To promote social inclusion by improving access to public transport and by maintaining and enhancing the lifeline links.*

Target Traveline Scotland to answer at least 1 million enquiries per annum by 2006; Transport Direct portal to achieve at least 1.5 million visits per annum by 2006; and for performance and output standards to be met.

**MOTORWAYS AND TRUNK ROADS**

Table 8.13 Broad categories of spending (Level 2)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Motorways and Trunk Roads</td>
<td>788</td>
<td>866</td>
<td>884</td>
<td>911</td>
</tr>
</tbody>
</table>

**What the Motorways and Trunk Roads budget does**

Resources under this heading are used to manage, maintain and improve Scotland’s motorway and trunk road network, which has a key role in our integrated transport strategy.

Table 8.14 More detailed categories of spending (Level 3)

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Capital Construction</td>
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<td>104.4</td>
<td>106.4</td>
<td>116.4</td>
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<td>Roads Improvements</td>
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<td>23.7</td>
<td>23.7</td>
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<td>Structural Repairs</td>
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<td>51.6</td>
<td>50.6</td>
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<tr>
<td>Routine &amp; Winter Maintenance</td>
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<td>43.4</td>
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<tr>
<td>Public Private Partnership Payments</td>
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<tr>
<td>Receipts</td>
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<td>-5.6</td>
<td>-5.6</td>
<td>-5.6</td>
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<tr>
<td>Sub-Total</td>
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<td>252.3</td>
<td>254.3</td>
<td>264.3</td>
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<tr>
<td>Capital Charges</td>
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<td>563.9</td>
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<td>Depreciation</td>
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<td>50.0</td>
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<tr>
<td>Total</td>
<td>824.4</td>
<td>866.2</td>
<td>884.3</td>
<td>910.8</td>
</tr>
</tbody>
</table>

**What we will do with the money**

The budget provided £17/35/62 million of additional resources for motorways and trunk roads. The major influences on planned spending are the need to maintain the network in good condition and deliver key trunk road improvements to benefit safety and traffic flows.

**OBJECTIVES AND TARGETS**

*To promote economic growth by enhancing the effectiveness of the transport network, and reducing congestion.*

**Targets**

- Reduce the time taken to undertake trunk road journeys on congested / heavily trafficked sections of the network by 2006.
- Achieve best value for money by reducing the proportion of the trunk road network that requires close monitoring to 6% for motorways and 8% for
dual carriageways by 2006.

**Capital construction**
Implement improvements to the motorway and trunk road network where these can contribute to the integrated transport strategy and can be justified on the basis of full appraisal

- complete the 5 major new trunk road schemes identified in the Strategic Roads Review: A1, A830, A96, A78 and the preparation and land assembly for the M77
- take forward the transport corridor studies on the A8, A80 and M74 and the decisions flowing from those studies. This includes a firm commitment to the construction by 2008 of the M74 Northern Extension, in partnership with Glasgow, South Lanarkshire and Renfrewshire Councils
- complete the Kincardine Eastern Bypass by 2005 and take forward a second Forth crossing at Kincardine

**Roads improvements**
Implement improvements to the motorway and trunk road network where these can contribute to the integrated transport strategy and can be justified on the basis of full appraisal

- take forward to completion, in addition to other minor works, the annual programme of road improvement works

**Structural repairs**
Safeguard the structural integrity of the trunk road network and maintain its safety and serviceability

**Routine and winter maintenance**
Secure value for money in the delivery of routine, cyclical and winter maintenance to maintain the safety, environment and amenity of the trunk road network

- continue to monitor the new companies responsible for the strategic network

**Public Private Partnership Payments**
Provide a modern, safe route from Scotland to England and Europe and from Glasgow and Ayr

- meet our contractual obligation by paying the annual service charge for the M74, ensuring that the contractor provides a safe operating regime for the user and maintains the asset value to the specified level
- undertake the construction of the M77 between Glasgow and Kilmarnock in advance of making service payments for its use.

**Other current spending**
Meet the Department’s commitments for the A720 Edinburgh City Bypass inherited from Lothian Regional Council, and the management fees at the Erskine Bridge; provide and maintain Driver Information systems; carry out research and development

- secure greater efficiency on the network, and take forward a broad programme of transport research projects that help develop and promote our transport agenda

**GRANTS TO LOCAL AUTHORITIES**
**Table 8.15 Broad categories of spending (Level 2)**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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<tr>
<td>Grants to Local Authorities</td>
<td>2</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
</tbody>
</table>

**New Roads Grants**
£1m a year is available to local authorities to receive grants towards the development of access roads to industrial premises in Assisted Areas.

**Piers and Harbours Grants**
Helps to support the development of piers and harbours in the Highlands and islands.
owned by local authorities.

- Grant is normally available at up to 75% of eligible capital costs and helps to make sure that shore-side infrastructure adequately supports lifeline ferry services to remote rural communities.

The projects to be funded will include completion of works at Hatston (Kirkwall) and Stromness to accommodate the new Northern Isles ferry services and completion of ongoing works at Eigg and Ard Mhor (Barra). New projects are likely to include a contribution to works at Port Askaig (Islay) and support for new and improved shore infrastructure for the Sconser (Skye) — Raasay service.

Concessionary Fares
The resources provided to local authorities, from October 2002, guarantee:

- Free bus travel outwith the morning peak hours for pensioners and people with a disability, within existing scheme boundaries
- Free internal ferry fares in Orkney, Shetland and the Western Isles

Table 8.16 More detailed categories of spending (Level 3)
<table>
<thead>
<tr>
<th>£m</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
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<td>Piers &amp; Harbours Grants</td>
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<td><strong>Total</strong></td>
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<td><strong>12.0</strong></td>
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Table 8.17 Spending Plans (level 2) Real Term
Transport
<table>
<thead>
<tr>
<th>£m</th>
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<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
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<tr>
<td>Rail Services in Scotland</td>
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<td>201</td>
<td>196</td>
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<tr>
<td>Clyde and Hebrides Ferry Services</td>
<td>31</td>
<td>36</td>
<td>36</td>
<td>35</td>
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<tr>
<td>Highlands and Islands Airport Ltd</td>
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<td>30</td>
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<tr>
<td>British Waterways</td>
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<td>11</td>
<td>10</td>
<td>10</td>
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<tr>
<td>Other Public Transport</td>
<td>166</td>
<td>248</td>
<td>295</td>
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<tr>
<td>Motorways and Trunk Roads</td>
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<td>845</td>
<td>841</td>
<td>846</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>1,202</strong></td>
<td><strong>1,374</strong></td>
<td><strong>1,413</strong></td>
<td><strong>1,501</strong></td>
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<td>11</td>
<td>11</td>
</tr>
</tbody>
</table>

< Previous | Contents | Next >