THE TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA

13th Meeting, Session 1 (2000)

Tuesday 23 May 2000

The Committee will meet at 9.45 am in Committee Room 1, Committee Chambers, to consider the following agenda items:

1. **Item In Private:** The Committee will consider whether to take agenda item 5 in private.

2. **Petitions:** The Committee will consider the following public petitions—
   
   PE23 by Save Wemyss Ancient Caves Society calling for action to be taken to repair storm damage to the access of the caves
   
   PE28 by the 999 Clear Road Campaign calling for the introduction of a law requiring drivers to give way to the Emergency Services

   PE63 by the National Farmers’ Union of Scotland calling for the Scottish Parliament to increase resources for agri-environment measures in Scotland

   PE117 by Mr Alexander Donald calling for the Scottish Parliament to (a) produce a new film on ice cream van safety; (b) allow ice cream vans to use their hazard warning lights when stopped; and (c) ensure the safe speed limit when passing an ice cream van is 5-10 miles per hour

   PE132 by by D. W. R Whittet calling for the Scottish Parliament to introduce legislation streamlining the planning system and change other aspects of the planning system and associated procedures within Scotland

3. **Subordinate Legislation:** The Committee will consider the following draft affirmative instrument—

   The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 (SSI 2000/draft)
4. **Audit Scotland Report:** The Committee will take evidence from Audit Scotland officials on the Audit Scotland report “Benchmarking Refuse Collection – A Review of Councils’ Refuse Collection Services”.


6. **Future Work Programme (in private):** The Committee will consider its future work programme.

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The following papers are relevant for this meeting:

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<thead>
<tr>
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<th>Agenda Item</th>
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<td>TE/00/13/1</td>
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<td>Petition PE23 by Save Wemyss Ancient Caves Society and accompanying documents</td>
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<td>Petition PE28 by the 999 Clear Road Campaign</td>
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<td>Petition PE63 by the National Farmers’ Union of Scotland</td>
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<td>Committee covering note on PE63</td>
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<td>Committee covering note on PE117</td>
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<td>Petition PE132 by DWR Whittet</td>
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<td>Executive covering note on the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 (SSI 2000/draft)</td>
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<td>Committee covering note on the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 (SSI 2000/draft)</td>
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<td>Accounts Commission for Scotland Report – “The Environment – Comparing the Performance of Scottish Councils”</td>
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<td>Committee covering note on the Audit Scotland Report</td>
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TRANSPORT AND THE ENVIRONMENT COMMITTEE
REPORT ON PROGRESS OF PETITIONS

The table attached to this paper sets out the status of all the on-going petitions that have previously been considered by the Transport and the Environment Committee or are due to come before the Committee.

Committee Meeting on 23 May 2000

The following petitions are due to be considered by the Committee at the Committee meeting on 23 May 2000:

- PE23 by Save Wemyss Ancient Caves Society calling for action to be taken to repair storm damage to the access of the caves.
- PE28 by the 999 Clear Road Campaign calling for the introduction of a law requiring drivers to give way to the Emergency Services.
- PE63 by the National Farmers’ Union of Scotland calling for the Scottish Parliament to increase resources for agri-environment measures in Scotland.
- PE117 by Mr Alexander Donald calling for the Scottish Parliament to a) produce a new film on ice cream van safety; b) allow ice cream vans to use their hazard warning lights when stopped; and c) ensure the safe speed limit when passing an ice cream van is 5-10 miles per hour.
- PE132 by D. W. R Whittet calling for the Scottish Parliament to introduce legislation streamlining the planning system and change other aspects of the planning system and associated procedures within Scotland.

Copies of these petitions, along with a Committee covering note for each petition, are attached with the Committee papers for the meeting on 23 May.

Petition Passed to the Committee For Information

The Public Petitions Committee has passed the following petition (attached at the end of this paper) to the Transport and the Environment Committee for information only:

- PE118 by Dr Ronald Crawford calling for the Scottish Parliament to reverse the decision to increase North of Scotland Water Authority charges to domestic customers by 35% in 2000/2001 and 12% in 20001/2002 and to restrict increase to 10% in each of the next four financial years.
The Convener of the Public Petitions Committee has written to the North of Scotland Water Authority and the Minister for Transport and the Environment in response to the concerns raised by the petitioner.

**Other Petitions**

On a number of petitions, the Committee currently is awaiting responses to requests it has made to particular bodies for additional information on the petition. It is hoped that the Committee will be able to consider these petitions again in the next few weeks, once this information has been received.

In addition, a number of petitions have been recently referred to the Committee or are in the process of being formally referred to the Committee, and it is hoped that these petitions can also be considered by the Committee in the near future.

**Suggested Action by the Committee**

Members may wish to note the progress of the Committee’s on-going petitions, and to consider the five petitions that are on the Committee’s agenda for 23 May 2000.

Alastair Macfie
Assistant Clerk to the Transport and the Environment Committee
May 2000
<table>
<thead>
<tr>
<th>Petition</th>
<th>Considered By T and E</th>
<th>Status</th>
<th>Action Required</th>
</tr>
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<tr>
<td>PE3 from Hospitalfield Area Residents’ Committee on commercial oil seed rape crushing in their area and the effect of this activity on residents’ health</td>
<td>Meeting 2 (2000) 2 February 2000</td>
<td>The Committee decided to seek further advice from SEPA &amp; Angus Council and to seek a view on health matters from the Health and Community Care Committee. In the meantime further events have required Clerks to seek advice from the Parliamentary Law Officers. It is considered that it would be inappropriate to examine the issue further at the present time and deferring consideration to a later date would be the most appropriate course of action.</td>
<td>Clerks to follow up status of petition with legal office, with a view to putting the petition before the Committee again in the future, if appropriate.</td>
</tr>
<tr>
<td>PE8 from Scottish Homing Union on the impact of the number of birds of prey on the sport of pigeon racing</td>
<td>Meeting 4 (2000) 1 March 2000</td>
<td>Petition also referred to Rural Affairs Committee. Both Committees independently agreed to defer further consideration of this petition until the publication of a DETR report on Raptor Predation. The report has now been published. The Rural Affairs Committee has agreed to take evidence on this petition at a future meeting of the Rural Affairs Committee. It was agreed that Helen Eadie should act as a reporter to the Transport and the Environment Committee at this meeting of the Rural Affairs Committee. The Committee agreed to defer further consideration of the petition until the outcome of Hawk and Owl Trust Report is known (and the petitioners have had an opportunity to comment on the report), and until the Transport and the Environment Committee has received a report on the petition from the Rural Affairs Committee.</td>
<td>The Hawk and Owl Trust report has been published. The petition is due to appear on the agenda of the Rural Affairs Committee in the near future, following which Helen Eadie can report on the outcome of this meeting and the Committee can report on the petition.</td>
</tr>
<tr>
<td>PE16 from Jimmy Oswald calling for urgent action to reverse the decline of the Capercaillie in Scotland.</td>
<td>Meeting 2 (2000) 2 February 2000</td>
<td>The Committee is currently awaiting research that has been commissioned by the Executive on this subject.</td>
<td>Committee to consider petition again following publication of this research. Clerk to ascertain timescale for publication of research.</td>
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<tr>
<td>Petition</td>
<td>Description</td>
<td>Date Considered</td>
<td>Date Referenced</td>
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<td>PE17 from <strong>Western Isles Council</strong> on Skye Bridge discounting options for Western Isles residents.</td>
<td>Both petitions last considered at Meeting 2 (2000) 2 February 2000</td>
<td>At the Committee meeting on 2 February 2000, the Committee identified a need for further clarification from the Scottish Executive on the issue of livestock exemptions for users of the Skye Bridge.</td>
<td>Committee to consider petition again, following receipt of response from the Executive. Clerks to ascertain likely timescale for response</td>
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<tr>
<td>PE27 from <strong>Skye and Kyle Against Tolls</strong> on Float Concessions for Skye Bridge.</td>
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<td>PE22 from the <strong>Island of Cumbrae Tourist Association</strong> outlining concerns in relation to the fare structure of Caledonian MacBrayne for the ferry to Cumbrae Island and calling for more detailed financial information to be made available.</td>
<td>Meeting 2 (2000) 2 February 2000</td>
<td>The committee considered that the information received from the Scottish Executive and agreed to seek pursue the initial request as the response did not fully address the petitioners concerns.</td>
<td>Committee to consider petition again, following receipt of response from the Executive. Clerks to ascertain likely timescale for response</td>
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<td>PE23 by <strong>Save Wemyss Ancient Caves Society</strong> calling for action to be taken to repair storm damage to the access of the caves.</td>
<td>Meeting 4 (2000) 1 March 2000</td>
<td>The Committee agreed to defer further consideration of the petition until information requested by the Education, Culture and Sport Committee on the petition had been received from the Scottish Executive. The Committee also agreed to request information on the extent of the coastal erosion problem in Scotland from the Scottish Executive. This information has now been received.</td>
<td>To be considered again on May 23</td>
</tr>
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<td>PE28 by the <strong>999 Clear Road Campaign</strong> calling for the introduction of a law requiring drivers to give way to the Emergency Services.</td>
<td>Meeting 2 (2000) 2 February 2000</td>
<td>The Committee decided to refer the petition to the Scottish Executive requesting that they take the matter up with the Department of the Environment, Transport and Regional Affairs and with Westminster and the committee also decided to contact the DETR and Westminster.</td>
<td>A response has now been received from the Scottish Executive, the DETR and Westminster. To be considered again on May 23</td>
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<tr>
<td>Petition</td>
<td>Description</td>
<td>Meeting Date</td>
<td>Action Taken</td>
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<td>PE33</td>
<td>Mr Stuart Crawford calling for the clearance of litter and rubbish from roadsides and other public areas.</td>
<td>Meeting 2 (2000) 2 February 2000</td>
<td>The agreed to seek further information from the Executive and CoSLA on petitions PE33 and PE39.</td>
</tr>
<tr>
<td>PE39</td>
<td>Mr George B Anderson calling for calling for a debate on the Environmental Protection Act on fixed penalty fines for litter offenders.</td>
<td>Meeting 2 (2000) 2 February 2000</td>
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<tr>
<td>PE51</td>
<td>Friends of the Earth Scotland calling for the Scottish Parliament to (a) exercise its powers to ensure that it will not permit the release of GM crops in to the environment by way of trials or commercial planting; and (b) establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and human health.</td>
<td>Meeting 6 (2000) 29 March 2000</td>
<td>The Committee agreed to consider this petition further, once the Rural Affairs Committee had reported on advice received from the Parliamentary Solicitor. The Committee agreed to seek further clarification of the devolved powers with respect to the regulation of GM crops. The Committee also agreed to consider, as part of its discussion on its future work programme, how it wished to investigate the issue of GM crops.</td>
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<tr>
<td>PE59</td>
<td>Frank Harvey calling for the Scottish Parliament to take certain steps to improve passenger safety on public transport in Scotland.</td>
<td>Meeting 2 (2000) 2 February</td>
<td>The committee decided to seek further information from the Executive on the policy of the rail industry with respect to safety and overcrowding prior to further consideration of the petition.</td>
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<tr>
<td>Petition Number</td>
<td>Petitioner</td>
<td>Petition Details</td>
<td>Consideration Details</td>
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<tr>
<td>PE63</td>
<td>National Farmers' Union of Scotland</td>
<td>calling for the Scottish Parliament to increase resources for agri-environment measures in Scotland.</td>
<td>Not yet considered. This petition has been passed by the Rural Affairs Committee for the Transport and the Environment Committee’s comment</td>
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<tr>
<td>PE65</td>
<td>National Farmers' Union of Scotland</td>
<td>calling for the Scottish Parliament to seek action on the Taxation on Road Haulage.</td>
<td>Meeting 2 (2000) 2 February</td>
</tr>
<tr>
<td>PE68</td>
<td>National Farmers' Union of Scotland</td>
<td>calling for the agriculture sector to be exempted from the proposed Climate Change Levy.</td>
<td>Meeting 5 (2000) 15 March 2000</td>
</tr>
<tr>
<td>PE96</td>
<td>Mr Allan Berry</td>
<td>calling for the Parliament to hold a public inquiry into the adverse environmental effects of sea cage fish farming</td>
<td>Not yet considered</td>
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<tr>
<td>Petition</td>
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<td>Status</td>
<td>Notes</td>
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<td>PE100 by <strong>The Shettleston Traders Association</strong> calling for Scottish Parliament to take action to prevent the Faifley to Baillieston Quality Bus Corridor from proceeding on Shettleston Road.</td>
<td>Not yet considered</td>
<td>Currently awaiting referral from Public Petitions Committee.</td>
<td>To be considered at a future meeting of the Committee.</td>
</tr>
<tr>
<td>PE111 by <strong>Mr Frank Harvey</strong> calling for the Scottish Parliament to order a public inquiry into road accidents involving police responding to 999 calls.</td>
<td>Not yet considered</td>
<td>Currently awaiting referral from Public Petitions Committee.</td>
<td>To be considered at a future meeting of the Committee.</td>
</tr>
<tr>
<td>PE113 by <strong>Campaign for Borders Rail</strong> calling for the Scottish Parliament to consider ways of re-instating a railway into and through the Borders, by way of a debate in the Parliament and by consideration by its committees.</td>
<td>Meeting 7 (2000) 4 April 2000</td>
<td>The Committee agreed to take into account and co-ordinate the views of the Enterprise and Lifelong Committee, the Finance Committee, the Rural Affairs Committee and the Social Inclusion, Housing and Voluntary Sector Committee, on the petition. The Committee agreed to write to the Executive to clarify the potential mechanisms for, and sources of, funding for a railway into and through the Borders. The Committee also agreed to request that the Executive provide a simplified summary of the recent report on the Borders Rail link. The Committee agreed that, once all the information the Committee sought had been received, the Committee should consider the requirement for taking further evidence on the petition, from the petitioner and other interested groups.</td>
<td>The Committee has received a response from the Executive, and is currently awaiting a response from the Enterprise and Lifelong Learning Committee, the Finance Committee and the Social Inclusion, Housing and Voluntary Sector Committee.</td>
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<tr>
<td>Petition</td>
<td>Description</td>
<td>Status</td>
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<td>calling for the Scottish Parliament to reverse the decision to increase North of Scotland Water Authority charges to domestic customers by 35% in 2000/2001 and 12% in 2001/2002 and to restrict increase to 10% in each of the next four financial years.</td>
<td>Not yet considered.</td>
<td>Petition attached with this paper for information only. The Convener of the Public Petitions Committee has written to North of Scotland Water Authority and the Minister for Transport and the Environment, requesting that the petitioners concerns are addressed.</td>
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<td>PE132 by D. W. R Whittet</td>
<td>calling for the Scottish Parliament to introduce legislation streamlining the planning system and change other aspects of the planning system and associated procedures within Scotland.</td>
<td>Not yet considered.</td>
<td>To be considered on May 23.</td>
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<td>Reference</td>
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<td>PE135</td>
<td>Marion Scott calling for the Scottish Parliament to address a range of issues relating to the siting of mobile phone masts.</td>
<td>Not yet considered.</td>
<td>To be considered at a future meeting of the Committee.</td>
</tr>
<tr>
<td>PE154</td>
<td>Dr Joanne Beaumont on behalf of Hillhead Primary School Board and School calling for the Scottish Parliament to intervene to overturn the decisions of Glasgow City Council concerning 7 and 8 Alfred Terrace, Glasgow G12.</td>
<td>Not yet considered.</td>
<td>To be considered at a future meeting of the Committee.</td>
</tr>
<tr>
<td>PE156</td>
<td>Mrs Jean Charsley on behalf of Hillhead Community Council calling for the Scottish Parliament to intervene to overturn the decisions of Glasgow City Council concerning 7 and 8 Alfred Terrace, Glasgow G12.</td>
<td>Not yet considered.</td>
<td>To be considered at a future meeting of the Committee.</td>
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<tr>
<td>PE167</td>
<td>Kings Park/Croftfoot Community Council calling for the Scottish Parliament to legislate to ensure that telecommunication masts will be subject to full planning controls with this legislation being effective retrospectively.</td>
<td>Not yet considered.</td>
<td>To be considered at a future meeting of the Committee.</td>
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MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA ITEM
TE/00/13/2

PETITION PE 23: Petition by Save Wemyss Ancient Caves Society

Date Received: 26 September 1999

Date Referred: 14 February 2000

Subject: Calls for action to be taken to repair storm damage to the access of the caves.

Progress of Petition

The Public Petitions Committee initially gathered substantial documentation on this issue (circulated as TE/00/4/6) prior to referral to this Committee and the Education, Culture and Sport Committee. The Committee considered the petition on 1 March 2000 and decided to request information on the extent of the coastal erosion problem in Scotland from the Scottish Executive. This information has now been received and is attached. At its last meeting the Committee had also noted the Education, Culture and Sport Committee’s request to the Scottish Executive for further information. The Clerk understands that the response to this Committee’s letter also covers the areas on which the Education Committee sought clarification.

Options

The Committee may wish to:

• consider the Executive’s response;
• Consider whether they wish to seek further information or evidence on the issue:
  or
• conclude consideration of the petition by writing to the petitioner and the Education, Culture and Sport Committee setting out the Executive response and giving the Committee’s view.

Shelagh McKinlay
Clerk to the Transport and the Environment Committee
May 2000
AGENDA ITEM
TE/00/13/3

PETITION PE 28: 999 Clear Roads Campaign
Date Received: 22 November 1999

Subject: Call for the Scottish Parliament to support a law which will force drivers to give way and access to the Emergency Services in pursuit of their duties, during 999 emergency operations

The petition is being circulated as Committee paper TE/00/1/13.

Progress of Petition

The Public Petitions Committee considered this petition at its meeting on 16 November 1999, and agreed to pass the petition to both the Transport and the Environment Committee and the Justice and Home Affairs Committee for further consideration.

The Justice and Home Affairs Committee considered the petition on 7 December 1999. The minute of that meeting records that:

“The Committee agreed that, since the petition sought legislation on what appeared to be a reserved matter, the Committee could not provide the remedy sought. However, it was agreed that the Convener should write to the Executive, asking whether it had plans to increase public awareness of the need to give way to emergency vehicles and asking whether it was engaged in discussions with UK Ministers”

Two letters from Sarah Boyack, Minister for Transport and the Environment, to the Convener of the Justice and Home Affairs Committee, in response to that Committee’s request for information, are attached as an Annex to this covering note.

The Transport and the Environment Committee considered the petition on 19 January 2000, and the minute of the meeting records that:

“The committee endorsed the decision of the Justice and Home Affairs Committee, and decided to refer the petition to the Scottish Executive requesting that they take the matter up with the Department of the Environment, Transport and Regional Affairs and with Westminster and the committee also decided to contact the DETR and Westminster”

Responses have now been received from the Scottish Executive, DETR, and the Environment, Transport and Regional Affairs Committee at Westminster. In addition, the Journal Office at Westminster have been contacted, and staff have been confirmed that the issue raised by the petitioner has not been raised in debates,
MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

questions or Early Day Motions at Westminster. These responses are also attached as an Annex to this covering note.

Options

The Committee may wish to:

- Consider whether any additional information on the issues raised by the petitioner is required
- Conclude consideration of the petition by writing to the petitioner setting out the responses of the bodies contacted by the Committee in relation to his petition

Shelagh McKinlay
Clerk to the Transport and the Environment Committee
May 2000
MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA ITEM
TE/00/13/5

PETITION PE 63: National Farmers’ Union of Scotland

Date Received: 17 May 2000

Subject: Call for the Scottish Parliament to increase resources for agri-environment measures

Petition PE 63 suggests that the allocation of resources for agri-environment measures for the financial year 2000/1 at £21 million is inadequate.

It calls upon the Scottish Parliament to “determine the resources required to meet the objectives in Scotland and, using the devolved powers in agricultural matters, oblige applications of additional funds from United Kingdom resources to these matters”.

The Transport and the Environment Committee has been designated a secondary committee on this petition, and it is required to pass its views on the petition to the Rural Affairs Committee.

Progress of Petition

The Public Petitions Committee considered this petition at its meeting on 18 January 2000, and agreed to pass the petition to the Rural Affairs Committee for further consideration and to the Transport and Environment Committee to provide any comments to that Committee.

At the meeting of the Rural Affairs Committee on 29 February, it was agreed that consideration of this petition be deferred to seek views of the Transport and Environment Committee and to await the outcome of the Scottish Executive’s consultation on modulation proposals. The Rural Affairs Committee is currently awaiting the outcome of this consultation. The Transport and the Environment Committee has now formally received a request for its views on this petition.

Options

The Committee may want to consider whether it has the necessary specialist expertise and knowledge to determine the resources required for agri-environment measures in Scotland, as requested by the petitioner. The Committee may consider, instead, that this a matter on which the Committee should to write to the Executive for further clarification and information.

The Committee may wish to:

- Note the petition
MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

- Seek additional information on the issues raised by the petitioner
- Pass on the views of the Committee to the Rural Affairs Committee

Shelagh McKinlay
Clerk to the Transport and the Environment Committee
May 2000
MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA ITEM
TE/00/13/7

PETITION PE 117: Mr Alexander Donald
Date Received: 20 March 2000

Subject: Calls for the Scottish Parliament to a) produce a new film on ice cream van safety; b) allow ice cream vans to use their hazard warning lights when stopped; and c) ensure the safe speed limit when passing an ice cream van is 5-10 miles per hour.

Petition PE 117 (TE/00/13/6) which is accompanied by additional material provided by the petitioner, was prompted by what the petitioner considers to be a lack of adequate road safety measures to prevent the injury and death of children in the vicinity of ice cream vans. The petitioner has campaigned for a number of years on this issue.

Progress of Petition

The Public Petitions Committee considered this petition at its meeting on 14 March 2000, and agreed to pass the petition to the Transport and the Environment Committee for further consideration.

The petitioner addressed a meeting of the Public Petitions Committee in support of his petition, and the relevant extracts from the Official Report of that meeting are attached at Annex A.

In referring the petition to the Transport and the Environment Committee, the Public Petitions Committee recommended that the Committee should consider seeking the views of the Executive on the matters raised by the petitioner. In particular it was suggested that the Committee could inquire as to the possibility of the petitioner’s proposals being incorporated into any future Road Safety Campaigns.

Options

The Committee may wish to:

- Note the petition
- Raise the issues noted by the petitioner with the Executive
- Take any additional action members feel necessary

Shelagh McKinlay
Clerk to the Transport and the Environment Committee
May 2000
MEMBERS BRIEFING
TRANSPORT AND THE ENVIRONMENT COMMITTEE

ANNEX A: EXTRACT FROM THE OFFICIAL REPORT OF THE PUBLIC PETITIONS COMMITTEE MEETING ON 14 MARCH 2000

The Convener: Petition PE117 is from Mr Alexander Donald and concerns ice cream van safety. I understand that Mr Donald is here today and would like to address the committee.

Mr Alexander Donald: This is very emotional for me and I am quite upset.

The Convener: I understand that. Just take your time.

Mr Donald: I do not know whether members have copies of my petition.

The Convener: Everyone has a copy of your petition and the background papers, and we have all read them. Take two or three minutes to summarise what you would like the committee to do.

Mr Donald: Well, I am being knocked about from pillar to post. The letters that I have received from the Scottish Executive tell me that ministers are fully aware of the points that I have raised but that a meeting would serve no purpose. In other words, they are not prepared to sit down and discuss what I am asking for.

The kids mentioned in my petition have all been killed. If I had been driving past those ice cream vans, those kids would have been alive today, because my speed would have been right down and I would have been prepared to stop. Some of the drivers involved were not really going very fast. They might even have been going as slowly as 20 miles per hour, but that is too fast because, at that speed, one child in 10 is killed.

In 1986, a wee boy was killed and I wrote to the department of transport about it, but the parents felt that they did not want to highlight the case so I let it go. I did not know about the wee boy who was killed in 1990, but I heard about the wee girl who was killed in 1991. Later on, in 1994, I wrote a petition and the man who had lost his wee boy said that he would like to sign it. He felt that, if the driver had been going a wee bit slower, his boy might have been alive today.

Ms White: Would you like a glass of water, Mr Donald?

Mr Donald: I am all right, but this is very emotional.

The Convener: We can understand that. Just take your time; there is no rush.

Mr Donald: I do not know whether you will remember Ian Campbell.

Members: Yes, we do.

Mr Donald: Ian dealt with the matter, and a wee film called "The Ice Cream Girl" was made and shown nationwide on Scottish television. I have a copy of it with me, which I shall leave in case members would like to see it. There is also a copy of a film that was made when I wrote to Scottish Television after a horse was killed.

Ian Campbell took the matter up. A wee filler film was made, called "Horse Traffic", but this wee filler—they all have wee names—was called "The Ice-Cream Girl".

Bus drivers are permitted to use their hazard warning lights when they stop to pick up or drop off children. I have been campaigning for ice cream van drivers to be permitted to do that as well, just as a warning that a kiddie may run out. That would have had to be dealt with down in London, and I understood that the Conservative Government was the only one
that could deal with it. To cut a long story short, I organised a petition—with 8,000
signatures—claiming that no child should be killed while waiting at an ice cream van. I took it
down to London. I could have done more if I had had the funds. I have been using my own
transport all these years.
Another point was that drivers should reduce their speed if they are overtaking an ice cream
van, and that they should be prepared to stop. No child would be killed by a vehicle that was
travelling between 5 mph and 10 mph. The other point was—what was it, now? I think I have
it here.

The Convener: A new film, was it?

Mr Donald: Pardon?

The Convener: You wanted someone to make a new film on ice cream safety?

Mr Donald: A wee filler film, aye. It should be updated. I have the old one here, as you
know. There are other wee bits added on.

The Convener: It would be helpful if you left that with the committee. We could then pass it
on.

Mr Donald: As long as you put it in one of those padded envelopes.

The Convener: We will return it to you safely.

Mr Donald: When I showed it to the people in London, they put it in an ordinary brown
envelope and the case was broken. I could go on and on, but you have the film there.

The Convener: We have it here, Mr Donald.

Mr Donald: Perhaps you could organise a meeting to highlight the issue. I could come to
that meeting better composed.
I have some photos with me of the kiddies who have been killed. This wee girl was killed in
1998, and her father collapsed and died nine months after. That is a wee girl from
Drumchapel. That is a wee girl from Clydebank. That is a wee boy whose father came over
and said, "I'll sign the petition," He came from Dumbarton. He said, "If the driver had been
going a wee bit slower, my wee boy might not have been killed." [Interruption.] I am sorry
that I am getting emotional.

The Convener: I understand. It is a very emotional subject. Thank you very much, Mr
Donald.

Mr Donald: Can I leave it at that?

The Convener: Please wait for a moment, in case members of the committee have
questions to ask you.

Christine Grahame: It is very distressing. Children flock to ice cream vans and they are
happy. It is dreadful when such accidents happen—for the ice cream van driver as well.
I am not sure, but I think that road traffic legislation is reserved. The highway code is part of
that.

The Convener: I am told that road safety is an issue for the Scottish Parliament.
Christine Grahame: Road safety is another matter. Is the highway code part of road traffic legislation?

Mr Donald: No—I am sorry to interrupt—it is not.

The Convener: I am advised that the highway code is a reserved matter.

Christine Grahame: The highway code is reserved?

The Convener: Yes, but road safety issues are not reserved.

Christine Grahame: The Education, Culture and Sport Committee might be interested in this matter from the perspective of the need to remind children in primary schools about the dangers on their streets. Road safety education is a subject that we must return to with each generation of children.

The Convener: Members should remember that we are asking Mr Donald questions at this stage. We will have a debate afterwards.

Christine Grahame: This is not so much a question as a suggestion. I would have thought that it would be useful for Mr Donald's petition to go to not only the Transport and the Environment Committee, but the Education, Culture and Sport Committee, so that it can be followed up with school children in primary schools. The Education, Culture and Sport Committee could also consider the other matters in Mr Donald's petition that the Parliament might want to address, such as hazard warning lights and so on.

Mr Donald: I went to the Scottish Road Safety Campaign in Edinburgh, but that was just after the wee girl was killed in 1991. I did not know about the wee boy who was killed in 1990. I met a committee and highlighted the issues, but I did not get much satisfaction. Since all the other kids have been killed, I have not been back.

Ms White: Thank you for bringing this petition before us, for being so vigilant and for pushing the matter forward. I am sure that the Scottish Parliament will be able to deal with the petition to your satisfaction. I agree with the three points on the petition. I hope that a new film can be produced and shown in primary schools. Perhaps we could add a fourth point, to advise drivers—I do not think that we could tell them by law—to check before they drive off that there are no children round the ice cream van. Part of your petition mentions a wee boy who bent down to pick up 20p; the driver reversed and, sadly, the young boy was killed. We have all seen incidents where that could have happened. We have all told kids to get off the road. I hope that the committee will agree to add that point.

The Convener: It is not the role of the committee to alter petitions.

Ms White: Perhaps Mr Donald would like to alter his petition.

Mr Donald: It could be added in.

Ms White: Drivers of ice cream vans must be made aware of the fact that kids tend to sit on the pavement if it is a nice day, or that a kid's money or sweetie might roll under the van. It is common sense, but perhaps we need a law that requires drivers to get out of their cab and check round the ice cream van before they drive off to ensure that there are no kids in the way. That is just a suggestion.
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Mr Donald: When people are driving past at 20 mph, they feel safe enough, but when they look back they probably say to themselves that if they had been going a lot slower, the wee boy or girl might not have been killed.

Ms White: I agree with the points in your petition.

Phil Gallie: First, Mr Donald, congratulations. You have pursued this issue since the 1970s, which shows great resilience. You say that you would like the Scottish Parliament to allow ice cream vans to use their hazard warning lights when stopped. Is not the law at present such that ice cream van drivers can use their discretion and apply their hazard warning lights if they consider that they are creating a hazard? If so, could not the committee simply give out the message, as it is doing now, that it would be a good idea for ice cream vans to use their hazard warning lights?

Mr Donald: The driver of the ice cream van might stop in a place where he does not think that he is causing a hazard and might not use his hazard warning lights, because he thinks that he is not really supposed to use them if he is not causing a hazard. That is how the law lays it down. That is why I said that the use of hazard warning lights could not be mandatory, but could be advisory. The advice would need to come from Parliament for drivers to take it. I do not think that ice cream van drivers would be keen to use their hazard warning lights just because they were asked to. If it were simply a case of asking, I would not be running around looking for Tom, Dick and Harry.
I would be quite pleased if the police asked van drivers whether they had had their hazard warning lights on when there has been an accident. That would make it up to the ice cream van driver. I would be really satisfied if drivers were permitted to use their hazard warning lights.

Phil Gallie: So, you want a bit more than for drivers to be allowed to use their hazard warning lights? You want us actively to tell van drivers to put on their lights. That answers my question.

Mr Donald: I do not know whether you know this, but I was arrested in January—

The Convener: No, I did not know that.

Mr Donald: I was down at the Scotland Office at Victoria Quay with my two big placards. I may be arrested again.

The Convener: It is okay—nobody will arrest you in here.

Mr Donald: You have to practise what you preach. Sometimes I feel that some people do not like it when you are speaking the truth. I have been driving, and teaching people to drive, for a long time. I told the Scottish Office, and John Major's civil servants down south: "Prove me wrong and I will stop." I would be glad to stop if they could prove me wrong, but they have not done that. I have here all the replies that I have received. They say, "We are fully aware of the points you raise and consider that a meeting would serve no useful purpose." Well, that is really sad.

The Convener: I accept that. Thank you; your contribution was very helpful. We will now have a short discussion on your petition before deciding what to do.

Mr Donald: Can I leave you my video?

The Convener: That would be helpful. We will ensure that it is sent back in a padded envelope.
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Mr Donald: By the way, I have got this new book—"Tomorrow's Roads—Safer for Everyone".

The Convener: We will get copies of it in the Parliament.

Mr Donald: But there is nothing in it about ice cream vans.

The Convener: Thank you—you have made your point very well. Everyone knows what the petition is about, and the suggestion is that we should pass it to the Transport and the Environment Committee. I was concerned to discover that the Executive was not prepared to meet Mr Donald. We should strongly recommend that the Transport and the Environment Committee should consider seeking the Executive's views. We should ask the committee also to consider whether any of the suggestions in the petition could be incorporated into future road safety campaigns.

Christine Grahame: May I suggest that we also send it to the Education, Culture and Sport Committee. Road safety is also an education issue.

The Convener: I agree.

Helen Eadie: I agree with Christine. Educating children on road safety is paramount. I do not know what is in Mr Donald's video, but if we can get videos made that help to increase awareness of road safety then so much the better. Like every member here, I commend Mr Donald for sticking with it and being so tenacious. I agree with the convener that it would be nice if someone from the Scottish Executive would meet Mr Donald, who is clearly very upset by the issue and has stuck with it for a long time.

The Convener: The petition will be passed to the Transport and the Environment Committee, with a recommendation that it seek the Executive's views, and a specific suggestion that it consider whether any of the points in the petition could be incorporated in future road safety campaigns. The petition will also be passed to the Education, Culture and Sport Committee for consideration for inclusion in road safety teaching in primary schools. Is that agreed?

Members indicated agreement.
PETITION PE 132: DWR Whittet

Date Received: 31 March 2000

Subject: Call for the Scottish Parliament to introduce legislation streamlining the planning system and change other aspects of the planning system and associated procedures within Scotland.

Petition PE 132 concerns the planning system, and in particular public participation, third party rights of appeal, and the role of the planning ombudsman. The petition is accompanied by various additional papers submitted by the petitioner.

Progress of Petition

The Public Petitions Committee considered this petition at its meeting on 27 March 2000, and agreed to pass the petition to the Transport and the Environment Committee with the suggestion that the Committee should consult the Local Government Committee on those issues which relate to Council operation.

At the Public Petitions Committee meeting on 27 March, the Committee took oral evidence from the petitioner. The relevant extract from the official report of the meeting is attached as Annex A to this covering note.

Members may wish to be aware that the Committee will have an opportunity to consider issues relating to the planning system in the context of the Executive’s forthcoming consultation on the revision of NPPG1. A letter indicating the likely timescale of this process is attached at Annex B to this covering note.

Options

The Committee may wish to:

- Note the petition
- Write to the Local Government Committee to request its views on the petition
- Write to inform the petitioner that the Committee intends to consider the planning system in the context of the Executive’s review of NPPG1
- Take any additional action members feel necessary

Shelagh McKinlay
Clerk to the Transport and the Environment Committee
May 2000
Mr D W R Whittet: Good afternoon, convener and committee members. I thank you for giving me the opportunity to address you today. This committee is a major step forward for Scottish democracy. If the convener follows the local press, he will no doubt be aware that I wrote to my local paper, pointing that out and complimenting the Parliament on its roles.

In the short time available I can highlight only a few of the features concerning planning and associated matters. I will explain, first, why the petition arose and go on to explain briefly the main issues as I see them. Finally, I will suggest improvements that I feel can and should be made.

A number of years ago, the local council at Perth and Kinross had a planning application before it that affected my property. To cut a long story short, neighbours and I made representations to the council, which were wholly ignored. That gave my wife and me a great deal of stress. There were errors in the plan that the planners argued breached their own plan. National planning policy guidelines required them to defend the plan, which they failed to do.

There were buildings overhanging our property and fences were put up that would have done credit only to a scrapyard. Conditions were imposed, some of which were unenforceable in law and some of which were never enforced, because the council had no written procedure on enforcement policy.

At the end of all this, I was dissatisfied because certain issues had, in my view, not been handled fairly and democratically. I complained to the council, through the chief executive. The complaints were never listened to or debated. I got nowhere. Finally, I appealed to the ombudsman. That appeal failed—I will explain why in a moment.

The sum of all this was a recommendations paper, in which I prepared a summary of our bad experiences. To put it mildly, we had been treated shabbily. I submitted 12 recommendations to the council, giving them adequate copies. Not one of the recommendations was debated. No committee of the council considered them. It took almost a year to wring any form of written response from the council. All of this is catalogued in the documentation that I have provided to the clerk.

I move now to the issues. There is no meaningful public participation, largely because nobody pays much attention to those who oppose planning applications or who merely comment on them, as is their right. The planners and the councils know that those people have no right of appeal and that they can do nothing about the applications. However, if they feel that there has been an error in the procedure, they can appeal or make a complaint to the ombudsman. On the other hand, councils can appeal; they can raise civil actions, if they feel that there is a case, to go to the Court of Session. In law, the public could do that as well, but they are largely debarred because of cost and time.

My last point on the main issues relates to the ombudsman's role. His role is defined under the Local Government (Scotland) Act 1975, which was enacted as a forerunner to the formation of the regions as they were until two years ago. That piece of legislation restricted what the ombudsman could do. Many people do not know that and feel frustrated when, having written to the ombudsman, he says, "I am sorry. I cannot do anything about it."

If any council makes a decision within its legal powers—no matter how unreasonable or unfair that decision might be towards a person's daily affairs, life or property—there is nothing the ombudsman can do. He is debarred from inquiring into the situation. Even the ombudsman's staff—I cannot name them, clearly—agree with me, after long discussions, that the public find it frustrating when they lodge a complaint and the ombudsman says, "I am sorry, but I cannot investigate that." He can examine the issue informally, but he cannot investigate it formally, and nothing more can be done. The ombudsman's staff also feel frustrated.
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Of the complaints that have been passed to the ombudsman—I do not have the current annual report, or even the one before it, but the one prior to that—housing and planning issues form the larger part. Housing comes first, with planning a close second. That is an indication that all is not well with the planning system in Scotland. The improvements that I have listed in my submissions to the committee are proposed in a spirit of common good. I have nothing to gain personally from any of those improvements if they are made now.

The system requires streamlining. I have become quasi-expert on planning, as I have made it my business to find out about it. It is an absolute morass of procedures, national planning policy guidelines, planning advice notes, circulars and so on. The lack of appeal, which I have touched on, is a serious democratic deficiency. The public should have a right of appeal. It is common legal practice for people who are pleading any case to have independent appeal facilities. I suggest that it would be appropriate, through whatever means are available to the new Parliament, to introduce a petitions system similar to the one in which this committee is involved, to deal with national issues. The same should apply to local issues. In my case, I might have received a reply if such a system had been in place.

The idea of having a Public Petitions Committee is part of the ethos of the Scottish Parliament, and I have already commented on that. There should be a right to hearings at development, control and planning meetings: the public should have a right to a hearing if they so desire. I learned obliquely that the council—not the present one, but its predecessor but two—had in place a system that would have allowed councillors to say, "Mr Whittet, if you write in we will look into your request and you can come and address our committee." However, they never had the courtesy to tell me that they could do that.

The consultation document on planning and land use under the Scottish Parliament stresses openness, fairness, impartiality and public involvement and participation. I wrote a commentary on that document, and I received a very nice acknowledgement. I was also mentioned in the document that summarised the consultation process. Somebody must agree that I have a point to make. I would welcome a layman's guide to the planning system. It should be a must, and should come centrally from the Scottish Parliament. It should not only emphasise the procedures, but inform the public of their rights—what they are and are not entitled to do.

Finally, the complaints system requires a complete review. I wrote to a select number of local councils—some city councils, some rural councils—asking them for details of their complaints systems. Not one had an appeals system. Perth and Kinross Council has a clear statement in its standing orders that no appeal will be considered unless it is required and is made under statute. Even the council could not ignore the law. I suggest a tripartite system: complaints would be dealt with initially by the local council; an independent body with independent people on it—not councillors—would look into appeals against the councils, which would siphon off a lot of work that is currently carried out by the ombudsman; finally, there would be a new, independent Scottish ombudsman who would operate under Scots law.

I have summarised my arguments, convener. I feel that there is a sound case for change. The public have a clearly defined right to be heard in all matters that are controlled by public bodies. I ask the committee to support my petition and its various components and to take whatever procedural steps are necessary to progress those—assuming that you support them. I leave that to you, convener, with your knowledge and experience. I am well versed in legislation and I understand that legislative change would be required for several of these issues, although not for all of them. Some could be addressed through codes of practice and the setting of standards for councils. I rest my case.

The Convener: Thanks very much, Mr Whittet. You may be interested to know that this committee has already raised with the Convention of Scottish Local Authorities the possibility of each council having its own public petitions committee to carry out the same kind of work that we do in the Scottish Parliament. That would be of some assistance, if it ever came about.

Do members have any questions for Mr Whittet?
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Ms White: Thank you, Mr Whittet, for bringing this matter before us. As you will realise, your concern is shared by many people in the community. Without mentioning your own case, I was quite horrified by some of the bits and pieces that I have read about—particularly a letter that was received from a councillor, which, in answer to your question, said that it was none of your business. It is absolutely disgusting for any official to write to a member of the public in that way. That alone would merit investigation, but that is another matter. The ombudsman who found in your favour was also quite disgusted at the treatment that you received.
Some form of legislation for local councils, to which people can look for assistance, is long overdue. Only a few years ago, the Scottish Office said that, when the Scottish Parliament came into being, community councils would have far more input into local planning and would have more powers. I look forward to seeing that in statute, and I welcome the fact that you have raised that issue today. We will deal with a petition similar to yours in the next round of petitions, which shows that people are sitting up and taking notice. Councils cannot always get their own way and ride roughshod over individuals. As well as sending the petition to the Transport and the Environment Committee, I would like to send it to the Local Government Committee.

The Convener: I remind members that, at this stage, we are supposed to ask questions.

Ms White: Oh. I am sorry.

The Convener: We will debate what to do with the petition after we have asked questions.

Christine Grahame: I cannot recall what the power of the local government ombudsman is. He found that you were entitled to an apology and £500 of compensation. Did you receive any of that?

Mr Whittet: The £500 compensation did not apply to me. I wrote to the council, posing questions about the man to whom it applied, and I was horrified that the report that I received from my local councillor contained no apology or expression of remorse for some disgraceful conduct towards that man. I asked simply what remedial action be taken. The compensation did not apply to me.

Christine Grahame: When the local government ombudsman makes a finding such as that, does he have any authority to enforce an order, or is his finding—as is often the case with ombudsmen's findings—simply a recommendation?

Mr Whittet: Councils seldom ignore the recommendation of the ombudsman; they realise that is the decision of the Court of Appeal and that it should be upheld.

Christine Grahame: Yes, but he has no statutory power to enforce it.

Mr Whittet: None of which I am aware.

Christine Grahame: I am interested in pursuing the idea of a Scottish local government ombudsman and developing a more democratic structure for the planning system—and a more standardised structure throughout Scotland. Your petition raises some interesting issues in an area of law with which, in its details, I am not terribly familiar. Would the decision of a Scottish local government ombudsman have the force of a judgment?

Mr Whittet: Indeed, and it would be binding for authorities. I do not want to take up the time of the committee unduly in explaining the regulations under the Local Government (Scotland) Act 1975. That is a very large statute, comprising around 286 sections. Tucked
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into it are a few add-ons for Scotland, although it is essentially English legislation, as I wrote in my paper. Having said that, I am not anti-English or anti-anyone.

The Convener: No anti-Englishness is allowed in this committee. I ask members to be as brief as possible. We are not making much progress on the agenda.

Mrs Margaret Smith: I note, from the papers that you have given us, that Ian Jenkins has lodged a motion about public participation and planning. The first questions that I asked the Executive were on that issue, reflecting concerns in my constituency. The area is ripe for further work to be done. For four years I was a member of the development, control and planning committee of City of Edinburgh Council, and I have a little experience in such matters. I would like to delve into one of the remedies that you have suggested.

I agree that there should be a third-party right of appeal. You also suggest that public participation should be encouraged by granting rights to objectors to be heard at all council planning meetings if they so wish. From my experience, I know that hundreds of planning applications come before the development, planning and control committee in Edinburgh each week. The councillors who are involved in that would spend every day of the week in planning committee meetings if everybody had the right to say something.

What if, as Sandra White suggested, that right were granted to community councils, which already have a statutory right to be kept informed of planning applications? Alternatively, the right could be granted selectively if a certain percentage of neighbouring householders objected to an application. Some such mechanism should be established.

I recently discovered two cases, in connection with planning law, in which wrong information was given to councillors when a decision was made. There is no mechanism to overturn that decision, even when within a matter of days the error has been pointed out to the council. There are a range of issues that we could address in dealing with the points that you raise, and I agree that your petition must also be passed to the Local Government Committee. However, there would be difficulties in following your fourth recommendation. Have you given any greater thought to that?

Mr Whittet: I have. I approached the planning department on several occasions, but if offered only statistics—not what I would call constructive information on which to base a reasonable judgment. Probably at least 50 per cent of applications are approved by officials through delegated powers and will not go before any committee. If no one objects or says anything, they are approved. The remaining 50 per cent are not all debated, in my experience, and the number of people who would be likely to request a hearing would be relatively small.

Mrs Margaret Smith: Even under delegated powers, applications still have to come to committee for councillors to nod them through. In many councils—certainly City of Edinburgh Council—as people are not told that they have the right to petition the planning committee, they do not do so. You are right in saying that the majority of the applications are not discussed at great length. However, if petitioners had a right to be there, I assure you that they would attend. That would extend the amount of time that planning committees took to consider such matters. You are right that we need to streamline the planning system because the majority of local councils are failing to meet the targets set by the Executive.

Mr Whittet: Would not it be reasonable, convener, to say to the public that if they have a case they can write to the council and it will be considered? I had a case where 10 of my neighbours, not just me, signed a petition opposing an application, yet no one told us that the matter would have to be considered by the planning committee. There could be a screening mechanism. I do not have all the answers.

The Convener: We cannot debate the whole issue here. Eventually the matter will go to a parliamentary committee, which will debate it.
Ian Jenkins: I have lodged a members’ business motion on public participation in planning, which I hope will flag up such issues, although half an hour will not do the matter justice. I hope that members will support the motion and so help the subject to get on to the agenda.

Mr Gil Paterson (Central Scotland) (SNP): As a point of information in relation to Christine Grahame’s comment, the ombudsman has no powers of enforcement.

The Convener: That is right. Thank you, Mr Whittet.

Mr Whittet: Thank you for your time and attention. Finally, I want to tell the committee that it took two whole years of meetings, phone calls and discussions to get a written response and another whole year to get that into print.

The Convener: That is a triumph of perseverance. You would make a good member of the Public Petitions Committee, Mr Whittet.

The notes attached to the petition confirm that this is a live issue. Recently, members of the Scottish Parliament information centre attended a conference on Scottish planning and environment law at which third-party rights of appeal were discussed. It is likely that the committees of the Scottish Parliament will consider this matter actively.

The recommendation is to send the petition to the Transport and the Environment Committee, which is responsible for planning. However, I understand why members have suggested that we also send it to the Local Government Committee. Is it agreed that we send it to both committees?
1. The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 (SSI 2000/draft) was laid on 4 May 2000 and has been assigned to the Health and Community Care Committee for consideration (and is attached as Committee paper TE/00/13/10).

2. The Transport and the Environment Committee has been identified as a secondary committee for the consideration of this instrument. Under Rule 10.2 the Committee may make any recommendations it wishes in respect of instrument to the lead committee (the Health and Community Care).

3. The Order is accompanied by an Executive Note (paper TE/00/13/11).

4. The Order is laid under an "affirmative procedure" which means that Parliament must approve the instrument before it may come into force. The sponsoring Minister (Susan Deacon, Minister for Health and Community Care) has accordingly lodged a motion that the Health and Community Committee recommend approval of the instrument to Parliament (S1M - 851)

5. The Parliament has until 12 June 2000 to deal with the instrument and the Health and Community Care Committee is required to report on the instrument by 5 June 2000. Accordingly, if the Transport and the Environment Committee wishes to report to the Health and Community Care Committee on the instrument, the report should be published by 25 May 2000, to allow it to be considered by the Health and Community Care Committee.

6. The part of the instrument that is relevant to the remit of the Transport and the Environment Committee is contained within the schedule, and refers to the transfer of certain functions under the Road Traffic Regulation Act 1984 to the Scottish Ministers.

7. The Subordinate Legislation Committee considered this instrument at its meeting on 9 May 2000. The 18th report of the Subordinate Legislation Committee (SL/00/R18) confirms that there are no technical issues of drafting which that Committee wished to draw to the attention of the Parliament.

8. The Committee is asked to consider the instrument and make any recommendations it considers necessary to the Health and Community Care Committee.

Alastair Macfie
Assistant Clerk to the Transport and Environment Committee.
May 2000
Introduction

In April 2000, Audit Scotland (on behalf of the Accounts Commission) published a report entitled “Benchmarking Refuse Collection – A Review of Councils’ Refuse Collection Services”. A copy of this report is being circulated as Committee paper TE/00/13/13. Also being circulated, for information is a booklet by the Accounts Commission for Scotland “The Environment – Comparing the Performance of Scottish Councils”.

The Accounts Commission is a statutory independent body which has the stated aim of assisting, through the audit process, local authorities in Scotland to achieve the highest standards of financial stewardship and the economic, efficient and effective use of their resources.

The stated aim of the report “Benchmarking Refuse Collection” was to help councils achieve best value in their refuse collection services by providing information on the cost and performance levels achieved by other councils, and by encouraging councils to review their current practices and to monitor their current performance in the field of refuse collection.

Contents of the report

The report reaches a number of conclusions relating to the productivity and costs of councils’ refuse collection services. For example, there have been substantial productivity improvements in councils’ refuse collection services – the gross cost of refuse collection between 1990 and 1998/99 has increased by less than the cost of inflation.

However, members of the Transport and the Environment Committee may wish to focus in particular on the conclusions of the report which discuss councils’ record in meeting environmental targets. The main conclusions of the report are detailed below:

“Councils face significant challenges in meeting environmental targets:

- In 1998/99, the overall level of waste recycled by Scottish councils was 3.8%, well below the government’s year 2000 target of 25%.
- Councils that invest in separate collections of material for recycling, eg, paper, tend to have higher recycling levels.
- Because of falls in the market price of recyclable materials, a number of councils have withdrawn or are considering withdrawing separate collections.
• If councils are to meet government recycling and landfill targets, as set out in the National Waste Strategy, they will have to give waste management a higher priority. This will involve developing an effective waste management strategy, in partnership with other councils and agencies, and allocating sufficient funding to support expensive, but environmentally desirable, collection and recycling activities.
• The Scottish Executive has a strategic role to play and should consider how it can assist councils to meet recycling and landfill reduction targets.”

The report identifies a number of ways in which councils could take steps to address what it refers to as “the significant gap between current levels of recycling and the levels likely to be needed to meet the National Waste Strategy targets” (pages 30 - 33):

• Councils should give waste management a higher profile
• Councils should invest efficiency savings and additional income to help meet environmental targets
• Councils should take the lead in promoting the minimisation of environmental waste in their area
• Councils should develop waste management strategies and business plans to support SEPA’s National Waste Strategy

Meeting on 23 May 2000

At the Committee meeting on 23 May 2000, members may will have an opportunity to discuss the contents of the report with two Audit Scotland officials - Lesley Bloomer (head of local government studies) and Martin Christie (senior manager, local government studies).

It is envisaged that after members have heard a short briefing on the report from the two Audit Scotland officials, there would be an opportunity to ask questions on the report or seek clarification or further information on its contents.

Alastair Macfie
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May 2000