TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

AGENDA

1st Meeting, 2007 (Session 3)

Tuesday 19 June 2007

The Committee will meet at 2.00 pm in Committee Room 6.

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

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

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

4. **Approach to Developing a Work Programme:** The Committee will consider its approach to developing a work programme.

Steve Farrell
Clerk to the Committee
Tel. 0131 348 5211
email: steve.farrell@scottish.parliament.uk
The papers for this meeting are as follows:

**Agenda Item 1**

Paper from the Clerk on Declaration of Interests  

**Agenda Items 2 and 3**

Note from the Clerk on choice of Convener and Deputy Convener

**Agenda Item 4**

Note from the Clerk on development of the work programme
DECLARATION OF INTERESTS

Introduction

1. At the first meeting of the Transport, Infrastructure and Climate Change Committee, members of the Committee will be invited to make a declaration of interests. A member must declare an interest when attending or participating at a committee meeting where that interest relates to the subject being debated.

2. In the previous Parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit.

Declarable Interests

3. Section 3 of the Code of Conduct explains in detail where declarations should be made and guidance is also available in Volume 3, Section 3.

4. Section 12 of the Interests of Members of the Scottish Parliament Act 2006 defines a declarable interest and defines the circumstances in which a member has a declarable interest in relation to any particular matter. A declarable interest is defined as being a declarable financial interest. A member has a declarable interest in relation to any matter if that member has, or had, a registrable financial interest relating to that matter.

5. It is the responsibility of the individual Member to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. Members are advised at Paragraph 3.1 of Volume 3 Section 3 that Members should ‘err on the side of caution’. Members may also seek advice from the Standards Clerks.

6. Members are not required to declare interests which they have registered on a voluntary basis (i.e. those appearing in the “Voluntary” category on the Register).
Declaration of Interests at the First Committee Meeting

7. In the previous Parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit. Section 3, paragraph 3.6 of the Guidance states that:

> It has been established as good practice that Members of a committee (including committee substitutes) should declare interests relevant to the remit of that committee at the first meeting of the committee or on the first occasion on which they address the committee, irrespective of the business before the committee at that meeting. The same applies to any MSPs who, although not Members of the committee (or committee substitutes) expect to attend its meetings regularly.

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

9. If Members have any questions about what might constitute an interest relevant to the remit of the Transport, Infrastructure and Climate Change Committee, they should contact the Clerk to the Committee prior to the meeting. The Standards Clerks are also happy to provide advice.

Declaration of Interests at Subsequent Committee Meetings

10. Members are also required to declare any registered interests which may be relevant to business discussed at subsequent committee meetings.

11. Where a Member has an interest relevant to the proceedings, he or she must make a declaration of interest at each meeting in which he or she participates. This is to allow the public attending any committee meeting to be aware of the Member’s interest. The declaration should be made at the start of the relevant agenda item or as soon as the Member is able to make the declaration, but before otherwise participating in those proceedings. A declaration must be made whether a committee meets in public or in private. Where a relevant matter is discussed in both private and public at any single committee meeting, the declaration should, as good practice, be made during the public session even if it has already been made in private session.

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

13. Members should also note that it is now a requirement to make a declaration even if a member simply attends or votes at a meeting but
does nothing else. In such cases the Parliament has determined that the Member's register entry is sufficient declaration of their interest. Where the proceedings occur after the Member has lodged a written statement with the clerks but before it is published in the Register, Members are encouraged to make an oral declaration of that interest.

Further Guidance

14. Further guidance on declaring registrable interests may be found in Volume 2, Section 3 of the Code of Conduct and Volume 3, Guidance at Section 3. The Standards Clerks are also happy to provide advice to Members.

Recommendation

Members are invited to make a declaration of interests at the first meeting of the Transport, Infrastructure and Climate Change Committee.

Steve Farrell
Clerk to the Committee
June 2007
CHOICE OF CONVENER AND DEPUTY CONVENER

Introduction

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

Oldest Member

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

Choice of Convener

3. On Thursday 7 June, the Parliament agreed to motion S3M-137 which resolved that members of the Scottish Green Party are eligible to be chosen as Convener of the Transport, Infrastructure and Climate Change Committee. The Oldest Committee Member will, following the declaration of interests, invite nominations from members of that party for the convenership. There is no requirement for nominations to be submitted in advance of the meeting or to be seconded.

4. Where only one nomination is received, Members will be asked to agree to the appointment.

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

Choice of Deputy Convener

6. Motion S3M-137 also stated that members of the Labour Party are eligible to be chosen as Deputy Convener of the Transport, Infrastructure and Climate Change Committee.
7. The procedure for choosing a Deputy Convener is the same as that for the Convener and will be conducted by the newly-chosen Convener.

Role of Convener and Deputy Convener

8. The duties and responsibilities of the Convener and Deputy Convener of a Parliamentary Committee are set out in Rule 12 of Standing Orders. Further detail is provided in paragraphs 4.27 to 4.29 of the Guidance on Committees which can be found at

http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-c.htm

Recommendation

Members are invited to choose the Convener and Deputy Convener.

Steve Farrell
Clerk to the Committee
June 2007
TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

1st Meeting, 2007 (Session 3)

Tuesday 19 June 2007

APPROACH TO DEVELOPING A WORK PROGRAMME

Background

1. The Committee may wish to consider its approach to developing a work programme.

2. In the previous session, committees generally held an awayday in late summer to consider the work programme. At the away day, Committees were able to consider the full range of business which they may wish, or be required to, conduct including: primary and secondary legislation, inquiries, petitions and consideration of the budget.

3. Holding an away day also enabled committees to consider the work programme in a measured way, taking into account competing priorities and supported by fuller information including the Executive’s policy and legislative intentions and the views of stakeholders. It has been the practice for work programmes to be agreed formally at committee meetings, following discussion at an away day.

4. Away days have also been used by committees to discuss and agree important working practices and to develop relationships with key stakeholder groups.

5. Information on the matters arising from the work of the Local Government and Transport, Communities and Environment and Rural Development Committees in Session 2 that are pertinent to the remit of the Committee is attached at Annex A.

Recommendation

The Committee is invited to;
• consider its approach to developing a work programme; and
• agree to hold an away day. The Clerks and Convener will liaise with members on further details of the away day.
Steve Farrell
Clerk to the Committee
14 June 2007
TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

Matters arising from the work of the Local Government and Transport, Communities and Environment and Rural Development Committees (Session 2)

1. The remit of the Transport, Infrastructure and Climate Change Committee (TICC) is to consider and report on matters relating to transport, infrastructure and climate change falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth.

2. In practical terms, the Committee’s is responsibility for subject areas which were covered by the following Session 2 Committees:
   - Local Government and Transport Committee (which had responsibility for transport issues)
   - Environment and Rural Development Committee (climate change; Scottish Water)
   - Communities Committee (building standards)

3. Members may wish to note that the Local Government and Communities Committee will have responsibility for land use planning issues.

4. The former Local Government and Transport Committee did not adopt a formal legacy paper at the end of Session 2. The information attached at Appendix A informs members of those items of business relating to transport which the Local Government and Transport Committee wished to draw to the attention of its successor Committee(s), and which the TICC may wish to take into account in formulating its programme of work for Session 3. Appendix A also includes a summary of the main areas of work which the Local Government and Transport Committee undertook in relation to transport.

5. The Environment and Rural Development Committee produced a legacy paper at the end of Session 2. Appendix B includes details of the issues relating to climate change and Scottish Water which were discussed in that legacy paper. Members should note that although Scottish Water falls within the Committee’s remit, water quality regulation lies within the remit of the Rural Affairs and Environment Committee.

Steve Farrell
Clerk
14 June 2007
TRANSPORT ISSUES

EU considerations

1. In February 2007, the Europe and External Relations Committee (Session 2) prioritised its areas of interest in the European Commission’s legislative and work programme.

2. For 2007, those priorities, relevant to the remit of the Local Government and Transport Committee (Session 2), were as follows—

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Nature</th>
<th>Adoption date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Transport</td>
<td>Green Paper</td>
<td>September 2007</td>
</tr>
<tr>
<td>PPP concessions</td>
<td>Directive</td>
<td>October 2007</td>
</tr>
<tr>
<td>Maritime policy</td>
<td>Communication</td>
<td>November 2007</td>
</tr>
</tbody>
</table>

Urban Transport


4. The Green Paper itself is to be a broad consultation on European approaches to urban transport. Likely areas for consideration are methods for reducing car usage (particularly for short journeys) in urban areas, exploring alternative forms of fuel for urban transport, exploring alternative forms of transport (tram, train, monorail, etc), as well as more regulatory approaches (congestion charging, differential taxation for heavy fuel consuming vehicles etc).

5. The consultation on the Green Paper is planned to run until the end of November 2007. It is likely to be followed by a summary Communication and possibly a White Paper in 2008 outlining both legislative and non-legislative proposals, which will be open to consultation.

6. The incoming Session 3 Committee of the Scottish Parliament may wish to consider and respond to the Green Paper during the autumn of 2007. If there is sufficient time available, the Committee may wish to inform itself by taking written and oral evidence.

7. The Committee may wish to note any subsequent Communication and may wish to influence the anticipated White Paper during 2008. The Committee may wish to monitor the subsequent development of any legislation which may require transposition into Scots law, either through primary legislation or by regulation.

PPP Concessions

8. The Commission is proposing a Directive that would set out a detailed procedure for the award of public concessions on the basis of objective, non-discriminatory criteria as well as a clear legal framework.
9. The Directive will be subject to co-decision and so is likely to be considered by the European Parliament (Internal Market Committee) and Council during early 2008 while the Committee of the Regions is also likely to produce an opinion. The Commission expect to secure a directive by the end of 2008.

10. The Local Government and Transport Committee (Session 2) flagged this issue as a priority.

11. The incoming Session 3 Committee of the Scottish Parliament may wish to be informed when the proposal for a Directive is published, to consider whether it wishes to make representations to the relevant Committees of the European Parliament during consideration of the proposed Directive if it is able to do so and to monitor the process of implementing any Directive, if passed.

Maritime policy

12. A Green Paper on a Future Maritime Policy for the European Union was issued in June 2006 and the period of consultation will conclude on 30 June 2007. The results of the consultation will be summarised in a Communication to be issued in November 2007. The Communication is likely to provide the basis for a wider action plan to be adopted by the Commission in 2008.

13. The Green Paper attempts to create an overarching strategy to direct the development of maritime affairs. To date, separate EU policies have been developed on maritime transport, industry, coastal regions, offshore energy, fisheries and the environment.

14. There would appear to be little opportunity for the incoming Session 3 Committee of the Scottish Parliament to influence the consultation on the Green Paper. However, it may wish to be informed of, and to discuss, the outcome of the consultation in November 2007. The Committee may wish to engage, if it is able to do so, in the subsequent development by the Commission in the wider action plan to be adopted during 2008.

British-Irish Inter-Parliamentary Body

15. In February 2007, Joint Committee C of the British-Irish Inter-Parliamentary Body invited the Local Government and Transport Committee (Session 2) to consider the possibility of a meeting between the Transport Committees of the Scottish Parliament, the Dáil Éireann, the House of Commons and the National Assembly for Wales. The purpose of the proposed meeting would be to discuss freight and transport links between Ireland and Great Britain.

16. The Local Government and Transport Committee noted the letter and agreed that it welcomed the proposal. However, the Committee suggested that such a meeting should be held later in the year when new structures are in place within the various jurisdictions.

17. The Committee asked the Clerk to draw the proposal to the attention of the incoming Committee of the Scottish Parliament which includes transport matters within its remit.
Issues arising from Petitions

Roads maintenance
18. The Local Government and Transport Committee considered a petition on roads, paths and footpaths maintenance. The Committee concluded its consideration of the petition, but agreed to draw its work to the attention of the successor Committee that deals with transport issues, so that it can decide whether to monitor the Executive's dealing with the issue or carry out further work on the subject.

Summary of transport-related work undertaken by the Local Government and Transport Committee (Session 2)

Legislation

Executive legislation
19. The Local Government and Transport Committee considered the following Executive Bills as lead committee:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Royal Assent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport (Scotland) Bill</td>
<td>5 August 2004</td>
</tr>
<tr>
<td>Transport and Works (Scotland) Bill</td>
<td>14 March 2007</td>
</tr>
</tbody>
</table>

20. The Committee considered the following Executive Bill as a secondary committee:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Royal Assent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning etc. (Scotland) Bill</td>
<td>20 December 2006</td>
</tr>
</tbody>
</table>

Members’ Bills
21. The Committee considered the following Members’ Bill as lead committee:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Member</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Rail Passenger Services (Scotland) Bill</td>
<td>Tommy Sheridan</td>
<td>Fell 9 November 2006</td>
</tr>
</tbody>
</table>

Secondary legislation
22. During Session 2, the Local Government and Transport Committee considered a total of 155 Scottish Statutory Instruments, 26 of which were considered under affirmative procedure and 129 of which were considered under negative procedure.

Inquiries and evidence gathering
23. The Committee conducted a number of inquiries during Session 2, as follows.
Rail industry
24. The objective of the Committee’s evidence taking sessions on rail issues was to inform members and other interested parties of developments in the rail industry. The Committee took evidence from three key bodies: the Strategic Rail Authority, Network Rail and the Rail Regulator. As part of its inquiry the Committee visited the Forth Rail Bridge in order to inform its consideration of the programme of rail maintenance work being undertaken in Scotland.

Inquiry into the Transport (Scotland) Act 2001
25. The Committee’s inquiry into the Transport (Scotland) Act 2001 focussed on the impact on bus services of Quality Partnerships and Quality Contracts introduced in the Act. The Committee took evidence from a wide spectrum of witnesses including bus users, bus operators, councils and regulatory bodies. The Committee also held participative events in Stranraer and Glasgow where Committee members were able to gauge local people’s views on bus services.

Tendering of Ferry Services in the Clyde and Hebrides
26. The Committee took an interest in the proposal to put ferry services in the Clyde and Hebrides out to competitive tender. Prior to the Minster’s statement to the Parliament in September 2005 in which he stated that he would proceed with the tendering process, the Committee took oral evidence from him on the Scottish Executive’s policy and its relationship to EU tendering rules.

Trunk Road Maintenance Contracts
27. The Committee held a short inquiry into proposed trunk road maintenance contracts, including holding an evidence session with the then operators of the contracts.

Freight transport inquiry
28. The Committee undertook a major inquiry into freight transport in Scotland, including the contribution of road, rail, water and air, including their environmental impact; and the Scottish Executive’s targets in encouraging the transfer of freight from road to rail and water. One of its meetings was held in Motherwell Civic Centre and members of the Committee visited the Eurocentral freight terminal, Prestwick Airport and Grangemouth Docks in connection with the work of the inquiry.

29. The Committee made a number of specific recommendations to the Scottish Executive and in October 2006, a debate was held in the Chamber on the Committee’s report and the Scottish Executive’s response.

Petitions
30. The Committee considered and concluded 8 transport-related petitions as follows:

<table>
<thead>
<tr>
<th>Petition</th>
<th>Subject</th>
<th>Petitioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE420</td>
<td>Bus Services</td>
<td>Councillor Sam Campbell</td>
</tr>
<tr>
<td>PE528</td>
<td>Scottish Airports (Access to Public)</td>
<td>Glasgow Airport Parking</td>
</tr>
<tr>
<td>PE</td>
<td>Subject</td>
<td>Organization</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>PE567</td>
<td>Roads (Maintenance)</td>
<td>Association</td>
</tr>
<tr>
<td>PE568</td>
<td>Taxis (Use by Disabled People)</td>
<td>Scottish Accessible Transport Alliance</td>
</tr>
<tr>
<td>PE569</td>
<td>Bus Services</td>
<td>Mr William Cox</td>
</tr>
<tr>
<td>PE629</td>
<td>Rail Network (Local Railway Stations)</td>
<td>Mr Norman Bansi</td>
</tr>
<tr>
<td>PE642</td>
<td>Bus Services</td>
<td>Christine Grahame MSP</td>
</tr>
<tr>
<td>PE855</td>
<td>Roads, Paths and Footpaths (Maintenance)</td>
<td>Kirkside Area Residents</td>
</tr>
</tbody>
</table>

Other Business

31. The Local Government and Transport Committee took evidence from Ministers and reported to the Finance Committee on the Scottish Executive’s Budget proposals for each financial year,
Climate change issues

“Inquiries

13. The time available to the Committee to undertake inquiries at its own initiative has been limited, particularly later in the session. However, the Committee has conducted a number of inquiries, in which it has sought to cover issues across the range of its remit. Inquiries were generally relatively short, usually involving evidence being taken over three or four meetings.

14. The Committee has undertaken the following inquiries:

- Implementation of the national waste plan (Autumn 2003)
- Implementation of CAP reform in Scotland (Spring 2004)
- Climate change (early 2005)
  - Rural development – focussing on policy relating to accessible rural communities (throughout 2005)
  - Food supply chain (Spring 2006)
  - Developments in the biomass industry (Spring 2006)
  - Marine environment (early 2007)

“21. For its climate change inquiry, the Committee supplemented its full formal report with a short A5 booklet version which was widely distributed through schools, community groups, interest groups, etc., and which appeared to succeed in making the Committee’s work accessible to a wider audience. The Committee also initiated debates in the Chamber on its reports on some of these inquiries. The Committee feels that it has generally had a good level of media coverage for its work on Bills and inquiries, in part due to some of the methods adopted to approach its work.”

Issues related to Scottish Water

“16. The Committee also undertook post-legislative scrutiny of the Water Environment and Water Services (Scotland) Act 2003. The Act requires the Executive to report to the Parliament annually on implementation. The first such report was produced in the Spring of 2004. The Committee took evidence on that report from the Deputy Minister in March 2004, and repeated this each year
subsequently. The Committee has also considered several statutory instruments made under this Act. The 2006 report was published in late March 2007.

42. The Committee has also noted, at paragraph 16 above, its regular scrutiny of the annual report on the implementation of the Water Environment and Water Services (Scotland) Act 2003. A successor committee may wish to consider continuing this in relation to the recently-published 2006 annual report.

Petitions
43. The Committee has considered PE749 which calls on the Parliament to seek a moratorium on the spreading of sewage sludge pending a full inquiry into its safety by a parliamentary committee and, depending on the outcome of that inquiry, as a minimum, initiate legislation at the earliest opportunity to discontinue the current exemptions for spreading sewage sludge and to ensure that it is subject to planning control, including a public local inquiry.

44. In November 2005 the Committee agreed to defer detailed consideration of the petition until Scottish Water had published its sewage sludge disposal strategy, a draft of which was being consulted on at that time. The strategy has yet to be published. Scottish Water wrote to the Committee in February 2007, indicating that it is presently working towards business sign-off of the strategy, but giving no firm timetable for its completion and publication. A successor committee may, therefore, wish to consider how this petition can be taken forward."