



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 21 November 2018

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE

30th Meeting 2018, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Peter Chapman (North East Scotland) (Con)

*John Finnie (Highlands and Islands) (Green)

*Jamie Greene (West Scotland) (Con)

*Richard Lyle (Uddingston and Bellshill) (SNP)

*John Mason (Glasgow Shettleston) (SNP)

*Mike Rumbles (North East Scotland) (LD)

*Colin Smyth (South Scotland) (Lab)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

George Henry (Scottish Government)

Michael Matheson (Cabinet Secretary for Transport, Infrastructure and Connectivity)

Kat Quane (Scottish Government)

Stephen Thomson (Scottish Government)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 21 November 2018

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, everyone, and welcome to the 30th meeting in 2018 of the Rural Economy and Connectivity Committee. I ask everyone to ensure that their mobile phones are turned to silent. No apologies have been received.

Under agenda item 1, the committee will decide whether to take in private item 4, under which it will review the evidence that it has heard on the Transport (Scotland) Bill at stage 1. Do members agree to take item 4 in private?

Members *indicated agreement.*

Transport (Scotland) Bill: Stage 1

10:00

The Convener: Item 2 is the Transport (Scotland) Bill. I invite members to declare any interests in relation to the bill.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am honorary president of the Scottish Association for Public Transport and honorary vice-president of Railfuture UK.

The Convener: No other member wishes to declare any interests.

This is our sixth evidence session on the Transport (Scotland) Bill. We will take evidence from the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson, and from his Scottish Government officials. The evidence session will be structured in three parts, in recognition of the large number of topics in the bill. The first part will cover buses and smart ticketing; the second will cover low-emission zones and parking; and the third will cover road works, canals and regional transport partnerships. The officials will change during the session.

I welcome the cabinet secretary. I think that this is the first time that he has been in front of the committee.

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): It is.

The Convener: For the first session, the cabinet secretary has with him Pete Grant, who is the bus policy team leader; Gordon Hanning, who is the head of the integrated ticketing unit; and Kevin Gibson and Debbie Blair, both of whom are solicitors.

Cabinet secretary, you have a generous three minutes—and no more than four—in which to make an opening statement on the bill before we ask questions.

Michael Matheson: Thank you, convener, and good morning to the committee. It is a pleasure to be here to meet the committee.

I am aware that the committee has heard from a broad range of voices and viewpoints on the Transport (Scotland) Bill over the past few months. It is testament to the detailed approach that the committee has taken over stage 1 that such a wide spectrum of evidence has been heard from across civic society. I commend the committee for that diligent approach, which has complemented the Government's significant consultation and engagement. I am glad to be here to set out my perspective and inform the committee's considerations.

Members will be aware that the Transport (Scotland) Bill is a wide-ranging bill to take forward a suite of measures to improve journeys for the travelling public throughout Scotland. Those measures range from measures to improve bus patronage, including smart ticketing, to measures to improve air quality in our cities, to increase the safety and efficiency of road works and to address parking issues. The bill also makes necessary technical improvements in quite specific areas—for example, to ensure more appropriate financial flexibility and governance arrangements for some public bodies.

In drafting the bill, a collaborative approach has been taken so that its measures are informed by those whom they will affect. That engagement has continued throughout the scrutiny of the bill and will continue as the regulations develop.

Although matters such as low-emission zones, an improved framework for bus services and prohibitions on irresponsible parking will benefit many people, the bill should not be seen in isolation. Successful transport planning and provision require a series of interconnected measures and approaches. The bill covers specific areas that have been identified as requiring primary legislation, but a host of work is going on across my portfolio to drive improvement, not least the current review of the national transport strategy.

That wide-ranging strategy has seen extensive and sustained engagement with stakeholders and citizens across Scotland. It is forward looking, and we are planning our next set of shared priorities with the draft strategy due for consultation in 2019. We anticipate that the national transport strategy will set the context for any future consideration of legislative measures beyond the measures that are proposed in the bill.

I am aware that, as well as taking face-to-face evidence from Scottish Government officials and various interested parties, the committee has received around 90 responses to its call for evidence on the bill, and the Scottish Parliament information centre briefing from parliamentary analysts shows broad support. That briefing will give you a flavour of the breadth and complexity of the provisions in the bill, which are mirrored in the varied views of them.

I am also aware that the committee wrote to the Scottish Government with specific questions on a number of areas and received a detailed response. I hope that that response has proved helpful to your considerations. I am keen to hear from members today how I can build on that.

I understand that questions will be taken on a thematic basis, starting with the provisions relating to bus services and smart ticketing.

The Convener: Thank you, cabinet secretary. The first question is from John Finnie.

John Finnie (Highlands and Islands) (Green): Good morning, panel. Cabinet secretary, you described the bill as wide ranging, which is certainly correct. However, you will be aware from the evidence that we have received that people believe that it lacks ambition and the wherewithal to address the decline in bus patronage, which is caused to a significant extent by issues such as congestion, which immediately impacts on journey times and reliability. What do you have to say about that?

Michael Matheson: The bill contains a range of provisions that will help to support bus service provision right across the country. It is worth reflecting on the fact that bus patronage has been in decline since the 1960s. That decline has accelerated more in some parts of the country than in others, and there are a variety of reasons for that.

We do not want to stand back and just allow patronage levels to continue to decline without taking proactive measures to encourage people to use the bus. That is why we are taking forward a range of measures in the bill that I believe will support local authorities and bus operators to deliver more effective bus services in their areas. The provisions around the bus service improvement partnerships, low-emission zones and smart ticketing will all support and encourage people to use buses.

I will give you one specific example of how the bill can help in that area. I am told that the average speed of a bus going through somewhere such as Glasgow city centre is in the region of 3mph. If that could be increased to 6mph, the journey time would shorten considerably. It would be more efficient and the services would be more reliable. The provision of low-emission zones provides us with an opportunity to take forward measures that improve things such as journey times and reliability, which will encourage people to make greater use of the bus.

I do not accept that the bill lacks ambition. It takes forward a range of what I consider to be pragmatic measures that can improve patronage levels and address some of the issues around bus use that local authorities highlighted that they wanted us to take action on.

John Finnie: However, you did not mention congestion, which we are consistently told is a factor that affects reliability and impacts in other ways. Is that a lost opportunity? Would you look to include that at a future date? Are you supportive of that happening?

Michael Matheson: The bill will take forward a range of measures. There might be further

measures that we should take forward at a later date, but low-emission zones provide the opportunity to address issues around congestion, given how they will operate. The bill has measures in it that will address issues relating to congestion.

Bus service improvement partnerships will operate differently because they will look beyond infrastructure and whether we provide bus prioritisation in certain areas. The bill also allows partnerships to look at issues such as frequency of service and fare levels. It provides them with a range of different provisions and much more flexibility to deal with that type of issue in a way that they cannot under the existing quality partnership arrangements.

I would not therefore say that low-emission zones do not address the issue of congestion, because they can play a part in it, as can bus service improvement partnerships.

John Finnie: Also in connection with congestion, do you see a role for non-domestic parking levies or workplace levies in freeing up space?

Michael Matheson: There is no provision in the bill for that and we have not consulted on the idea. If there was an appetite for local authorities to take that route, I would certainly be willing to engage with them and discuss it, as it is something that local authorities should consider taking forward. As I say, if there is an appetite for it, I am prepared to have that discussion with them. However, there is no provision in the bill for that.

John Finnie: I had hoped that the Scottish Government would take a lead on that, but perhaps the idea can form part of some future discussions.

You touched on the national transport strategy. Is there another lost opportunity here that we might yet be able to take? It relates to poverty and the impact of public transport on poverty. It is a hugely significant issue. I understand that there is a poverty strategy, but what regard should the bill have to playing its part in that strategy? Every piece of legislation should try to interweave with others to improve. Would you be open to looking at the impact that the bill could have in addressing poverty issues that are significant in urban and rural areas?

Michael Matheson: Are you talking about provisions in the bill or the national transport strategy review?

John Finnie: I mean the link across all three, including the poverty strategy.

Michael Matheson: Yes, and I hope that that will be apparent when we publish the draft national transport strategy. I am conscious of the need for

public transport provision to be accessible to people who are on lower incomes.

I am also clear about the need to make sure that some of the advances and changes that will happen in transport during the next five to 10 years do not exclude people from lower-income backgrounds. We need to focus on that.

Fairly recently, I was highlighting to a number of policy officials at a conference the need to make sure that electric vehicles and active travel options do not become middle-class pastimes that are accessible only to people who are on better incomes and that exclude people from lower-income backgrounds. We need to target and reach into communities that are hard to get at, so that they can benefit from those things in the future. That will be a core strand running through the new national transport strategy when we publish it.

John Finnie: Thank you. That is reassuring.

The Convener: You gave some long and detailed answers there, cabinet secretary. We have taken seven minutes to address question 1, and we might be here until tea time at that rate. Concise answers are always appreciated.

Stewart Stevenson: I will pick up the congestion issue. Cabinet secretary, you referred to bus prioritisation. We already have that in bus lanes, but the enforcement appears to be pretty variable, and the hours during which the lanes operate are different in different places, which is confusing for drivers who cannot read the six lines on a post at the side of the road. Is there an opportunity in the proposed legislation or otherwise to crank up enforcement and standardise the way in which bus lanes work?

Michael Matheson: Enforcement and whether breaches have been decriminalised are matters for the relevant local authorities, and it is important that they do take appropriate enforcement measures to deal with breaches.

With the introduction of low-emission zones, there is an opportunity for local authorities to make their enforcement measures more effective and drive cultural change in a way that they might not have done in the past. There is an opportunity to look afresh at enforcement and how local authorities do it in their areas.

I am also conscious that there can sometimes be inconsistency between approaches and in how different rules are applied. I am keen to ensure with low-emission zones that we have a consistent approach in the standards that will apply across local authority areas. I believe that the introduction of low-emission zones can help to give greater consistency.

10:15

Stewart Stevenson: I think that we will come on to that, cabinet secretary.

The Convener: Indeed. We will look at low-emission zones in some depth.

Colin Smyth (South Scotland) (Lab): Cabinet secretary, why have you chosen to limit local authorities to providing bus services where there is unmet need and no private competition rather than to allow other local authorities to follow the municipal bus company model that is used in the Lothians, for example?

Michael Matheson: That is principally because, from our consultation and engagement with local authorities in drafting the bill, the primary focus was on trying to identify means by which we could deal with unmet need. That is why the bill was drafted to provide local authorities with additional scope to look at providing services themselves and franchising as an option to address areas in which there is unmet need. The bill was drafted specifically to give local authorities the ability to address an issue that, as they highlighted, they needed powers to address.

Colin Smyth: Since then, with the possible exception of the evidence from the private bus operators, all the evidence that the committee has received—including pretty much unanimous evidence from the local authorities—is that the provision to address unmet need does not go far enough. Local authorities would like that provision to be removed and would like the power to fully run bus services in their areas. Given the evidence that the committee has received and, I am sure, the clear evidence that the Government has received since the bill was published, will you consider dropping the unmet need provision and allow local authorities to run bus companies?

Michael Matheson: It is not so much about dropping that provision; it may be about adding to it. My mind is not closed to the possibility of extending the current provisions in the bill to allow local authorities or local transport authorities to consider providing services. I am aware of the evidence on the matter that the committee has received from some local authorities, and my mind is open to the possibility of extending the provisions in the bill to give local authorities greater scope to look at running bus services in their areas.

Colin Smyth: I have also come across concerns about the process for developing and approving local service franchises in the evidence to the committee from local authorities and others. The suggestion has been made that it presents a significant barrier to the use of that power. Are you satisfied that the processes are streamlined

enough and that they will be fully utilised by local authorities and bus companies?

Michael Matheson: Yes, I am. We should not underestimate the decision of a local authority or a local transport authority to intervene in the bus market through the use of a franchise. That is a significant intervention, and it is important that, when an LTA or a local authority chooses to go down that particular route, it has gone through a clear process to assess whether that is necessary and has the evidence to justify the provision of a service on its own or through a franchise. It must also understand the impact that that will have. The process that has been put in place will help to ensure that that is the case. The independent panel that we have introduced will ensure that there is an independent decision on the matter and will check that the local authority has gone through the process thoroughly and in detail. That will allow the panel to make its own recommendation.

I am confident that we have struck the right balance. The provision is not about trying to prevent a local authority or a local transport authority from doing that; it is about ensuring that there is a robust mechanism in place for an assessment to be conducted to determine whether that is the right intervention.

Colin Smyth: Does the bill go far enough? Is it a missed opportunity to follow the type of regulation that there is in, for example, Transport for London, which really regulates the bus services? Should we give that type of power to transport agencies and local authorities to really regulate services?

Michael Matheson: Are you talking about giving individual LTAs and local authorities the ability to regulate bus services in their own areas?

Colin Smyth: Yes—absolutely.

Michael Matheson: Given the nature of the current deregulated system, the challenges in trying to do that would be significant. Many local authorities would have real difficulties in managing that process effectively, and I do not think that that is an appropriate provision to put in the bill. That is why there is no such provision in it.

Peter Chapman (North East Scotland) (Con): Good morning, cabinet secretary. Surely one of the main reasons why there are unmet needs for bus services is that those services have proved to be unprofitable and no private company would run them because it would lose money, yet you are expecting local authorities to pick up some of the routes. There might be need, but if a route will be unprofitable for ever and a day, how would the local authority fund it?

Michael Matheson: Local authorities do some of that presently—they spend more than £50 million a year from funding that they get through the Scottish Government for socially required transport services. If the communities in question did not have access to public transport in the form of a bus service, they would have no public transport provision.

In my constituency, the local authority chooses to subsidise particular bus routes that it knows are not commercially viable but which are socially necessary. That approach will continue, particularly in our rural communities where such bus routes might be the only link for people who do not have access to a car or any other form of transport.

Under the bill, through the bus service improvement partnerships, local authorities will be able to use new mechanisms that will help to create a system that is much more focused on the local authority, the LTA and the bus service operators working in partnership to make sure that they get the balance right.

Peter Chapman: I accept that subsidies are available but, as with everything else, the pot is limited. I can imagine bus routes in north-east Aberdeenshire that would be welcome, but Aberdeenshire Council cannot fund them.

Michael Matheson: Is it your view that no socially required bus services should be supported by local authorities?

Peter Chapman: Absolutely not. My point is that money is tight. Over the years, local authorities have had their budgets cut. Local authorities have ceased to run bus routes simply because they cannot afford to carry on doing it. My point is the opposite: there needs to be more money for that.

Michael Matheson: If the United Kingdom Government keeps on cutting our budget, there is only so much more that we can pass on, which obviously has an impact on local authority budgets.

As you correctly say, the pot is limited. We try our very best to support local authorities, where we can, but I am certainly not of the view that we should start simply writing off socially required bus services, particularly in rural communities. I know that some of our local authorities work very hard to sustain services where they can.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Good morning. Welcome to your post, cabinet secretary.

A number of local authorities that have given us evidence have said that they are unlikely to use the bus-related powers in the bill because of financial constraints. They are wondering where

the money will come from. Only this week, we received a letter from Strathclyde partnership for transport on that issue.

A number of areas in Scotland, including the north-east, have community bus transport. You might recall that, at one point, the Scottish Government had a fund to help community groups buy buses for their own transport use. How do you see existing—and perhaps future—community transport feeding into the issue of bus routes that are not commercially viable but are needed by communities?

Michael Matheson: There is no specific provision in the bill for the community transport to which you refer. One purpose of the bus service improvement partnerships is to enable local authorities to look at what is necessary in their area and to work with the bus service providers to improve bus services. That might include looking at what is available in the form of community transport in their area and at how they can help to improve the delivery of bus services.

As partnerships between the bus operators and local authorities, BSIPs will operate differently from how the existing system operates. When local authorities carry out an assessment and work to put a plan in place, I would expect them to look at what community transport is available in the area so that they can decide how the plan should be developed and consulted on in the local community.

Although there is no specific provision on community transport, the bus service improvement partnerships provide a framework that will allow community transport to be taken into account when provision for an area is considered.

Maureen Watt: If necessary, will you amend the bill to ensure that community transport groups are not excluded or forgotten about?

Michael Matheson: I do not know whether the bill needs to be amended in that respect. When a bus service improvement partnership is undertaken, the LTA or the local authority will need to develop a plan, which will be informed by an assessment of bus patronage, services and so on in the area. That will include looking at what community transport is available. A plan will then be developed to address the unmet need in an area or to make improvements to services.

Community transport provision would be considered as part of the planning and assessment process that an LTA or a local authority would undertake. However, I am more than happy to take away the idea that it should be made explicit, in the bill or in secondary legislation, that consideration of community transport should form part of that assessment.

Jamie Greene (West Scotland) (Con): To follow on from John Finnie's opening question, bus patronage is declining because buses do not go from where people are to where they need to be, when they want to use them or at the required frequency. Unless there are substantive changes to the way in which services operate, there will be no huge difference in bus patronage.

I appreciate that low-emission zones might decrease traffic levels in cities, which might make journey times shorter. I also appreciate that there are provisions in the bill on smart ticketing that might—or might not—make things easier and changes to the franchise model for local authorities that might mean that some of them run services. However, I cannot see any tangible or direct measures in the bill that give me any confidence that bus patronage will increase or at least stop declining as a result. Can you give me some examples?

Michael Matheson: It is wrong to suggest that journey times are the sole reason for the decline in bus patronage. Bus patronage has been declining since the 1960s for a whole variety of reasons. In places such as Glasgow and west central Scotland, that decline has been much more marked. There is evidence to suggest that that is because car ownership has increased during that time. Bus patronage for journeys into town centres has declined because the way in which people use town centres has changed, particularly in recent years with the growth in online retail, which has had an impact on town centres in a variety of ways.

There has been a variety of different impacts on bus patronage. However, I have no doubt that there are measures that we can take to improve reliability on journey times for people who use the bus. Jamie Greene made the point that bus patronage declines when the bus does not get someone to where they want to go at the right time. Although that can have an impact, it is not the only reason for the decline—the issues are much more complex than that. If there are things that we can do to improve services or to provide greater reliability on journey times, the bus might become a more attractive option.

For example, the use of LEZs to control which vehicles can enter certain areas, such as our town centres, allows us to address, in part, some of the congestion issues. It can also address issues related to bus journey times, because it reduces congestion, which allows the buses to have shorter and more reliable journey times. The bus service improvement partnership model is much broader and more flexible than the current quality partnership arrangements. A BSIP plan involves consultation and is focused not just on infrastructure, but on a range of different things

that can be done, such as bus prioritisation, frequency and fares. If that is used in partnership with LEZs, it can give local authorities much more scope to take forward practical measures in terms of policy and infrastructure that can help to improve journey times and reliability.

It is not that there is one thing that we can do; there is a combination of different things that we can do to address these matters, including the patronage issues that the bus industry has been facing over a considerable number of years.

10:30

The Convener: I am sorry, cabinet secretary, but I am going to get into trouble with the rest of the committee if they are unable to ask questions because you are giving long answers. Please keep your answers as short as possible so that I do not lose the rest of the committee. I ask you to keep your answers focused—rather like short journey times on buses, everyone likes it when they get to their destination more quickly.

Michael Matheson: I will try my best. I hope that I have given Mr Greene an insight into how the use of several elements in the bill can address the issue that he is concerned about.

Richard Lyle (Uddingston and Bellshill) (SNP): I will ask a question that needs a yes or no answer. Some people say that patronage is falling because we cannot rely on getting a bus. Some people say that we are only tinkering with bus transport. What do you say to the idea of taking buses back under public control, perhaps one area at a time over a period of years? What do you say—yes or no?

Michael Matheson: Yes or no to what?

Richard Lyle: To taking bus transport back under public control.

Michael Matheson: The provisions in the bill give scope for local authorities to take forward measures in their areas if they see that there is an issue of unmet need.

Richard Lyle: Only if the operators allow them to do so.

Michael Matheson: What I said earlier was that, if there is a view, as you have heard from some local authorities, that they want greater powers to be able to run their own services, I am open to looking at the possibility of doing that.

Richard Lyle: But they will say that they have no money.

Michael Matheson: We make money available to local authorities on a block grant basis, and they can decide how they allocate that resource to different areas.

Richard Lyle: So the answer is neither a yes nor a no.

The Convener: We are definitely parking that one there.

Stewart Stevenson: We have had some preliminary discussion about bus service improvement partnerships. Pages 12 to 29 of the bill—18 pages—cover the issue. They replace 18 pages in the Transport (Scotland) Act 2001 that cover statutory bus partnerships and voluntary bus partnerships. Pages 15 to 24 of the explanatory notes purport to explain the difference between the 2001 act and what is now proposed. I confess that, despite having read those pages several times, I can find no material difference. Cabinet secretary, can you give me three sentences that identify the material differences? If the answer is as long as the provisions that are in the bill, a written answer might be preferable. Would that be fine, convener?

The Convener: Absolutely.

Michael Matheson: It might be that the explanation is as long as the provisions that are in the bill, so it might be helpful if I wrote to the committee to set out the matter in more detail.

Stewart Stevenson: I am specifically interested in the differences between the previous provisions and the new ones. That is what I am looking for.

Michael Matheson: There are a couple of different and specific measures that are available in bus service improvement partnerships that are not available in QPs.

The Convener: The committee has carried out various visits. In Glasgow, we talked to SPT about how buses work in that area. One of the reasons that we were given for the decline in bus use was journey times. This morning, you have consistently said that LEZs will reduce journey times. The committee has been given evidence to the effect that journey times will be improved by bus lanes and the use of restricted parking along streets to allow buses to move freely and on time. Do you believe that bus lanes would help more than LEZs, or do you think that they are not as important as LEZs when it comes to getting buses moving?

Michael Matheson: I think that both can help.

The Convener: So where in the legislation are we providing for more bus lanes?

Michael Matheson: The provisions in the bill concern the creation of the legal provisions for LEZs. Local authorities can introduce bus lanes at the present moment if they choose to do so.

The Convener: The issue that we heard about is that local councillors sometimes object to putting in bus lanes because getting them past the residents in their wards is difficult. However, in the

bigger scheme of things, they are beneficial to the movement of buses. Perhaps we will leave it there.

Stewart Stevenson has questions on the next issues.

Stewart Stevenson: The current landscape in smart cards is quite complex. I have, separate from my main wallet, a special wallet to hold all my travel-related cards, including my ITSO standard cards for bus and for rail, my senior rail card—it is dumb; there is nothing technological about it—and payment cards.

The Convener: The cabinet secretary will be pleased to know that Stewart Stevenson has lost one card since the previous evidence session. *[Laughter.]*

Stewart Stevenson: Indeed, convener—and I would like to lose three more to get down to one card. The ITSO standard is already widely used. Is it the way forward? Although I would readily do so, it would not be useful to get too much into the technology.

Secondly, is the national smart ticketing advisory board how we will get to our destination? How will the bill help us to achieve a comparatively simple environment for the customer such as London has?

Michael Matheson: Scotland's challenge, because there is such a wide range of transport service providers, is to introduce a smart ticketing system that is interoperable between different modes of transport and different operators. That challenge is significant, and despite the fact that some operators already have smart ticketing arrangements, they are not necessarily interoperable.

The bill creates powers that would allow us to specify the national standards for smart ticketing systems that would be introduced by transport providers. The standards will be based on guidance from the national smart ticketing advisory board, which we are putting into statute. It will be responsible for setting technical standards to ensure that a smart ticketing system that is introduced by an operator will be interoperable with those of other service providers. The board will advise ministers, who will have the powers, along with local authorities, to mandate the standards as a requirement for service providers. Interoperability is key because of the complexity of the range of organisations that deliver our transport provision.

Stewart Stevenson: However, cabinet secretary, London is moving to a simple situation in which, by using the same payment card across the different modes in London, people will not need any special transport cards to get the best

deal and to get through ticketing. I understand that that is because Transport for London gets all the financial transactions; therefore, before presenting them to the bank, it can deal with them and collate them across modes.

Are we talking to financial providers to see what scope we have for that, in order to make sure that that is our approach? Until we take that approach, we will not get the benefits. London is moving away from the Oyster card because it is not needed any more. It sounds as though, a decade later, we are moving towards reinvention of the Oyster card—to a scallop card, or whatever we might choose to call it.

Michael Matheson: You are right to say that London is moving away from the Oyster card, but the bill is not about creating a new national Oyster card. It is about ensuring that the smart ticketing arrangements that travel providers have are interoperable and can be used by individuals to go from rail to ferry to bus, with greater connectivity among those options.

Stewart Stevenson: Forgive me, cabinet secretary—I will make this the last question. Given that integration in London seems to work most effectively by integrating payments, is the Government and will the committee be talking to payment providers about the scope for something similar, if not identical?

Michael Matheson: Stewart Stevenson is asking me to pre-empt, to a degree, the work of the advisory board. That is exactly the type of area that I expect the advisory board to explore. Before it sets the national standards, it should look at the key principles that will drive the national stance that we want to set. That will give us the power to ensure that standards are being applied by operators across the country.

Stewart Stevenson: So the matter is on the agenda. Thank you.

Richard Lyle: I was in London with my family a few months ago and I went on a tube, a bus, the Emirates Air Line zipline—that was interesting—the Docklands light railway, because we stayed in the east end, and a boat. We did all that through smart ticketing and the price was capped. We used several modes throughout the day.

Several respondents, including the get Glasgow moving campaign, argue that smart ticketing alone is not enough, and that there should be per day price caps across all public transport in a city region. As I said, that happens in London, and is enabled by smart ticketing. What is your response to that suggestion? Am I correct in saying that you gave £1 million to promote smart ticketing last week? I saw that in a paper, or on Twitter or whatever.

Michael Matheson: I do not know where you saw that, but you are correct. Part of that funding is to support smaller transport providers to invest in the technology that is necessary to support smart ticketing.

Smart ticketing is not the magic answer to resolve all the issues, but it is an important element. The interoperability that Richard Lyle experienced in London is where we want to get to—greater interoperability among service providers.

There are no provisions in the bill to cap fares. However, there are provisions in the bus service improvement partnership that allow local authorities and local transport authorities that are looking to introduce smart ticketing to deal with issues around fares. Interoperability is key to ensuring that we get more effective smart ticketing options.

Richard Lyle: Why do Scottish ministers need a power to direct local authorities to establish a smart ticketing scheme?

Michael Matheson: If, for example, when you were in London, one of the operators in an area decided that it did not want to participate and wanted to go off and do its own thing, the type of interoperability that you experienced would not be possible.

The power is there to ensure that should a service provider or local authority decide that it is not going to participate—perhaps in a city region such as the Glasgow region—we are able to give direction, on the basis of advice from the advisory board, about what action should be taken to introduce a smart ticketing method that is interoperable with the rest of the system.

Jamie Greene: Before I move on to my question, I will follow on from Richard Lyle's questions. Local authorities that are watching today's meeting will perhaps be feeling a little bit unclear about where they stand. We have heard lots of evidence from local authorities, all of which have—understandably—different views. Some are concerned about the administrative burdens of administering multi-operator ticketing schemes, and others are completely opposed to the idea that the Government should have the power to establish such schemes in local authority areas. There are mixed views.

Is it the case that all the bill will do is give Government the power to ensure that, if such schemes are introduced, they all follow the same standard, or will the bill introduce a power that means that all local authorities will have to sign up to the scheme? That is a bit unclear at the moment.

Michael Matheson: The purpose of the national advisory board is to set the national standards. Smart ticketing options that service providers purchase will have to comply with those standards in order to ensure that they are interoperable with other systems. Where a local authority does not have smart ticketing in place, it is about working with transport providers to get them moving in that direction.

The funding that Richard Lyle referred to is to support smaller companies to invest in smart ticketing options to help them to deliver their own services. It is not about imposing smart ticketing for the sake of it; it is about trying to create the necessary national standards. Once those are set, if they are not used by local authorities as they should be in delivery of services, there is a power to mandate them to do that.

10:45

Jamie Greene: So, it is clear that the bill includes a power that means that, if local authorities choose not to go down the smart ticketing route in their areas, you can force them to do so. Is that correct?

Michael Matheson: I would be surprised if any local authority in Scotland does not want a smart ticketing option. The bill is about making sure that standards will be applied in the smart ticketing options that operate in an area so that they are interoperable with those in other parts of the country.

Jamie Greene: Standards are technical and behind the scenes, and relate to the technology that delivers interoperability, and which allows for transaction payments and operators to speak together through a mutual ticketing system. That is the back end. What might be confusing to folk is the front end. North Ayrshire might have one type of scheme and Inverclyde might have another. Many services work across authority areas, and not every authority is in a regional transport partnership.

That leads me to ask why the Government is choosing to do things that way. We are leaving it either to individual operators to develop their own schemes, as some including ScotRail and Stagecoach are doing, or to local authorities. All we are asking them to do is follow national standards, but they can still implement any scheme they wish. That will be done with varying degrees of success.

Why is the Government not taking the lead, as has happened in other countries? Other countries have said that they appreciate that it is not going to be easy and there are issues in having multiple operators that do not always talk to each other. If we really wanted to, we could do this nationally.

There are companies that could help the Government to do that. Why has the Government taken this approach? There is no appetite in Government for a national scheme and for the roll-out process to be top down.

Michael Matheson: That is because we do not want to take a top-down approach. We want to take an approach that recognises the progress that some operators have already made in smart ticketing options. We want to ensure that systems are interoperable across areas, so that when a person goes from Ayrshire to Glasgow, which is an SPT area, the systems are interoperable, such that there is a through ticket from one bus operator to the next. People should also be able to get through tickets to use a train or a ferry.

We are trying to ensure that the standards that will be applied by every service provider in the country are interoperable—that they are of a standard that allows people to get the through ticket that they require across different modes of transport. That is not available at the moment.

The national advisory board will be responsible for looking at how the standards should be set out and what they should be. That will allow operators to purchase whatever system they want to provide smart ticketing, as long as it meets the national standards and is interoperable with the rest of the country.

Jamie Greene: As things stand, it seems to be unlikely that we will ever get to the stage in Scotland at which a single card—as in Richard Lyle's example—allows access to buses, trains, ferries and trams, because of the disparate nature of transport. That is unlikely to change soon.

Michael Matheson: In the years ahead, I suspect that the requirement for a card will disappear, because there is an increasing move to contactless services. Anchoring a scheme on a card would be like replicating the Oyster card-type system, which is in decline. We must recognise how technology is moving on, for example through the e-purse approach. Smart ticketing will probably become contactless in the years ahead, so we are trying to create a system that recognises that.

Jamie Greene: My other question is about making sure that we do not leave anyone behind. I appreciate the point about contactless payments, which is one that the committee has not made this morning. That may be the direction of travel, if I may be pardoned the pun, with travel cards becoming less important and people using bank cards or mobile phones.

However, that does not offer through ticketing in its true sense; people might use their cards or make contactless payments for multiple journeys. As you said, there is no capping of the through-ticket price and there is no joined-up approach.

Contactless and card payments are just payment methods, as opposed to ticketing methods.

How do we ensure that we leave no one behind? Not everyone is au fait with using Apple Pay or other mobile technologies, and not everyone uses contactless payment. If we have a cashless approach in public transport and, indeed, society, is there a worry that elderly people, for example, will be left behind? How do we ensure that that does not happen?

Michael Matheson: The advisory board will consider the need for a paper option, so that a person who wants to pay by cash and get a ticket will be able to do so. That must always be an option, in any system.

Jamie Greene: Thank you.

The Convener: That brings us to the end of our questions on buses and smart ticketing. We will have a brief pause.

We will move on to low-emission zones and parking. I welcome Stephen Thomson, who is head of air quality; George Henry, who is parking policy manager; and Anne Cairns and Magdalene Boyd, who are solicitors.

Peter Chapman: I want to ask about the effectiveness of low-emission zones. There is analysis that shows that they are limited in what they can do. European Union-sponsored research into the effectiveness of LEZs across northern and central Europe concluded:

“Annual mean PM10 concentrations were reduced by 0 to 7%, with no effects observed in most LEZs.”

There is a similar story nearer to home, in London. Cabinet secretary, are you confident that LEZs will play a significant role in reducing air pollution levels in Scotland?

Michael Matheson: Yes, I am, on the basis of the standards that will be set for LEZs. Glasgow will have the first LEZ in the country, and standards will be set for petrol and diesel vehicles. A lot of work has been done over the years to reduce air pollution, but there remain issues with air quality in some of our town centres. LEZs can address some of those issues by setting standards for vehicle emissions levels to improve air quality in our town centres.

Peter Chapman: Does that mean that you envisage standards being tighter in Scotland than they have been elsewhere in northern Europe, where LEZs have had very little impact? Even in London, where the vast bulk of people obey the rules, there have been minimal reductions in particulate matter.

Michael Matheson: The system that will operate in Scotland will be different from the one in London, which is more like a road charging

process, as opposed to the penalty charge that we will have.

It is not about finding the one thing that will improve everything; a variety of things will improve air quality. Low-emission zones can help create the cultural shift that is necessary to address some of these issues. As part of a wider package of measures low-emission zones can play an important part in addressing air pollution and air quality issues in our town centres.

Peter Chapman: You have touched on my second question already. It is proposed that, north of the border, certain classes of vehicle will be banned from entering an LEZ, with a penalty imposed for non-compliance. Many other LEZs, such as the one in London, require a charge to be paid if the entry criteria are not met, so, as you rightly said, there is a difference there. The committee has heard calls for the London approach to be adopted in Scotland. What is your view on that?

Michael Matheson: The London approach is almost a road charging approach. Our view is that we should prevent vehicles of a certain type going into our town centres—if they go in, they will face a fixed penalty as a result. That is a different approach, which in our view is more effective in addressing the level of pollution from vehicles. Standards will be set for the vehicles that are allowed into the zone; that is about helping to improve air quality in our town centres and it is more effective. We are saying that there are certain vehicles that we do not expect to be in our town centre because of the level of pollution that they cause. That is instead of having a charging regime that charges on the basis of the level of pollution that vehicles cause in the area.

Stewart Stevenson: Have the minister and his officials looked at the experience in Beijing, which more or less banned anything that was polluting, including industry—it was not just transport—for the Olympics? In a single year, there was a 46 per cent reduction in attendances at hospitals for asthma and a 23g average rise in live birth weights, which are indicators of the beneficial effects of getting pollutants out of the atmosphere. Rather than simply looking at European examples, have the minister and officials looked at wider examples that might inform policy in this area?

Michael Matheson: I know that officials have looked at a wide range of international experience, but I do not know whether they looked specifically at the temporary provision that was put in place in Beijing. The impact that air quality can have on individuals' health should not be underestimated. The purpose behind LEZs is to address not just congestion and air quality issues but the associated health issues. In my view, LEZs can do that.

The Convener: We have heard evidence that taking a bus from being Euro 5 compliant to being Euro 6 compliant is difficult and can cost in the region of £25,000. We also heard that if a Euro 5-compliant bus moved briskly along the route in the way that it should, the emissions from the bus would be no worse than those from a Euro 6 bus. There was evidence to suggest that we should be moving buses along routes better, which goes back to a question that I asked earlier about keeping things moving in bus lanes. Do you subscribe to that view, or do you think that bus operators are wrong when they say that the Euro 6 designation for buses will have only a marginal effect and that a better approach would be to keep buses moving quickly in bus lanes?

Michael Matheson: There should be a combination of both. We should have bus engines that are more efficient and emit fewer emissions alongside improved journey times that reduce the time when buses are idling, given the impact that that has on air pollution. It is not about having one or the other but about having a combination of both.

The Convener: There will be a huge cost to the bus operators. When we were in Glasgow, we saw some buses that were still Euro 4 models. It was explained to us that that was written on the back of them so that we could identify immediately whether they were Euro 4, 5 or 6 vehicles. A huge number of buses will be taken out of the loop completely, which might limit bus use in Glasgow even more. Is that the objective?

11:00

Michael Matheson: We recognise that there is a cost for bus operators in moving to the Euro 6 standard, which we will set out in further detail along with the regulation. That is why we have provided almost £8 million in the bus emissions abatement programme, which supports bus service providers to introduce retrofit kits on their existing non-Euro 6 buses to reduce emissions to the Euro 6 level.

You will also be aware that there is a grace period within the provisions for low-emission zones, to allow work to take place with the bus industry on the timeline for the transition for the fleet. That gives local authorities the flexibility to work with the providers to give them time to carry out the changes that are needed to the fleet.

There is a combination of measures. There is the money that we are giving the industry and there is the grace period, which gives the industry an opportunity to start taking forward those changes.

The Convener: Is the funding that the Scottish Government is giving to bus companies for retrofit

the same as the funding that is being given to bus companies in the rest of the UK, or is there a difference?

Michael Matheson: There is a difference. I will get back to the committee on this in writing, but I believe that there is a difference in our provision that makes it more generous than that in England and Wales.

The Convener: The bus companies will look forward to hearing about that, because that is not what they said in the evidence session that we had with them. We look forward to receiving that letter.

John Mason (Glasgow Shettleston) (SNP): I will build on the convener's questions, but I want to leave aside buses and think about other vehicles. Cars and other vehicles generally last longer than they used to—my car is nine years old—so some people, particularly those in lower income brackets, do not replace their cars so often and tend to buy second-hand ones. Is there a danger that some people will be disadvantaged by an LEZ if they cannot take their vehicles into the city centre? I am thinking particularly about someone who is starting off as a joiner or electrician and who might have an older vehicle that he really needs for his work.

Michael Matheson: Your vehicle is much more modern than mine, which is 14 years old. The Euro 4 standard for petrol cars roughly takes us to cars that have a 2004 number plate, which is 14 years old, and it is the same for Euro 6, which again would be about a 2004 plate. I recognise that there are potential risks for individuals on lower incomes. However, the standards give people an opportunity in that, if they are considering buying a car, a significant number of cars in the second-hand market comply with the Euro 6 or Euro 4 standards. We have to be alive to that issue, but the regulation that we bring forward will try to accommodate that potential risk.

John Mason: You have mentioned grace periods, which are intended to cover such issues. Frankly, the committee has had conflicting evidence on those periods. Some people think that the periods are far too long and that, if we are serious about air quality, we need to be much more aggressive, whereas others have said that there is a real cost and that we have to give people time and have longer periods, because we do not want to damage business. Will you briefly explain why you have chosen the grace periods that you have come to?

Michael Matheson: The provisions on grace periods give local authorities options. There can be a one-year period through to a four-year period for individuals who are not resident in the LEZ, to allow them to make the necessary transition.

Whether a local authority goes for a two, three or four-year grace period is for it to decide, based on local consultation when it is introducing the LEZ. There can also be an extended grace period for those who are residents in the LEZ. The local authority can go as far as a six-year grace period to allow residents to make the transition that may be necessary. We recognise that businesses and local residents need time to make the transition, but the local authority will decide what that is.

John Mason: There is a heritage bus museum in my constituency, which is worried that it will not be allowed to drive around its old buses. Is there provision for an exemption to be made for that kind of situation, perhaps for a particular day?

Michael Matheson: There is provision for exemptions and they will be dealt with through regulations so that they can be adapted to particular circumstances. There will be an opportunity through the consultation for organisations such as the one in your constituency to highlight the need to provide certain exemptions for particular purposes.

John Mason: Thank you.

The Convener: I will ask you to clarify that so that I understand. My understanding is that the bill states that those vehicles could be driven around only on days of importance that are recognised by local authorities but that if someone has an old heritage car, as many people do, that they want to take for a drive, they will be precluded on a normal day from taking it anywhere near an LEZ. Is that right?

Michael Matheson: We have a qualifying requirement for exemptions that are for a significant day, but we want to look at whether we can extend that. For example, a funeral car or a wedding vehicle could require an exemption for its purposes. I want to look at whether the bill is framed in a way that gives us the flexibility that is required in certain circumstances. However, the idea is that the suspension of an LEZ for a particular period would have to be linked to an event of national importance. For example, a national sporting event could be taking place in a town centre and the council might want to suspend the LEZ because vehicles would be brought in to support that event. However, there are also exemptions for individual vehicles for particular purposes while the LEZ is still operating.

The Convener: The concern that has been raised with me—you will know from my entry in the register of interests that I have a farming interest—is about people coming into cities from the countryside in their agricultural-type pick-ups. They will not necessarily change those vehicles every 10 years, so they will be banned from coming into places such as Glasgow if the

required standard is Euro 6. Anything that was built prior to 2014 will not be able to get into the city. That is a real issue for some people who live in the countryside. Do you think that that is right?

Michael Matheson: For diesel, it would be 2004.

The Convener: It is 2014. Any vehicle built before 2014 is Euro 5, not Euro 6.

Michael Matheson: They would face a penalty if they were using a vehicle within the LEZ area that was over that limit.

The Convener: That is quite hard on a lot of people who probably rely on those vehicles for their normal work process, because they are not going to change them every 10 years. Would it be possible to reflect on that?

Michael Matheson: There is no need to do so at present, because there will be a consultation on the regulations that will deal with those matters. Those bodies that have an interest in making representations on those issues will be able to engage with the regulation-making process.

Jamie Greene: I would like you to comment on two things specifically. The first is displacement, which there are concerns about. Is it the case that businesses, including smaller bus companies, will simply put all their modern vehicles into the LEZs and that peripheral areas outside the LEZs will suffer from the use of older vehicles? Secondly, the cost of upgrading to Euro 6 vehicles is going to be quite substantial for bus companies. For example, First Glasgow said that that would cost more than £100 million, McGill's has just ordered 26 new buses and so on. Will any of those costs be passed on to passengers?

Michael Matheson: On your first question, very often the buses that will be coming into LEZs will be coming from suburban areas, so they will be coming into the town centre and probably passing through it. There will probably be some buses that do not do that, but many buses will come through the town centre and go elsewhere. In that sense, the bus companies will therefore have to comply for all those buses. However, I would not dispute that there is also the possibility that companies will move their fleet and displace some buses that they can no longer use in town centres that have an LEZ in place and use them elsewhere. However, by and large, most buses that I have used go into the town centre and then go somewhere else from there.

On the question of costs being passed on, part of the idea behind the grace period and the retrofit abatement programme that we are supporting for the bus industry is to support companies to meet some of those costs. However, the grace period is also about helping companies to absorb some of

the natural turnover that they would have in their fleet anyway in renewing their buses so that they can upgrade them to the standard when they purchase them. When I was in Alexander Dennis's premises last week, Lothian Buses was doing that and I know that some other bus operators are already doing the same. Some of them will therefore manage the situation as part of the turnover of their fleet to ensure that they comply with the LEZs.

Jamie Greene: There would be no cost to passengers.

Michael Matheson: It would be down to the company to decide how it chooses to meet the costs. Bus companies will have a programme for how they want to turn over their fleet, and they will manage that as part of the overall cost of running their business. I have not seen any evidence that costs will be driven up purely because of the need to purchase buses to meet the requirements of LEZs.

Maureen Watt: We have talked a lot about grace periods. Will there not be a time when LEZs become redundant because we will all have low-emission vehicles or electric cars and, because of climate change legislation, there will be a lot more active travel in city centres? Do you see a situation where, for example, 20 years hence, there will be no need for LEZs?

Michael Matheson: That may be the case, but LEZs have an important part to play now in creating some of that culture shift and transition. It could be that LEZs are required for the next 10, 15 or 20 years, and after that they are no longer necessary.

Peter Chapman: We understand that local authorities will have some flexibility in how they introduce LEZs. We have heard concerns from fleet operators in particular that different rules applying to different LEZs could make it very confusing for drivers and difficult for fleet operators to plan their routes. What reassurance can you offer to operators that those problems are being thought about and that there is a way forward?

Michael Matheson: You raise an important issue. The objective is that, by 2020, our four main cities—Glasgow, Edinburgh, Dundee and Aberdeen—will have in place LEZs. I want us to be in a position where a van that complies with the LEZ in Glasgow would, if it went to Dundee, comply with the LEZ there, too.

We will deal with that through regulations, so that there is a consistent approach across the country on the standards that are set for LEZs. I know that there were questions about whether that provision should be in the bill. Putting those matters in regulations will allow us to change and adapt the regulations as circumstances change.

For example, as engines develop, we could make a change—with due parliamentary scrutiny—without having to resort to changing the act.

I fully recognise your point, and we will be seeking to address that through the associated regulations.

John Finnie: I had planned to ask about the financial memorandum, which was, in part, touched on earlier. People have talked about the inconvenience, the mechanics, grace periods and the costs but, so far, no one has mentioned the number of deaths that are directly attributable to poor air quality.

In the UK, the Royal College of Physicians says—this is the figure that is normally cited—that there are 40,000 such deaths. The conservative estimate for Scotland is that, each year, 2,500 lives are lost that are directly attributable to poor air quality. What projection has been made about the outstanding benefits from lives that could be saved as a result of the legislation?

Michael Matheson: I cannot give a specific figure on how many lives LEZs might save. Is that what you are driving it?

John Finnie: Yes.

Michael Matheson: I cannot give you a figure for that.

John Finnie: Is that not peculiar? We talk about the minutiae of all sorts of things. Surely knowing about such benefits is fundamental. Mr Stevenson touched on the matter earlier when he commented on respiratory ailments and the imposition of a temporary ban in Beijing. Could that work be done, please?

Michael Matheson: I am more than happy for us to look at that and see whether we can provide further information. However, I do not believe that modelling has been carried out in that regard.

Stephen Thomson (Scottish Government): I can add a small bit to that. Health Protection Scotland is meeting today to consider the feasibility of looking at the impact of LEZs—that is, to determine whether it is feasible to measure an impact that is attributable to LEZs, given all the other aspects of air pollution mitigation.

John Finnie: That is reassuring. I hope that the committee can hear back about that.

That takes me back to my earlier point about Government policies coming together. Surely preventative spend—I prefer to think about that in terms of the impact on people rather than on machines—is an important element that should be considered, too. Any information that you can provide on that would be welcome.

Michael Matheson: We will give the committee further information about the work that Health Protection Scotland is doing on that.

11:15

The Convener: John, did you also want to ask about the costs?

John Finnie: Indeed. The issue was touched on earlier. The Finance and Constitution Committee has heard criticism to the effect that the financial memorandum significantly understates the costs that are associated with the proposal. What is your response to that? Can you clarify what proportion of the costs relating to LEZs will be met by the Scottish Government and local authorities, respectively?

Michael Matheson: The challenge in trying to give as accurate a figure as possible concerns the fact that LEZs could operate differently in different local authority areas. We have sought to use data that we have from Edinburgh and, I think, Aberdeen, to inform the financial memorandum with regard to the potential costs of introducing LEZs. My view is that the figures that have been provided are as accurate as they can be, but there are some challenges around that because the way in which the LEZ operates in Dundee could be different from the way in which the one in Glasgow operates, and the size of the LEZs could be different as well. Those factors make it difficult for us to be specific about what the final cost might be.

John Finnie: The conservative figure for the number of deaths that are associated with air pollution in Scotland is 2,500 a year, which is 10 times the number of deaths that are associated with road traffic accidents. I understand that the Scottish Government puts a figure on the cost of a life lost in a road traffic accident, and that it is a seven-figure sum. I think that more work could and should be done on the issue of costs in relation to LEZs, and that the costs should be considered in relation to the human cost of air pollution as well as the infrastructure cost.

Michael Matheson: I am happy to take that issue away and think about it.

The Convener: The committee has been told that the cost of establishing the congestion charge in London was extremely high. We heard that the only reason why an LEZ could be superimposed on top was that the cameras had already been paid for through the congestion charge, and that there is no way of doing it in Scotland. There is considerable concern that the cost of establishing LEZs has been underestimated. Would it be possible for you to revert back to the committee on the methodology that you have used in that regard?

Michael Matheson: Yes, I can do that. I am more than happy to provide whatever information we can.

Mike Rumbles (North East Scotland) (LD): I want to return to the issue of pavement parking and the exceptions to the pavement parking prohibitions. There are 10 subsections in section 47 that give exemptions nationally, and I think that they are very good. However, the committee has taken evidence that has focused on subsection (6), which says that the parking prohibitions do not apply where

“the motor vehicle is, in the course of business ... being loaded from or unloaded to any premises”

and where

“the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.”

That subsection has caused concerns, because it creates a national exemption that allows firms to park on pavements to make deliveries. At the moment, driving and parking on pavements is illegal, but this subsection gives them permission to do it. Further, the evidence that we have received is that the 20-minute rule would be totally unenforceable.

There is an argument that subsection (6) is not needed because the bill allows local authorities to exempt certain streets from the pavement parking prohibition if they decide that the prohibition would cause problems in relation to people's ability to make deliveries.

I think that an unintentional consequence of subsection (6) is that it creates a national exemption for pavement parking, which sends the wrong signal. The motivation for the bill seems to be to free up our pavements for the benefit of people who are annoyed because they are blocked, such as disabled people, young mums, young dads, carers with prams and so on. However, subsection (6) is a real worry in that regard.

Michael Matheson: I recognise the issue that the member raises and I have received representations on the matter. It is worth pointing out that it remains a criminal offence for an HGV or a lorry to park on a pavement. Notwithstanding what is in the bill, that will remain a criminal offence. We are trying to achieve a balance for those smaller vans that are carrying out a delivery or picking up and require to park on the pavement to do so. They may not obstruct the whole of the pavement, but they may use part of the pavement for a short time in order to carry out the delivery or to pick up the goods where they would not be reasonably able to do that by parking elsewhere.

We are trying to achieve the objective that you set out and improve access for those who have mobility issues or visual issues, those with prams et cetera, in order to take away the potential hazards that they may face, while recognising that there will be instances in which parking on the pavement is the only option that the driver of the vehicle has in order to pick something up or drop it off, and they need time to carry that out.

I am always minded to look to see whether there are ways in which we can improve the bill, but I hope that the committee will recognise that we are trying to strike a balance in a way that delivers what we are trying to achieve but, at the same time, recognises that there may be practical challenges for businesses.

Mike Rumbles: I entirely understand the issue of trying to strike a balance. What I am trying to get across is that, with section 47(6), you are reversing the law. At the moment, the law does not allow people to drive on to the pavement to unload. That is illegal. However, the bill allows that to happen. Given that your motivation is to free up access for all the people that we have discussed, that subsection might be ineffective legislation.

In your responses to other questions, you talked about local authorities and said that you do not want to have a top-down approach. Surely local authorities are best placed to know their roads and where there is a real problem, and you are already giving them the ability to exempt those areas. Will you look at section 47(6) at stage 2? I would prefer that the Government looked at the matter again at stage 2.

Michael Matheson: I am more than happy to look at it again to see whether we have got the balance right and, if there are potential unintended consequences as the member said, whether we can address them. Let me take that away and have a look at it, and if there is a way in which we can address some of those concerns or possibly provide greater clarity, I will be more than happy to do that.

Mike Rumbles: That is great. I have another quick question on a subject that was raised by witnesses. Do the provisions that prohibit parking on pavements include cycleways?

Michael Matheson: I ask George Henry to cover that.

George Henry (Scottish Government): Do you mean a cycle lane on the carriageway, Mr Rumbles?

Mike Rumbles: Yes—a cycle lane.

George Henry: There are shared spaces with cycle tracks and footways, which is why I wanted to clarify that.

Local authorities already have powers to make cycle lanes mandatory and they can promote a traffic regulation order, which will mean that people cannot stop or park in a cycle lane. It depends on how local authorities wish to take that forward. Many install advisory lanes. Cycle lanes as such are not covered in the bill as it stands.

John Mason: On a slightly wider issue to do with parking on pavements, I have a considerable number of streets in my constituency where the road is relatively narrow and the pavement is relatively wide. What I consider to be considerate drivers—I do it myself—put two wheels on the pavement, which allows plenty of room for people to pass on the pavement but keeps the road clear for buses, bin lorries and larger vehicles. I have a slight problem with the idea of a total ban. I suspect that councils will find exempting streets to involve too much hassle and cost, so they will not do it. I wonder whether an unintended consequence might be that problems will be created in some places where it would be perfectly reasonable for drivers to put two wheels on the pavement to prevent blockages on the road.

Michael Matheson: The intention of the bill is not to have a blanket ban; it allows for exceptions in some areas, perhaps where there are narrow roads with wide pedestrian ways. There is scope in the bill for local authorities to identify areas and apply an exemption, as long as the pedestrian pathway is at least 1.5m wide. It will be for individual local authorities to identify the areas in their authorities where that would be appropriate, depending on the circumstances.

John Mason: Would it not be simpler and cheaper, both in relation to the bill and for local authorities, simply to say that, assuming a pavement is more than 1.5m wide, someone parking must leave at least 1.5m clear and if the pavement is less than 1m, the whole pavement must be clear? Would that not make for simpler legislation? The councils would not have any costs and would just have to enforce it as they do other things.

Michael Matheson: As it stands, the bill will provide for an exemption that local authorities can apply, based on local need and circumstances.

John Mason: There will be a cost to that, will there not?

Michael Matheson: Yes, but, if we were to flip it round and make local authorities apply the rule with no exemptions, there would also be a cost.

John Mason: If the bill specified 1.5m, there would be no cost.

Michael Matheson: We can look to see whether it would be better to make that clear in the bill or through the regulation or guidance that

accompanies the bill. I am not entirely sure why it would need to be on the face of the bill.

Jamie Greene: I want to follow on that interesting line of questioning. I have some sympathy with the cabinet secretary's view on temporary exclusions. It is imperative that we let businesses go about their normal business, but that we continue to implement the policy intentions of the bill.

On the issue of parking, there is a low level of understanding of what is coming down the road, in the sense that, if the provision is introduced as planned, there will be a blanket ban on two-wheel pavement parking. When you go round constituencies and regions, you realise how much such parking takes place. However, there is absolutely nothing in the bill that will help local authorities to deal with those traffic issues. The questions that I am being asked are, "Where will people park?" and, "Where can we park, when there is nowhere else to park?"

There is nothing in the bill to offer assistance to local authorities other than to apply for exemptions under rules that have been dictated to them nationally. I do not see that the bill provides any long-term solution to the problem.

Michael Matheson: We have engaged with local authorities to try to address some of those issues. There was a meeting on Monday with local authorities on the management of some of those issues and how that can be addressed through the guidance that accompanies the bill. It will be a greater challenge for some local authorities than for others. I am thinking of Glasgow and Edinburgh in particular, where there are tenements, some streets are narrower and the pavements are more limited—there might be four or five-storey tenements and everyone in the block might have a car. In some areas there will be specific challenges.

Part of the work that we are doing with local authorities is to consider how to ensure that we have the necessary guidance in place for them, so that they know where to apply exemptions, where that is appropriate. At the same time, we want to make it very clear that, where the provision can be applied, the standard rule should now be that people are not able to park on the pavement.

Jamie Greene: As you say, there are tenements with six or more cars for a single block and only two spaces outside them, but those cars are not going to disappear when the bill comes into force. If no other parking provision is made available and, more importantly, there is no additional funding to support local authorities—I am not asking that central Government start building car parks everywhere—there is a real issue at stake: the cars are not disappearing, but

they will have nowhere to go. I am not convinced that we are addressing the root cause of the problem.

Michael Matheson: Part of the idea is to provide local authorities with the powers to be able to take such things into account in areas where they want to apply exemptions. Those are the types of issues that they will have to consider when making an assessment to determine whether to apply an exemption in a particular area.

Richard Lyle: To follow on from Jamie Greene's point, there has to be a commonsense approach to this. I can think of some interesting roads in Glasgow and other areas where, if both sides of the road are filled with cars and the cars are not parked on the pavement—if they are parked as they will be legally required to park when the bill comes in—fire engines or other emergency services may not be able to get through. However, I will park that one.

11:30

Michael Matheson: Pardon the pun.

The Convener: I think we got it, Richard.

Richard Lyle: Good—I hoped you had.

I can think of quite a number of towns and cities, such as Glasgow and Edinburgh, where there are pedestrian areas with shops. What happens if, at 9 o'clock in the morning when people are out shopping and walking in those areas, a van comes along to deliver to a particular shop that it needs to access from the front because there is no back entrance?

I agree with Mike Rumbles, but I want to explore the issue from an alternative viewpoint. What reassurance can you offer delivery firms and businesses that the prohibition of pavement parking and double parking will not unduly affect their operations? Will the parking standards document that is currently under development offer any clarity on that issue? Many companies will ask how they can deliver to shops that are in the middle of Glasgow's shopping area.

Michael Matheson: We will engage with stakeholders, including those in the industry who have a view about what the parking standards should be, as part of the consultation around the document. The document will give clarity on what the standards will be.

On your first point, I echo what I said to Mike Rumbles. We are trying to strike a balance between freeing up access on paths and removing obstructions, while at the same time recognising that there will be individuals who are just going about their legitimate business.

It is not just about deliveries. We should not lose sight of the fact that there are health and safety challenges for the folk who carry out deliveries. The vehicle will have to be parked much further away, so we need to think about the risk to them as well. We are trying to strike a balance. If there are ways in which we can address some of the concerns around that, I am open to looking at them—we will take them away to see whether there are other things that we can do. We have to try to achieve a balance.

Colin Smyth: I want to touch on enforcement. My understanding of the bill is that the local authority will have the power to take enforcement action where there has been a contravention of the prohibition of pavement parking and double parking. Does that mean that, where parking has not been decriminalised, a council enforcement officer will be able to put a parking ticket on a car that is parked on the pavement, but not able to put a parking ticket on the car next to it that is parked on double yellow lines?

Michael Matheson: If parking has not been decriminalised in the area, it would be a matter for the police to enforce. I will let George Henry talk you through how that will operate.

George Henry: At the moment, that is how it stands. However, the bill will provide powers for all local authorities to carry out enforcement. We are continuing to work with stakeholders to discuss enforcement so that we get consistency right across the country. Some local authorities do not have decriminalised parking enforcement; they have off-street car parks with parking attendants, so they may use them. We are looking at whether local authorities can share services with neighbouring authorities. Work on that is on-going as we speak.

Colin Smyth: Just to be clear, where parking is not decriminalised, the bill seems to imply that a local authority officer will be able to put a parking ticket on a car that is parked on a pavement because it specifically mentions that scenario. However, the officer cannot put a parking ticket on the car next to it that is parked on double yellow lines unless the authority goes through the whole decriminalisation process.

George Henry: That is correct, as it stands.

Colin Smyth: Are we not missing a trick, then? Why are we not using the bill to completely decriminalise parking? Since Police Scotland scrapped traffic wardens—a short-sighted decision, in my view—more and more local authorities have moved towards decriminalisation. However, the process is lengthy, expensive and bureaucratic. It involves bringing Scottish statutory instruments for every individual local authority before this committee and the Parliament.

Should we not be using the bill to simplify that process at the very least? We could have a single line in the bill that says that if a local authority wants to decriminalise, it can do so immediately instead of having to go through the current very bureaucratic process. Alternatively, should we not just completely decriminalise parking? Otherwise there will be a two-tier system under the bill: one tier for pavement parking, and the second for other parking offences that are not decriminalised at the moment.

Michael Matheson: You are right about some of the bureaucracy around the decriminalisation process. I will consider the point that you have raised to see whether we could use the bill to simplify or improve that process. I do not know whether that would be possible, but I am more than happy to look at the issue and to engage with our colleagues in the Convention of Scottish Local Authorities on whether there is a way in which we can improve the process.

Maureen Watt: I think that the majority of our witnesses supported the proposals on pavement parking and double parking. However, the issue of parking in front of dropped kerbs has also come up. A number of my constituents and I have gone out with the local authority to see what can be done about that, and a petition has been lodged on the matter.

Is it possible to have double yellow lines in front of dropped kerbs? Does the bill need such a provision? We have an increasingly elderly population, and inclusivity and ensuring that everybody can play their full part in society will not happen if inconsiderate people park in front of dropped kerbs.

Michael Matheson: I fully sympathise with that view. I recognise the challenges that people have when individuals park in front of dropped kerbs and the additional risks that that causes. For example, people might have to take an alternative route if they cannot use a dropped kerb to cross the road.

There are technical challenges in defining dropped kerbs, but officials have been working to see whether the bill can provide for greater certainty on that matter. Maybe George Henry can explain the work that we have taken forward on that front.

George Henry: I think that Jamie Greene raised the issue of displacement, and it has been mentioned in relation to LEZs and parking. Domestic driveways have been considered in discussions with stakeholders. The Scottish Government received powers via the Scotland Act 2016 to legislate on parking at dropped kerbs, and we are aware that stakeholders have expressed

concerns about dropped kerbs not being covered in the bill.

We have been considering which dropped kerbs should be included, and we are addressing those issues with stakeholders. Basically, the issue is whether it is a non-crossing point. Fundamentally, should there be a national ban so that nobody should park over a dropped kerb that is a non-crossing point? Obviously, the inclusion of domestic driveways would have quite big impacts on the displacement of vehicles. We are discussing such things with stakeholders.

Maureen Watt: It should not be too difficult. Most people know the distinction between a dropped kerb that someone has in front of their driveway so that they can get their car in and one that is near a crossing or a shopping centre. We would expect that most people would not park in front of a dropped kerb. Unfortunately, people are parking in front of them, and that needs to be legislated for.

Michael Matheson: I fully accept that people should understand that, but I am sure that Maureen Watt will recognise that some people do not.

Maureen Watt: There is no legislation to penalise them, is there?

Michael Matheson: There are technical issues in defining dropped kerbs so that there is a black-and-white definition and no grey area. We need to work through those issues so that the definition is quite clear. We are working on that to see how we can take it forward.

The Convener: I have been particularly taken by the argument about parking in front of dropped kerbs. Perhaps as a result of the committee's consideration, I now look to see where dropped kerbs are. Some of them in Inverness are in loading bays, which are interesting places to have them. It may not be possible to have a blanket rule in place for dropped kerbs, but some might need to be moved. The issue is very important.

We will have another short pause while we allow the witnesses to change over.

We move on to the third part of this evidence-taking session, in which we will consider road works, canals and regional transport partnerships. I welcome Kat Quane, road works policy officer, Joanne Gray, policy manager for regional transport partnerships, Brian Spence, canals policy officer, and Kevin Gibson, solicitor.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Witnesses have been broadly supportive of the proposed new powers for the Scottish road works commissioner and the new duties and requirements that will be placed on people who carry out road works. However, an issue that has

come up in evidence is the power of unannounced entry to premises to investigate road works issues. Is the power proportionate?

Michael Matheson: I believe so, yes, on the basis that the purpose of the inspection is to allow the SRWC to establish the facts in particular circumstances. A warrant for the purposes of making entry will be required, so it is not as though there will be no process of checking whether the inspection is appropriate and required. Very often, inspections take place on live carriageways and in limited conditions. If a contractor is obstructing an inspector's ability to get access to the information that they require for their inspection, the inspector will be able to consider whether a warrant for access is required.

The power is necessary. I hope that it will not need to be used much. However, given the importance of the SRWC's role, it is important that the inspectors have the ability to force entry, if necessary.

Gail Ross: What qualifications and standards will inspectors use when they access work sites?

Michael Matheson: Are you asking what qualifications inspectors have?

Gail Ross: Yes.

Michael Matheson: Officials might be able to give you more detail about their qualifications, but I think that the individuals who carry out inspections should have good background knowledge of the industry and an understanding of the inspection standards that they apply during an inspection.

Kat Quane (Scottish Government): Luckily, there is one standard for operatives and one standard for supervisors for the whole of the United Kingdom. It is the industry standard, to which everyone already works. Whether a person is digging a hole on a site or inspecting the hole—as local authorities do—they will have the standard qualification for an operative or a supervisor from Street Works UK's training and accreditation group. I would expect an SRWC inspector to have the supervisor's qualification.

Gail Ross: The committee heard from a witness from Openreach, who expressed concern about the security of Openreach's infrastructure, given the requirement to share information on the Scottish road works register. Our witness said that whereas in the past the concern was about commercial sensitivities, it is now about data security. What discussions are you having with Openreach and others about that? Will you consider those concerns before stage 2?

11:45

Michael Matheson: Of course. It is an issue for consideration. For example, there are security provisions around access to the information on the website, and we would expect those to be updated and to continue to be reinforced. Further security measures might need to be put in place to restrict access to information on the system. I expect the commissioner to keep the situation under review and to consider whether they have to update those security measures and put further measures in place so that only those who are entitled to access the information can access it.

Gail Ross: Does that apply not only to Openreach but to everyone who adds to the infrastructure?

Michael Matheson: Yes. There would be a gatekeeping process around access to the information that is hosted on the commissioner's website.

Gail Ross: Who would be able to access that information? What reasons would they have to give in order to be able to access it?

Kat Quane: Anyone with a statutory right to dig up the roads, such as the undertakers, the roads authorities and, in certain special cases, the commissioner's office itself, would be able to access the information, but only for the purposes of ensuring safety when digging up the road.

Gail Ross: Thank you. That is helpful.

During our evidence session with the Scottish road works commissioner, he raised the issue of lane rental charges. Is the Scottish Government minded to pursue that issue in the future?

Michael Matheson: I am conscious of the issue because lane rental charges have been used in England and Wales to address delays with the completion of works and so on. They have proven to be fairly effective in that regard. However, the national system that we have in place in Scotland already works effectively. I do not think that it is necessary to add provision for lane rental charges into the mix, given that the existing provisions work relatively well and fairly efficiently, as can be seen by the fact that delays in Scotland are shorter than those in England and Wales.

Jamie Greene: Does the cabinet secretary understand the frustration that is felt by drivers and businesses when there are successive road works in an area? For example, a street in Dundee was dug up by three different utility companies, with the work extending over a long period of time, which caused havoc to the footfall that businesses there experienced.

From a driver's point of view, there is nothing worse than seeing road works packing up at 5pm

on a Friday and not starting again until Monday morning. That seems bizarre to most people. Is there anything in the bill that will give the Scottish road works commissioner the power to ensure that utility companies do the work as quickly as possible so that we do not see what effectively amounts to a three-day halt to works because it is the weekend, or work stopping in the evening?

Michael Matheson: I not only understand the frustration; I experience it myself. I often come across sites where a company is digging up the road even though it seems as if it has been only a couple of months since another company dug it up.

Local authorities try to bring works together if a number of utility companies indicate that they are planning to carry out work in an area. That should minimise the frustration.

Clearly, the system is not perfect, given the experience of you, me and, I am sure, everyone else. The commissioner's role includes inspecting the management of that process to see whether there are things that could be done to reduce that type of inconvenience.

With regard to the issue of weekend working, I suspect that that is largely a commercial decision that is made by employers—

Jamie Greene: That is my point. The bill could address that if you wanted it to. You could force utility companies to do work in the shortest time possible rather than leaving it to commercial decisions that are based on the fact that it is expensive to pay people overtime at the weekend.

Michael Matheson: There is provision to do that. Kat Quane can explain that to you.

Kat Quane: The New Roads and Street Works Act 1991 makes provision for local authorities to issue a direction under section 125 of the act, which says that road works have to take as short a time as possible. There is an obligation for that to happen anyway, but there is provision for a specific direction. The commissioner's office will get additional powers to see how local authorities are using that direction. It will absolutely be a level playing field; the commissioner will be able to look at roads authorities as well as utility companies and get information about whether that is happening.

The Convener: We will move on to Richard Lyle.

Stewart Stevenson: Eh?

The Convener: Sorry, Stewart, but Richard is first, then it is you. There is strict rotation and I try to follow it to the best of my ability.

Richard Lyle: I agree with the comments made by the cabinet secretary and Jamie Greene. It is

frustrating that certain roads are continually getting dug up and relaid. I will not name it, but there is a road in my constituency that is continually being hammered.

Even though we know that it happens for safety reasons and to ensure that the staff are fine, a lot of car drivers also get annoyed when lanes are coned off for perhaps a quarter or half a mile, with nobody working on them. I agree that we should try to get companies to work together so that they dig up roads and put their utilities in at the same time and ensure that they use that time effectively so that there is minimal delay to motorists. As the cabinet secretary has said, it is very frustrating.

The Convener: I am not sure whether that was a question or a pitch for the cabinet secretary's job.

Richard Lyle: Do you agree, cabinet secretary?

Michael Matheson: Do I agree with what?

Richard Lyle: Do you agree with what I just said?

Michael Matheson: It depends on what you are asking me, Richard.

The Convener: You can perhaps take that question offline. Richard has made his point.

Stewart Stevenson: I just want to return to the issue of Openreach and its critical infrastructure. I see from the Scottish road works commissioner's website that there are two bits of road works adjacent to this building, one at the bottom of the Canongate and the other 100m away, where Scotland Gas Networks will have the road up for 21 days starting on 26 November. That information is in the public domain, so I am puzzled about the suggestion that some things will not be made public. Is that because, in legal terms, Openreach's network is part of critical national infrastructure? Perhaps that has a particular definition under UK security legislation, whereas the gas network does not—although I would have thought that you could do an awful lot more damage knowing where the gas network was than you could intervening on the telephone network.

Kat Quane: That just displays the security. You are looking at the public-facing website, which shows the public what works are planned, and anyone can access that. Openreach is talking about the secure vault system on the Scottish road work register, which you cannot just access through a website, as you need to have been set up and have a password. That information is not accessible to the public.

Stewart Stevenson: I hear what you say, but I do not understand what it means. Can you explain what information I am not seeing? If Openreach

were digging up the road in front of the Parliament, would that appear on the map on the website for me to see?

Kat Quane: You would see it.

Stewart Stevenson: So what am I not seeing?

Kat Quane: I will explain. If works are planned, you will see on the website a little road works sign—a 7001 man-at-work sign—that shows roughly what work is planned and when it will happen. Openreach is concerned about there being lines on the map that show exactly where its cables and junction boxes are and where its overhead is—although you can see that without a map, as it is overhead. It is concerned about the map showing where its infrastructure is when no one is digging it up.

Stewart Stevenson: That is fine. It clears up my fog of mystery.

The Convener: One question that is continually raised with me is about road works that are left at weekends, with speed limits on roads even though there is no workforce present and even though things appear to be functioning perfectly well. It is a constant problem; indeed, I could quote examples on the A9 and right across Scotland. Is that a missed opportunity in the bill? Surely we should remove road works or speed reductions at the weekend if no one is working there and there is no need for them, but that is not mentioned in the bill.

Michael Matheson: The bill does not seek to address that. It deals with the Scottish road works commissioner.

The Convener: Yes, but should he not have the power to make instructions on that?

Michael Matheson: Returning to my earlier comments, I would point out the provisions for local authorities to make sure that works are carried out as timeously as possible and in as short a timeframe as possible. They will be able to issue directions if that is not the case. There are no plans to make provision for contractors that undertake road works to ensure that they are removed just for the weekend. I expect road works to be completed as timeously as possible, instead of their being closed off at the weekend and opened back up again on Monday. That simply results in their taking longer to complete. In any case, the bill does not address such issues, and it contains no provision in that respect.

Mike Rumbles: Although the bill has 75 sections and is very comprehensive, only one section deals with canals, and it is about doubling the size of the Scottish Canals board. Are we relying on the Transport Act 1962, which is more than half a century old, to provide the legislation on the canal network? Does the Scottish

Government have any plans to legislate on canals? How do we ensure that we keep them open? They are increasingly being used for leisure purposes in Scotland, but we seem to be relying on very old legislation for them. Are there any plans to update the legislation?

Michael Matheson: There are no plans at present to update the legislation, largely because no marked deficiencies have been highlighted to us. Some of the challenges that face our canal infrastructure are not about legislation but about the age of canals and the need to update and upgrade them. As canals go through my constituency, I know that any issues are largely down to infrastructure challenges. If Scottish Canals were to highlight particular deficiencies in or challenges around the existing legislative structure, I would be more than willing to consider what it said, but at present it has not done so.

Mike Rumbles: Is it not the duty of Scottish Canals to keep the canals open and navigable? There have been closures along canals that have recently been renovated—the Union canal, for example.

Michael Matheson: There is a requirement under existing legislation for Scottish Canals to keep canals navigable.

Mike Rumbles: But canals have been closed.

Michael Matheson: We provided Scottish Canals with additional funding to address some bridge structure issues that resulted in canal closures. Scottish Canals tries to programme its infrastructure investment to deal with issues that could result in canal closures, but there will be incidents where Scottish Canals might require additional resource to help it address them. As I have said, we have provided Scottish Canals with additional resources to help with a couple of issues, one of which was in my constituency when the bridge at Bonnybridge failed and had to be repaired. Infrastructure issues will arise, and Scottish Canals will have to address them, because it has a legal requirement to maintain commercial access.

Mike Rumbles: Can you write to the committee to let us know under what legislation Scottish Canals has that requirement? I am not clear about that.

Michael Matheson: We can do that.

The Convener: Thank you, cabinet secretary. Individual members have some questions that they want to ask.

John Mason: I am not a fan of throwing things into bills that have not been consulted on along the way, but the question of littering from vehicles has been raised with me. That is, in one sense, an environmental issue, but it leads to another

serious issue, as highlighted by the signs that we often see on the motorway, showing that workers risk their lives picking up litter when vehicles go past at 70mph. Has the Government given any thought to strengthening legislation in that area either in the bill or elsewhere?

Michael Matheson: I am not unsympathetic to that concern and I will consider whether it can be addressed in the bill or through other legislation. There is nothing more frustrating than sitting behind a car and seeing folk just dump rubbish out of a window on to the side of the carriageway. Operatives have to work at the side of roads and motorways in potentially dangerous conditions, just because people cannot take the time to put their rubbish into a bin. I have already decided to consider whether that matter should be addressed in the bill or in another piece of legislation.

John Mason: Thank you.

The Convener: That brings us to the end of our questions on the Transport (Scotland) Bill. I thank the cabinet secretary and the witnesses that he has brought along for the evidence that they have given. We look forward to seeing you again on 5 December to discuss a wider range of issues than the Transport (Scotland) Bill.

I suspend the meeting for five minutes.

12:00

Meeting suspended.

12:04

On resuming—

European Union (Withdrawal) Act 2018

Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

Pesticides (Maximum Residue Levels) etc (Amendment) (EU Exit) Regulations 2019

Pesticides (Miscellaneous Amendments) (EU Exit) Regulations 2019

Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2018

Animal By-Products and Control and Eradication of Transmissible Spongiform Encephalopathies (UK) (EU Exit) (Miscellaneous Amendments) 2018

Livestock (Records, Identification and Movement) (EU Exit) (Miscellaneous Amendments) Regulations 2018

Animal Welfare (Amendment) (EU Exit) Regulations 2018

Organic Products (Amendment) (EU Exit) Regulations 2018

Intelligent Transport Systems (EU) Exit Regulations 2018

The Convener: Item 3 is consideration of European Union (Withdrawal) Act 2018 legislation. We have received consent notifications in relation to nine UK statutory instruments covering the following policy areas: pesticides and fertilisers, animal health, organic products and intelligent transport.

All nine instruments are being laid in the UK Parliament in relation to the European Union (Withdrawal) Act 2018, and they have been categorised by the Scottish Government as making minor or technical amendments. Two of the proposed SIs—on pesticides and fertilisers—also contain provisions to create or amend powers to make regulations, including transferring current EU legislative powers to ministers. The committee paper sets out some broader related policy issues that might arise in future, and the committee might wish to note them and request a response from the Scottish Government.

Before I invite comments, does any committee member wish to make a declaration in relation to the instruments and the committee's consideration of them? I will start by saying that as my entry in the register of members' interests shows, I have a recorded farming interest. Given that the instruments cover that area, I ask the committee to note my interest.

Does anyone else wish to make a declaration?

Peter Chapman: Given that the instruments concern agriculture, I declare that I, too, have an agricultural interest.

The Convener: Do members have any comments on the instruments?

Stewart Stevenson: The recommendation that we write to the Scottish Government to confirm that we are content is the one that I wish us to adopt.

Richard Lyle: Agreed.

Mike Rumbles: Agreed.

The Convener: Before we all agree, let me put the question formally. Is the committee agreed that it should write to the Scottish Government to confirm that it is content for consent to be given to the UK SIs referred to in the notifications?

Members indicated agreement.

The Convener: Some additional points were raised that I think are important, but we could ask the Government to consider them in our correspondence. That would be a sensible approach. Is everyone happy to do that?

Maureen Watt: Which matters are you talking about?

The Convener: They are detailed in our papers at paragraphs 16 and 20. We are just asking the Government to note those points as part of the consent process. I do not think that there is anything complicated in there. Are you happy with that, Maureen?

Maureen Watt: Yes.

The Convener: We agree, then, to ask the Government to note those points. Thank you.

We now move into private session.

12:08

Meeting continued in private until 12:34.

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