



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

Wednesday 28 November 2012

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1153
MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND AND PASSENGERS' VIEW SCOTLAND	
ANNUAL REPORTS 2011-12	1154
SUBORDINATE LEGISLATION.....	1173
Road Works (Maintenance) (Scotland) Amendment Regulations 2012 (SSI 2012/286)	1173

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

22nd Meeting 2012, Session 4

CONVENER

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

DEPUTY CONVENER

*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)

*Jim Eadie (Edinburgh Southern) (SNP)

*Alex Johnstone (North East Scotland) (Con)

*Gordon MacDonald (Edinburgh Pentlands) (SNP)

*Margaret McCulloch (Central Scotland) (Lab)

COMMITTEE SUBSTITUTES

Bob Doris (Glasgow) (SNP)

Graeme Pearson (South Scotland) (Lab)

John Scott (Ayr) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Hugh Flinn (Passengers' View Scotland)

Jane Horsburgh (Mobility and Access Committee for Scotland)

Anne MacLean (Mobility and Access Committee for Scotland)

Professor Colin Reid (Passengers' View Scotland)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

Committee Room 5

Scottish Parliament
Infrastructure and Capital
Investment Committee

Wednesday 28 November 2012

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in
Private

The Convener (Maureen Watt): Good morning and welcome to the 22nd meeting in 2012 of the Infrastructure and Capital Investment Committee. I remind everyone to switch off mobile phones, BlackBerrys and other devices because they affect the broadcasting system.

Agenda item 1 is a decision to take business in private. Does the committee agree to take in private item 4, which is consideration of our approach to the scrutiny of a legislative consent memorandum on the Marine Navigation (No 2) Bill?

Members *indicated agreement.*

Mobility and Access Committee
for Scotland and Passengers'
View Scotland Annual Reports
2011-12

10:00

The Convener: Item 2 is an evidence-taking session with the Mobility and Access Committee for Scotland and Passengers' View Scotland on their annual reports for 2011-12. I welcome to the meeting Anne MacLean, convener, and Jane Horsburgh, committee member, who are both from MACS; and Hugh Flinn, acting chair, and Professor Colin Reid, committee member, who are both from PVS. I invite the witnesses to make some opening remarks.

Hugh Flinn (Passengers' View Scotland): I will give members a brief update on the three recommendations in our annual report and comment briefly on our current membership situation and the good practice guide for bus operators.

Our first recommendation relates to the need in the rail 2014 process for the Scottish Government to maintain a mechanism for getting passengers' views on a regular and much wider basis than the current Passenger Focus passenger survey allows. The current survey tends to cover about 1,000 passengers in Scotland and we think that a much larger sample of opinion is needed if the Scottish Government is to have route-specific information on passenger satisfaction and priorities. There is no reason why the Scottish Government cannot pay for Passenger Focus to undertake a wider survey. Indeed, we have discussed the matter with Passenger Focus, which is quite happy with the proposal in principle, as well as with Transport Scotland officials who are leading on passenger issues as part of the rail 2014 process. We await their recommendations; I understand that they have sent a draft report to the minister, but we have not yet seen that.

Our second recommendation relates to a second-tier complaints mechanism for ferry passengers. There has been a development in this area, in that European Union passenger regulations are due to come into force next month. The Scottish Government has had an opportunity to comment on the regulations, which will require it to put in place a second-tier complaints mechanism for people who are dissatisfied with the response that they get from operators. Although we welcome that, we think that, in view of the fact that the Scottish Government owns the main ferries operator, any such mechanism must be independent. As we have experience of

fulfilling that role in relation to bus complaints, we would be happy to be involved in such moves.

The final recommendation arises from a report that we published on the integration of public transport in relation to the Airdrie to Bathgate line, in which we concluded that there had not been sufficient planning in that respect. Because the Waverley line is the next major public transport development in which this will be an issue, we sent our report to the Transport Scotland project team dealing with that project and received a very positive response, which made it clear that integration with local bus services was one of the key objectives of the new Borders railway line and that there was a formal commitment between Midlothian Council, Scottish Borders Council and Scottish ministers to put that into effect. The proof of the pudding will be in the eating, but the response has been positive so far.

On page 3 of our report, we refer to our current membership situation, which has impeded our ability to put together a work programme. We should have a convener and 11 members, but for well over a year we have had only eight members, seven of whom will come to the end of their terms on 31 March. We understand that a review of PVS has been undertaken and that the results have been with the minister for several months. We do not know what has been recommended, so we are unable to plan our work beyond the next four months.

We have been frustrated by the reluctance of the Confederation of Passenger Transport UK—the bus operators' body—to agree to the good practice guide for bus operators that we have negotiated with the Confederation of Passenger Transport Scotland. We have agreement with the bus operators in Scotland, but the United Kingdom body is reluctant to agree to a distinct Scottish good practice guide for bus operators. The minister kindly indicated his willingness to raise the issue with his UK counterpart. We thought that that was very much a last resort but, as we have not been able to make progress with discussions at UK level, which is unfortunate, we have asked the minister to intervene.

The Convener: Thank you. The minister will come to our meeting on 12 December, so we will make a note to raise the issue with him.

Anne MacLean (Mobility and Access Committee for Scotland): Thank you for seeing us. I will start by reminding people that for someone with a disability, travelling covers the period from the moment they put their foot or wheel on the pavement until the moment they reach their destination. It is the whole journey. For people with disability, any break in the journey, whatever the reason for it, can lead to quite distressing circumstances.

We made 15 recommendations in our annual report, and I want to highlight two really good outcomes. Members probably know that there were a lot of complaints about the drop-off charges at Edinburgh airport starting for blue badge holders after a quarter of an hour. We went to see the airport, and the day after our meeting, which lasted for three or four hours, the airport extended the period for blue badge holders to half an hour. That was a real success for MACS. We were really pleased, especially because the publicity that was put out by BAA, which owned the airport at the time, paid tribute to the work of MACS and the constructive way in which we had worked with the company. That is an excellent example of our work with stakeholders.

Another example relates to the work that has been going on at Waverley station. For a period, taxis were excluded from the station. We went to see Network Rail and after a lot of discussion, Network Rail improved the signage, put yellow lines on humps and reminded taxi drivers that there was a pick-up point at New Street car park.

I had a long conversation with Network Rail the day before it had its final meeting with the City of Edinburgh Council about permanently excluding taxis from Waverley. I had decided not to go over the whole issue to do with what that does to the disabled traveller; I am afraid that I was a bit unkind and just reminded Network Rail how much money it would cost to provide all the extra assistance from two points that are quite far from the main concourse. I cannot prove that that was the straw that broke the camel's back, but we got a very good result. We do not yet know how the taxi system will work in Waverley, but anything must be an improvement on the complete exclusion of taxis.

We have an exciting work programme. We will do much more work with planners, regional transport partnerships and all the other airports. That will be a challenge. I am not sure how we will get disabled access at the Barra and Benbecula airports, but we will deal with that when we come to it—if you are going to eat an elephant, start with a small one.

We are still monitoring the blue badge situation. We hope to work with VisitScotland, which did a study on accessible tourism. It consulted disabled people across Scotland for that, but transport for disabled people was not part of the study's remit. Everyone at every conference has raised the fact that accessible tourism must include transport. After a conference in March next year, we hope to engage with VisitScotland, which would be a new venture for us. Transport is important for the tourism industry.

We have our on-going work and, as members know, we appeared before the committee to

discuss the rail 2014 franchise. When that is settled, we hope to discuss with the franchise team disability awareness and access in the new franchise. We have a positive message.

The Convener: Thank goodness for the result at Waverley station, which was bothering us all. Does Jim Eadie want to start with that?

Jim Eadie (Edinburgh Southern) (SNP): That is the first point that I want to talk about. As an Edinburgh MSP, I was concerned about the attempt to ban taxis from Waverley station, so I congratulate the Mobility and Access Committee for Scotland on its successful campaign to overturn the permanent ban. That is a good illustration of the positive and constructive role that the organisation can play.

I would like to understand better the relationships that both your organisations have with Transport Scotland. One of your organisations occupies the same building as Transport Scotland does, which implies a close relationship. I am interested in whether Transport Scotland proactively seeks your organisations' views about accessibility issues before it issues consultations more widely and before it makes important decisions on major projects. Will you give us a little more information on how the relationships work and how they could be improved?

Anne MacLean: I have seen a big improvement in the past six months or so and I will give an example of that. My colleague Mr Flinn from PVS mentioned the European regulation on the rights of passengers when travelling by sea or inland waterway. We commented on that to the UK Government through the Disabled Persons Transport Advisory Committee, on which MACS has a seat. As that legislation is from the EU, the consultation came from the UK Government.

Transport Scotland was also a consultee, and I got in touch with it to say that MACS did not mind who dealt with the next level of complaint—we have mentioned the two-tier complaints system—but that I wanted to ensure that the procedures were accessible to disabled people across the range of disabilities. Disabled people cannot freely and properly access a lot of complaints procedures, although I am not saying that that is the case in transport.

The ferries team in Transport Scotland would like to have MACS's input on how the complaints procedure might work, whether it covers just ferries or whether it covers ferries and other boats, such as tour boats and—you know what I mean. What do I mean?

The Convener: Cruise ships?

Anne MacLean: Cruise ships—that is what I was looking for. I am sorry; the brain has gone to mush. We have no real comment on that issue, but I want a process that will be accessible to disabled people. The ferries team is willing to talk to us about that, which is good.

Because we are monitoring the blue badge situation, we have had very constructive discussions with the blue badge team. We are getting there. We hope to start working with planners on the infrastructure stuff. We had the chief planning officer come to talk to us at one of our meetings, and we hope to do more work with planners across Scotland. There are 33 planning authorities, plus one that is an oddity—there are 32 local authorities and two national parks—and we want to be able to work with all of them.

10:15

The Convener: Would anyone like to add to that?

Hugh Flinn: Yes. I echo what Anne MacLean said but have a couple of points to add. The first is that the secretariat for both our bodies is provided by staff from Transport Scotland, so we have a close working relationship almost by definition.

As far as a more positive approach is concerned, PVS and MACS were invited to a meeting on the rail 2014 process by members of the franchise team. We had an extremely positive meeting that went on for almost three hours, at which we discussed passenger issues, accessibility issues and what we would want to see in that regard in the franchise. The relationship is a good one.

Jim Eadie: How often do you meet Transport Scotland?

Anne MacLean: That is difficult for MACS to say. We invite various people to come and address our meetings; it is not always Transport Scotland that we speak to. There are other parts of the Scottish Government with which we need to have a relationship. For example, we had the staff from Audit Scotland who did the audit of transport for health and social care come to talk to us, because we wanted to ensure that we could have an input into whatever came out of that report. PVS and MACS had a representative on one of the working groups, and we are waiting for the Cabinet Secretary for Health and Wellbeing to make an announcement on the outcome of that.

I have met the chief executive of Transport Scotland twice. If you refer to our annual report, you will see that various parts of Transport Scotland and other organisations have come to talk to us. For example, the Glasgow 2014 team has talked to us. As I started by saying this

morning, we are concerned with the whole journey, from the beginning right to the end, which involves many other parts of the Scottish Government in addition to Transport Scotland.

The Convener: We might come on to ask about Glasgow 2014 later in the meeting.

Jim Eadie: Will you outline how your organisations work together? How do you avoid duplication in your roles and those of other groups that represent disabled passengers, such as the Disabled Persons Transport Advisory Committee?

Anne MacLean: DPTAC deals purely with things that are the responsibility of the UK Government. We work with PVS—PVS sends an observer to MACS and we send an observer to PVS, so there is a good interchange. I can give examples of issues on which we have worked closely together. We have just talked about ferries. Demand-responsive transport is another example, as is the Audit Scotland report on transport for health and social care. We also worked closely together on the rail 2014 franchise, on which we appeared before the committee. As Hugh Flinn said, we had a meeting with the franchise team at which MACS and PVS were present. We work well together, even though we have slightly different remits.

Hugh Flinn: I confirm that. We certainly have a very close working relationship with MACS. The other main body that we relate to is Passenger Focus, which is the UK body for rail passengers. It now sends a member of its staff to all our meetings. Because it has the resources that we do not have to undertake passenger surveys, we talk to it about what goes in its surveys and that sort of thing. We have a highly constructive relationship with MACS and Passenger Focus.

Jim Eadie: For completeness, with regard to your representations to the Scottish Government, are you satisfied that the points that you have been making in consultations have been taken on board and acted on by the Scottish Government? I know that you are awaiting a response from the minister on a number of outstanding issues, but how have you found the relationship generally over the piece?

Hugh Flinn: It is generally good. As you said, we are waiting for a response on issues such as rail passenger surveys, but we accept that because we know what process is going on and we know that we will get a response in due course. Generally, we are happy with the responses that we get. The only issue that has been of concern is the one about our own membership and our on-going role, which I mentioned earlier.

Jim Eadie: Professor Reid, do you want to comment on that point?

Professor Colin Reid (Passengers' View Scotland): No.

Anne MacLean: I think that a lot of our recommendations refer not necessarily to the Scottish Government but to other bodies, such as the Commonwealth games team; the health department, because of the Audit Scotland report; and organisations such as BAA, with which we have had a successful outcome. We will also deal with organisations such as Highlands and Islands Airports Ltd, which owns 11 of the 14 airports in Scotland. We are not necessarily referring to the Scottish Government per se. Quite a lot of what we need to do is to persuade operators and providers to see us as a useful source of advice and help.

The Convener: Someone mentioned that the UK Government is considering the abolition of DPTAC. What is your view of that proposal? How might it impact on your work?

Anne MacLean: I wrote in the introduction to our annual report this year that it is still all up in the air and that the challenge for us will be to build a relationship with whatever body replaces DPTAC. There seems to me to be no doubt that DPTAC is going. We and Passengers' View Scotland have contributed to every consultation on the winding up of DPTAC, so it will not come as a surprise to hear that we have tried to show the UK Government as convincingly as we can that DPTAC is not nearly as expensive as the Government has been trying to make out and that it is an efficient body. It is becoming less efficient because posts are not being filled through the public appointments system as they fall vacant. The Government has also reduced DPTAC's secretariat support.

MACS's view is that it would be a great loss if DPTAC went, because it can cover the range of disabilities. The UK Government has recognised that anything that replaces DPTAC could well end up being led by pressure groups of one sort or another. I think that non-departmental public bodies and their appointment systems avoid that kind of problem.

Professor Reid: We were disappointed by the consultation on the abolition of DPTAC, because it seemed to suggest that all consultation and discussion about disability issues has to go through one forum, whereas the reality is that there will be different sorts of relationships for different projects and for work on different scales—for example, focused consultancy, dealing with pressure groups or dealing with small groups. What DPTAC offers is the guarantee of across-the-board scrutiny and the ability to join up issues so that we can say, for example, "This is the third time that this point has come up in different contexts, so there is obviously a generic thing to

do here.” Not being able to do that would be a further loss. It is not that everything has to, or should, go through DPTAC, but it has an important role to play as a backstop and in taking an overview.

Jane Horsburgh (Mobility and Access Committee for Scotland): I want to make it clear that DPTAC deals with UK issues and equality, so accessibility standards are dealt with at UK level. If we do not have anybody to liaise with and get involved with, it is unclear how we in Scotland will be able to feed in our views. In addition, the European legislation that comes to us goes to the UK level first. Although we are involved in it, we do not always lead on it. We will therefore have to have a discussion on the issue, depending on how DPTAC is taken forward.

The Convener: For some people, eligibility for a blue badge is dependent on receipt of the higher rate of the mobility component of disability living allowance. What impact might the UK Welfare Reform Act 2012 have on the operation of the blue badge scheme in Scotland?

Jane Horsburgh: That issue, which relates to passported benefits, is being taken up with the Government. The reform could have an impact and, in theory, blue badges could be taken away. A lot of work is happening in the Government. MACS has a watching brief on that and engages with the welfare reform scrutiny group. The Government is working on how to retain the level of eligibility but, as yet, we do not know what will be set up. The issue is a worry to people out there, and they are getting more and more vocal about it. I believe that the National Assembly for Wales is consulting on the issue and trying to find a way to retain the level of eligibility, perhaps through a different means.

The Convener: That is another issue that we could raise with the minister on 12 December.

The Edinburgh to Glasgow improvement programme will require the purchase of a large fleet of new electric trains. Have you had any discussions with Transport Scotland on the specification of those trains, with a view to establishing the best possible level of accessibility?

Anne MacLean: We have not yet done so, but MACS sits on the Scottish rail accessibility forum, at which the issue of EGIP—however you pronounce it—comes up regularly. Therefore, I have no doubt that we will have an opportunity to, I hope, have some influence.

Hugh Flinn: We have not done that yet, either. I have attended a stakeholder meeting, along with the MACS member who leads on EGIP. Beyond that, we have had no direct dialogue on the issue.

Margaret McCulloch (Central Scotland) (Lab): I have two questions for PVS. First, how does PVS gather passengers’ views to ensure that it accurately represents their interests to the Scottish Government?

Hugh Flinn: I am afraid that the answer is that, notwithstanding our title, we do not do so directly, because we simply do not have sufficient resources to enable us to undertake surveys. Therefore, we are reliant on Passenger Focus—and I mentioned the input that we have to its surveys and our proposal that those surveys be widened to cover a much larger number of passengers in Scotland.

We are also in discussion with Passenger Focus about bus passengers, because we do not have sufficient resources to undertake surveys of bus users. In 2010, Passenger Focus was given a statutory responsibility in relation to bus passengers in England, outside London. It has started doing annual surveys, which will gradually expand to cover the whole of England.

At our most recent meeting with Passenger Focus, we talked about whether, in principle, it could do surveys in Scotland. Although buses are a devolved matter, Passenger Focus has sufficient resources to undertake surveys and the most cost-effective way of covering passengers in Scotland would probably be for its surveys to cover Scotland. One main element in our work programme for the next four months is to consider what can be done on that front, and we hope to make recommendations to the minister. There might be an issue about legal powers for Passenger Focus.

As I say, the answer is that we do not gather passengers’ views directly, but we are very much aware of the need to do that and we are pursuing the issue.

10:30

Professor Reid: The other route is through the bus passengers’ platform, which is the direct complaints mechanism. The number and nature of the complaints are monitored, and if anything significant emerges we take it up. Moreover, we are all fairly well scattered throughout Scotland and all read the local press, which tends to be a very good way of picking up major issues.

Margaret McCulloch: Following the collapse of the awarding of the intercity west coast franchise, the UK Government has halted work on all passenger franchising exercises. What implications might that have for Scottish rail passengers?

Hugh Flinn: When that happened, I wrote directly to the member of the franchise team with

whom we are liaising to ask precisely that question. In essence, the answer was that the timetable that the team is following allows it to take account of the outcome of the two reviews that the UK Government has initiated. In short, we have talked to Transport Scotland about the implications, but subject to the result of the two reviews it does not appear that there will be a direct impact on the timescale for the Scottish franchise.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): In its report, MACS says that it has not been supplied with sufficient information to properly assess proposed improvements to railway stations. The Scottish rail accessibility forum has had the same difficulty. What additional information are you looking for? Who is responsible for providing it—or not, as the case may be?

Anne MacLean: At the moment, the Scottish rail accessibility forum is merely told which stations are going to be upgraded and does not hear much about the rationale behind the decisions to pick those particular stations. Incidentally, MACS does not want to get into an argument about whether, say, Aviemore or Stonehaven should be upgraded; we simply want to know the rationale behind the decisions to upgrade certain stations, but we do not get that information.

I can tell members about something that is hot off the press. Yesterday I had a phone call from our representative on the Scottish rail accessibility forum, who said that the forum is going to have advance discussions on how the money will be spent in 2013-14. We do not yet know how that will work, but it is a step in the right direction and I do not look gift horses in the mouth. It shows that if you approach a problem in the right way you sometimes get the results that you want. Of course, the proof of the pudding will be in the eating, but I am really hopeful. As I have said, we heard about that only yesterday and we think that it is a really good move.

Adam Ingram: Do you have a list of priority stations that need to be made more accessible?

Anne MacLean: I do not want to be hanged for this. I do not think that that is our role; instead, our role is to find out the rationale behind the spending of money, to examine where money has been spent and to see whether that spend has made the improvement that it was supposed to make.

We cannot do that if we do not know the rationale behind the decision to spend the money on, say, Dunblane. Unless we know the rationale behind the decision to pick that station, we will find it very difficult to monitor the spend and see

whether the expected outcome is achieved—which is what we are there for.

I think that if we tried to put together the kind of list you suggested the 12 of us would end up fighting among ourselves about which stations should be upgraded. I can just imagine people saying, "Please, miss—I want Aviemore to be dealt with". I just do not think that that is our role.

Adam Ingram: I want to ask you about the access for all approach that the UK Government and the Scottish Government support. The Scottish Government indicated that the access for all programme has made a "substantial difference" and that it is in discussions with the UK Government to continue the programme after 2014. Is that the best approach?

Anne MacLean: I will give you the same answer as I gave to the previous question. Again, MACS is concerned not about where the money comes from—which pot it comes out of—but about how it is spent and whether the outcome is valuable and useful. Anything that can be done to upgrade stations has to be good.

We said in our annual report that we hope that, by the end of the next ScotRail franchise, every station in Scotland will be accessible. We are probably wishing for a bit too much, but if we do not aim high we will not get anything. This is not our area of expertise, and I would not pretend that it is, but I am sure that for some stations a very small spend would make a considerable difference, whereas for other stations a big spend would be needed to make a difference.

I have no doubt that a lot depends on footfall but—to return to what I said about tourism and encouraging people to use public transport, which includes trains—a lot of the stations that are beautiful to look at but not very accessible are in tourist areas. They do not have a big footfall, but they are very important to the tourism industry. Those sorts of things must come together somehow.

Adam Ingram: Does anyone else have a view on whether access for all is the appropriate approach, or are there any other suggestions?

Jane Horsburgh: To be clear, the access for all approach is about making train stations step-free accessible; it does not claim to make the whole station environment accessible. A report and research have been produced that state that a big improvement has been made across the network. The access for all approach slightly lets down those people who have a sensory loss such as hearing or sight, but addressing those issues was never its aim, which was to make train stations step free.

If we ever find out the rationale for how stations are chosen, we might be able to add a bit more information around that. The small works fund can be used to make some of the smaller changes that Anne MacLean mentioned. However, the approach seems to have made a big difference for people with a mobility issue through the progress on step-free stations.

Adam Ingram: How far away are we from making railway stations accessible?

Jane Horsburgh: I could not possibly say.

Anne MacLean: Neither could I.

Jane Horsburgh: It has taken until now to get train stations—or as many of them as possible—step free.

Anne MacLean: I am interested in the new Borders line, because we can get in early and ensure that train stations are accessible from the beginning and are not just step free but able to cover all other disabilities such as cognitive problems, learning difficulties and sensory deprivation. We are starting afresh: not only is that a good opportunity, but the project could be an exemplar for what could be done elsewhere.

Adam Ingram: Talking about starting afresh, you obviously have some asks with regard to the ScotRail franchise for 2014. Are you satisfied that the issues that you are raising are being addressed satisfactorily as part of the franchise process? What are the key practical issues that you would like to be addressed in the next franchise?

Anne MacLean: You could look at the written and oral evidence that we gave the committee when we discussed the “Rail 2014” consultation: everything that we said in relation to disability is what we expect. Our views are also encapsulated in our annual report.

Hugh Flinn and Muriel Masson, who is our representative who deals with rail, have had some discussions with the franchise team, but MACS is going to write to it about the range of issues that are covered by the specific and general duties—I mean on the disability side, not on all nine of the identified areas for equality and human rights. We will say that, on top of what we have already said about disability in our written and oral evidence, we expect people to meet the requirements that the specific and general duties place on them. Although whoever gets the franchise will be a private body, it will provide a public service with public money, so we assume that it will have to meet the specific and general duties under the legislation.

Hugh Flinn: We made a full response to the “Rail 2014” consultation and it is summarised on

pages 9 to 11 of our annual report. Our key priorities and concerns are set out there.

On the response that we have had, the process has been broken down into a number of working groups—I think that there are 32 of them—that are looking at different areas of policy in relation to the franchise. The area that is of most concern to us is the passenger experience. We understand that a submission has been made to the minister on that, as I think I said earlier. We have not seen it yet—we would not expect to see it until the minister has had a look at it—so we cannot say with confidence to what extent our points, particularly those on passenger surveys and the monitoring of passenger experience, have been taken on board. However, the general feedback that we have had is positive.

Adam Ingram: I am sure that we can take that up with the minister.

Gordon MacDonald (Edinburgh Pentlands) (SNP): I have some questions about the PVS annual report. Hugh Flinn helpfully set out the background to the three recommendations in the report. You highlight that the existing rail passenger monitoring covers the views of about 1,000 passengers and that it is carried out by Passenger Focus, and you suggest that that is not a large enough sample. Given that there were 78 million rail passenger journeys in Scotland in the previous year—the statistics are for 2010-11—what size of sample should there be if we are to have a meaningful satisfaction survey? Which organisation is best placed to carry out the survey?

Hugh Flinn: I hesitate to give a precise number.

Gordon MacDonald: Should it be 5,000, 10,000 or 15,000?

Hugh Flinn: Off the top of my head, I think that it would have to be at least 5,000. The UK survey covers 5,000 passengers. As I said, although the 1,000 sample in Scotland is reasonable in terms of the national picture and is large enough to have a gender breakdown and a breakdown between key categories of rail transport such as urban, rural and so on, it does not allow route-specific feedback. Passengers on the Inverness to Kyle line will have different experiences from commuter passengers in the Glasgow area. In order to get such a breakdown, we need a significantly larger sample.

10:45

Gordon MacDonald: You have highlighted that you have concerns about future monitoring. Are you concerned purely about route-by-route monitoring, or do you have concerns about

anything else? What are your concerns about how we will carry out future monitoring?

Hugh Flinn: One issue that we raise in our written submission is the monitoring of lateness. That has been done primarily in relation to arrival at the destination but not so much in terms of monitoring along the way. A train might be on time when it gets to Glasgow from Aberdeen, but that does not mean that it was on time at various intermediate destinations. There could be better monitoring of that; it is, however, just one example.

Gordon MacDonald: You also ask that the Scottish Government establish a new “second tier” complaints handling body for ferry passengers, explaining that new EU regulations require a complaints procedure. Who should provide such a service and do you have any idea how much it would cost to set it up?

Hugh Flinn: On the EU regulations, in its consultation response the UK Government said—after liaising with Transport Scotland—that the responsibility should be with the Scottish Government. At an overall level, that is the case. However, as I said earlier, we feel that there must be an independent element, which could be provided by us, although not necessarily. The independent element is critical because of the Scottish Government’s ownership position in relation to Caledonian MacBrayne.

I cannot give you an answer on the set-up cost.

Gordon MacDonald: I have one last question. You also ask that a duty be placed on public bodies to plan and encourage bus-rail integration where there are new or substantially changed rail services. Given that FirstGroup operates ScotRail as well as many bus services, why has FirstGroup not—do you think—integrated those services?

Hugh Flinn: That is a very interesting question. The second part of our recommendation addresses that issue. When we embarked on the Airdrie to Bathgate line report, I thought naively that the fact that you have mentioned would make co-ordination and integration between bus and rail services easier. However, it turns out that the situation is quite the reverse. I was advised by officials from both FirstBus and West Lothian Council that the requirements of the Office of Fair Trading are such that, in order that the bus operator is not at an unfair advantage, as the OFT would see it, by virtue of also being the rail operator, it could not simply adjust its timetables to enable direct transfer to take place with the minimum delay. It is a strange situation.

Anecdotally, I have heard that there have also been problems in East Lothian and in relation to the Alloa line. It is an issue and our submission to the Scottish Government suggested that the

Government look into it. If it confirms that that is an issue, as it appears to be, the matter should be raised with the OFT, the UK Government or the Competition Commission.

Gordon MacDonald: Given that the problem is with the OFT, what would any new duty that was introduced by the Scottish Government achieve, bearing in mind the OFT’s ruling?

Hugh Flinn: The problem is that competition legislation is a reserved matter. We can only suggest that representations be made; I do not think that the Scottish Government has any direct powers over such matters.

Professor Reid: The Scottish Government has no direct powers, but it could do other things. Integration of services is one aspect, but another issue is where the bus stops are—whether they are accessible and whether they fit easily with the rail stations. Things can be done to improve the situation even if the competition problem still exists.

Alex Johnstone (North East Scotland) (Con): My questions are on PVS’s bus passengers’ platform. We have seen the breakdown of the complaints figures. Is the system for resolving bus passenger complaints fit for purpose, given that the vast majority of complaints to the bus passengers’ platform were not within the scope of the agency?

Professor Reid: Unfortunately, neither of us has had direct involvement with the BPP. Partly, that is because of the constitutional structure, as PVS is the appeals body from the bus passengers’ platform. Rather than get involved in looking at individual papers, we take a hands-off approach so that we have independence when matters come to us.

There is a range of reasons why cases are not within our power. The fact that so many of the complaints that come through are eventually resolved simply by speaking to the bus companies and so on suggests that there is an element of confusion about where people go with bus complaints. For example, is a problem the responsibility of the traffic commissioner or is it our responsibility, or can it be dealt with immediately by the bus company? I suspect that it would be easier for everybody if the situation was simpler overall.

Complaints are a difficult issue because of the public-private divide. To some extent, buses are seen very much as a public service so elements of the complaints mechanisms for the public sector are represented, but we are dealing with private operators, who are obviously in a very different position. I think that there is scope for improvement across the board. However, the fact that the number of cases that come to us—as the

appeals body—that require formal resolution is very small suggests that a lot of good work is being done.

Alex Johnstone: What sanctions can the BPP impose on a bus operator that fails to resolve legitimate passenger complaints?

Professor Reid: It can impose no sanctions directly. Under the Scottish statutory instrument that created us, we have the power to require an operator to provide compensation, which I do not think we have ever got to the stage of doing. How we would actually require an operator to do that is, I find, quite an interesting issue. Would we send them a bill or invoice? How would it be enforced and by whom? As an academic administrative lawyer, I find the whole BPP system to be fascinating as an example of a hybrid system that might have been thought out a bit more carefully to begin with.

Alex Johnstone: Let us explore that system a little bit more. What, if anything, can the BPP do to assist bus operators with a view to avoiding complaints being made in the first place?

Professor Reid: Two things come to mind. First, we have been working with operators in Scotland on a good practice guide, which tries to ensure that they know what is expected of them and that they do things properly.

Secondly, over the years that the BPP secretariat has reported, very good relations have been built up with a number of bus companies and the situation has changed. Partly because of the BPP's existence and its ability to get involved, the bus companies have hugely improved their internal complaints systems. Whereas at some stages BPP was having to write more than once to get a proper response, the bus companies are now geared up so that complaints are dealt with properly internally. There is now very little for us to do in dealing with some companies, but bus companies vary.

Alex Johnstone: Basically, the BPP can operate in a fairly interactive way to assist and ensure that the level of legitimate complaints is lower than it would otherwise have been.

Professor Reid: Yes—the small number of cases requiring formal decisions is a sign of our effectiveness in dealing with the operators.

Adam Ingram: Can you tell us a wee bit more about the good practice guide for bus operators and what good practice it covers? Is it purely about the kind of service that people currently get, or can it cover issues such as the services that a community wants in its area? What is the remit?

Hugh Flinn: I can take you through the headlines, if you like, in the good practice guide. It covers the passenger's experience before they are

even on the bus or coach; the quality of facilities and level of information at bus stops and in bus stations. It covers the conduct—for want of a better word—of drivers and inspectors, and the quality of buses—for example their cleanliness, heating and ventilation. It also covers the means of paying for journeys, punctuality and reliability.

You asked about demand for bus services. That is not something that the good practice guide would cover.

Adam Ingram: What a pity. Is the guide being adopted? What is the problem that you described at the outset?

Hugh Flinn: We have a good working relationship with the Confederation of Passenger Transport in Scotland, which is the bus operators' umbrella body. We discussed the code of practice intensively with the CPT and it has been agreed. However, it does not feel able to sign on the dotted line without the consent of the UK Confederation of Passenger Transport, of which it is a part. The problem is that that consent has not been forthcoming. We understand that the issue is reluctance on the part of the UKCPT to have a distinct code for one part of the UK.

Adam Ingram: That is a bit odd.

Hugh Flinn: I could not agree more.

Adam Ingram: Are companies that operate in Scotland adopting the good practice guide as a matter of course?

Hugh Flinn: They are not doing so in a formal sense, although—broadly speaking—the major bus operators respect it.

The Convener: Anne MacLean talked about interaction on the Commonwealth games. Will you say more about that?

Anne MacLean: The last time we appeared before a committee—it was the Equal Opportunities Committee—the Commonwealth games scene was fairly sad. Although we contributed to a consultation document, you would not have known it because none of our comments was printed, although the document casually mentioned in the front that we had contributed.

Things have greatly improved. Members of the Commonwealth games Glasgow team came to a meeting during the period of the report. Since then, they have set up a Commonwealth games accessibility reference group, on which MACS has a seat. The group has one accessibility manager. We doubt that that is enough, but the group has to deal with that because it is spending the money. We are concerned, however, that the group is concentrating solely on the city of Glasgow although there are four other sites. There is the Strathclyde country park, the shooting range at

Jackton in South Lanarkshire and the Barry Buddon shooting centre—I think that that is what it says.

Alex Johnstone: That is how you pronounce it.

Anne MacLean: There is also the Commonwealth pool in Edinburgh, of course. We want to ensure that all those venues are dealt with in the same way as the main Commonwealth games centres in Glasgow.

There have been three meetings of the group. Our concern is that a lot of people have a finger in the pie but there is only one accessibility manager. This is not a criticism of that individual, but the Olympics had about 12. I know that the Olympics were much bigger—I am not arguing about that—but it is rather a lot for one person to deal with all those issues. We would like to see the group put a bit more into it, although the situation has vastly improved since our annual report last year; we have someone on the accessibility forum.

11:00

It is not just about the people who will attend the Commonwealth games; it is about the sportspeople and the people who volunteer as stewards and helpers—not everyone is able-bodied. There were good examples in the London Olympics and Paralympics of people with disabilities working as stewards. That is something that we want to encourage in the Commonwealth games. There must be accessibility for everyone: the visitors, the sportspeople and the people who volunteer and work at the sites.

Things have improved, but one of the problems that I think will arise relates to accessible buses. People are saying that there will be accessible buses; that means that the buses will have to come from elsewhere. The concern is that accessible buses will be removed from areas so that they can operate in Glasgow or in the other four sites, which will leave people who are used to having accessible buses without them during the Commonwealth games. That would not be good. In relation to the Olympics—albeit not through any serious study—I have picked up that some people who have disabilities found things to be more difficult for them when they tried to go to work, rather than to the Olympics. It would be a shame if the only way to get accessible buses in Glasgow and the other four sites was to take them from elsewhere. That is a serious issue, which we are trying to address as, I have no doubt, are other people on the accessibility group.

The Convener: Is there anything that we have not covered that witnesses would like to raise?

Hugh Flinn: No. I think that we have covered our main areas of concern and I thank the committee for giving us the opportunity to do so.

The Convener: If there are no more questions from members, I thank the witnesses very much for their attendance. The committee will follow up the issues that you raised in the context of our forthcoming work on transport issues, in particular the next ScotRail franchise. You mentioned several issues that we will take up with the minister. Thank you again.

11:02

Meeting suspended.

11:03

On resuming—

Subordinate Legislation

Road Works (Maintenance) (Scotland) Amendment Regulations 2012 (SSI 2012/286)

The Convener: Item 3 is subordinate legislation. I refer members to paper 2. The regulations will enable emergency road improvements to be carried out following inspection by a roads authority. Currently, legislation limits the grounds on which an inspection may be carried out. The regulations will remove those limitations.

We are invited to consider whether we want to raise issues in relation to the regulations when we report on them to Parliament. No motion to annul has been lodged. Does the committee agree to make no recommendation in relation to the instrument?

Members indicated agreement.

The Convener: Thank you. As we agreed, we will take the remainder of today's business in private.

11:04

Meeting continued in private until 11:12.

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