



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

16th Meeting, 2014 (Session 4)

Wednesday 28 May 2014

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Housing (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 3).
2. **Public petitions:** The Committee will consider the following petitions—
 - PE1425 - by Maureen Harkness on the adverse impact of DVLA local office closures.
 - PE1481 - by Mr Pat Rafferty, Mr Harry Donaldson, & Mr Harry Frew on behalf of Unite, GMB, & UCATT, on blacklisting in Scotland.
3. **Annual report:** The Committee will consider a draft annual report for the parliamentary year from 11 May 2013 to 10 May 2014.

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The papers for this meeting are as follows—

Agenda Item 2

Background note

ICI/S4/14/16/1

Agenda Item 3

Draft Annual Report 2013-14

ICI/S4/14/16/2

Infrastructure and Capital Investment Committee

16th Meeting, 2014 (Session 4), Wednesday 28 May 2014

Public Petitions

PE1481 on blacklisting in Scotland & PE1425 on the DVLA in Scotland

PE1481 – Lodged 13 May 2013

Petition by Mr Pat Rafferty, Mr Harry Donaldson, Mr Harry Frew on behalf of Unite, GMB, UCATT calling on the Scottish Parliament to urge the Scottish Government to conduct a full, independent public inquiry into the effects and extent of blacklisting in Scotland and for the inquiry to examine and determine which companies have been awarded public contracts, to investigate how to introduce ethical procurement policies and how to ensure that companies who continue to practice blacklisting are banned from tendering for future public contracts.

[Link to petition webpage](#)

PE1425 - Lodged on 13 March 2012:

Petition by Maureen Harkness, calling on the Scottish Parliament to urge the Scottish Government to make representations to the UK Government in relation to the future of all five DVLA local offices in Scotland given the adverse impact that the closure of any or all the offices would have on the economy, safety and customer service to all Scottish residents.

Background to PE1425 (from the SPICe briefing March 2012)

1. This petition raised concerns in relation to the DVLA's proposal to take forward the transformation of its services which resulted in all 39 local offices closing at the end of 2013.
2. Approximately 2.5 million customers use over-the-counter services provided by local DVLA offices in the UK each year, primarily for vehicle registration and licensing, tax disc distribution (to motor dealers), trade licensing, vehicle inspections and personalised registrations.
3. The UK Department for Transport (DfT) launched a consultation exercise on the 13 December 2011, [Transforming DVLA services](#), in which it set out proposals to move the DVLA away from 'a largely paper based organisation to a modern, highly efficient electronic business'. Central to the consultation were plans to close all 39 local DVLA offices in the UK, five of which are in Scotland.
4. The consultation closed on the 20 March 2012. According to the DVLA there were 919 responses. More than half of these were submitted by private individuals, and another third came from car dealers. The impact assessments were published in July 2012 alongside the results of the consultation:

http://www.dft.gov.uk/dvla//consultations/response_to_transformation.aspx

5. The most obvious impact would have been felt by those employed in local offices. According to the PCS, when implemented local office closures would have lead to the loss of a total of 119 jobs in Scotland in 5 offices in Scotland.

6. The concerns of some in the motor trade were voiced by MPs during a House of Commons debate, suggesting that the closure of local DVLA offices would make it more difficult for car dealers to register newly sold cars. Similar concerns were echoed in an e-petition submitted by vehicle convertor, Richard Penning, to the UK Government, which received over 3,500 signatories.

7. In response, the Parliamentary Under-Secretary of State for Transport, argued that: 'What we are proposing will be more efficient. It will not be a case of putting documents in the post and losing blank tax discs. We will use a secure system, and speed will be subject to a contract. Delivery will be the following day, and it may sometimes be possible to offer same-day delivery' ([Hansard](#), 7 March 2012, Column 299WH).

8. The outcome of the consultation on the closures was announced by the Parliamentary Under Secretary of State for Transport in a [written statement](#) on 4 July 2012. He confirmed that the DVLA would press ahead with its proposals. DVLA enforcement operations would be centralised by March 2013 and its 39 local offices would close by the end of 2013.

9. As the DVLA is a reserved agency of the UK's Department of Transport, the Scottish Government has no powers to legislate in this area.

10. However, in its responses to the PPC, the Scottish Government stated that it continues to engage with the DVLA and the UK DfT about the proposals and its objections to the closures and any compulsory job losses.

Consideration by the Public Petitions Committee

11. The PPC considered this petition on three occasions and agreed at its meeting on 13 November 2012 to refer it to this Committee.

12. The PPC during its consideration of this petition received correspondence from the Scottish Motor Trade Association, Transport Scotland, Department for Transport Letter and the petitioner. A link to information on the PPC's consideration and associated documents can be found at the following link:

<http://scottish.parliament.uk/GettingInvolved/Petitions/PE01425>

13. The PPC invited the UK Parliamentary Under-Secretary for State for Transport to give evidence to the Committee, an invitation which was declined.

14. The DVLA is currently considering bids for a new front office counter service contract. Two bidders remain and no announcement has been made as yet.

15. The Scottish Government continues to engage with the DVLA and the UK DfT about the proposals and will be writing to set out its objections to the closures and any compulsory job losses. On the issue of vehicle crime, the DVLA has advised the Scottish Government that enforcement for licences, insurance and tax discs is carried out almost entirely from its central office.

Infrastructure and Capital Investment Committee Consideration

16. Following the referral on 13 November 2012, the Committee considered this petition at its meeting on 12 December 2012. It was agreed that the Committee would write to the Scottish Government seeking further information on the Scottish Government's engagement with the UK Government on issues raised in this petition.

17. A response from the Transport Strategy Unit of the Scottish Government was received on 21 January 2013. The response details historical interactions, and ultimately concludes that: *"there are no plans to revisit the closures and that the transformation programme to reduce the DVLA's running costs will be going ahead."*

18. At its meeting on 27 February 2013, the ICI Committee agreed to write to Transport Scotland requesting details of the Scottish Government response to the UK Government consultation. See following link for the official report:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7828&mode=pdf>

19. On the 11 September 2013, Transport Scotland wrote to the Committee detailing their response to the UK Government consultation. The Committee considered this letter at its meeting on 25 September 2013, and agreed to contact representatives of freight and haulage representative groups to ascertain whether there exist any concerns in the industry about the potential impacts of the proposed closures.

20. Committee Clerks on two occasions contacted representative organisations, and on neither occasion did stakeholders raise any concerns.

Next Steps

21. The Committee will consider on 28 May 2014 what, if any, further action it wishes to take in relation to this petition.

Background to PE1481 (from the SPICe briefing)

22. In 2009, the UK Information Commissioner's Office (ICO) found that Ian Kerr, on behalf of The Consulting Association¹ held details on 3,213 construction workers and traded their personal details for profit. The Consulting Association's database was used by over 40 construction companies and included information about construction workers' personal relationships, trade union activity and employment history.

23. Ian Kerr was fined £5,000 in July 2009 for breaching the Data Protection Act, following a successful investigation by the ICO. [The ICO website](#) lists the companies which used the Consulting Association, and states that it has [issued enforcement notices to 14 companies](#) based on the evidence it recovered from the Consulting Association.

¹ The Petition refers to both the Consultancy Association and the Consulting Association, but the ICO refers to the Consulting Association. Unless quoting direct from the Petition, this Briefing refers to the Consulting Association.

24. Trade Unions have called for a full disclosure of the information obtained from the Consulting Association, and an investigation into the links between construction employers, the police, security services and the Consulting Association.

Public Petitions Committee Consideration

25. The Public Petitions Committee considered this petition for the first time at its meeting on 11 June and took evidence from the petitioners. The Committee agreed to seek views. Responses have been received however no response was received from COSLA. The Scottish Government has again outlined the work taking place elsewhere and that it does not see merit in holding another inquiry whilst that work is on-going.

26. At its meeting on [1 October 2013](#), the Public Petitions Committee agreed to refer this petition to the Infrastructure and Capital Investment Committee

Infrastructure and Capital Investment Committee Consideration

27. The Infrastructure and Capital Investment Committee considered this petition at its meeting on 30 October 2013, and agreed to address this petition as part of the Committee's scrutiny of the [Procurement Reform \(Scotland\) Bill](#).

28. The Committee undertook its Stage 1 scrutiny of the Procurement Reform (Scotland) Bill throughout November and December 2013, and published its report in January 2014. Stage 2 consideration took place during March 2014, and the Stage 3 debate in the Chamber was held on 13 May 2014. All the material produced during Bill scrutiny can be found at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/68170.aspx>

29. During the Stage 1 evidence taking process the Committee heard evidence on the issue of blacklisting, and petitioners were invited to speak to the Committee on this issue as part of a wider panel of witnesses.

30. The Committee noted in its [Stage 1 report](#) that the approach to be taken by the Bill to eliminate the practice of blacklisting via regulations will support the existing guidance and welcomed the Scottish Government's ongoing dialogue with the trade unions on this matter.

31. The Bill passed at Stage 3, and the Scottish Government renewed its commitment to continuing to work with trade unions on this issue during the [chamber debate](#).

Action on PE1425

32. The Committee is invited to consider what action it wishes to take in respect of this petition. Options include—

(1) The Committee has asked haulage and freight stakeholders on two occasions to express any concerns they had, and none have been received. The Committee may wish to write to the petitioner, and in so doing, close the petition.

Or

(2) To take any further action which the Committee considers appropriate.

Action on PE1481

33. The Committee is invited to consider what action it wishes to take in respect of this petition. Options include—

(1) The Committee has fully considered this matter as part of its scrutiny at Stage 1 of the Procurement Reform (Scotland) Bill, and this issue was also considered at later stages. As such, the Committee may wish to write to the petitioners, and in so doing, close the petition.

or

(2) To take any other action which the Committee considers appropriate.

Kelly Forbes
Assistant Clerk
May 2014



The Scottish Parliament
Pàrlamaid na h-Alba

Infrastructure and Capital Investment Committee

Draft Annual Report 2013-14

The Committee reports to the Parliament as follows—

Introduction

This report covers the work of the Infrastructure and Capital Investment (ICI) Committee during the Parliamentary year between 11 May 2013 and 10 May 2014.

Legislation

Procurement Reform (Scotland) Bill

1. The [Procurement Reform \(Scotland\) Bill](#) was introduced in the Parliament on 3 October 2013 and the ICI Committee was designated as the lead committee for scrutiny of the Bill at Stage 1. The Committee agreed its approach at its meeting on 9 October 2013 and took evidence at its meetings in November and December.

2. The Bill aimed to make provisions to procedures relating to the award of public contracts by certain authorities and to require certain authorities to produce procurement strategies and annual reports. The Bill also aimed to establish a national legislative framework for public procurement that supports Scotland's economic growth.

3. In its [Stage 1 report](#) the Committee made a number of recommendations on specific proposals in the Bill, including those related to community benefit and support for small and medium sized enterprises (SMEs). The Committee also asked the Scottish Government how it planned to coordinate the proposed legislation with forthcoming EU Directives on public procurement. The Committee agreed to the general principles of the Bill. It conducted Stage 2 scrutiny in March 2014.

Housing (Scotland) Bill

4. The [Housing \(Scotland\) Bill](#) was introduced in the Parliament on 21 November 2013 and the ICI Committee was designated the lead committee for scrutiny of the Bill at Stage 1 in December 2013.

5. The Bill makes a range of provisions related to housing in Scotland, including the abolition of the right to buy social houses, the management of social housing, the operation of the private rented sector, regulation of letting agents, the licensing of sites for mobile homes and private housing conditions.

6. The Committee heard evidence from a range of stakeholders at its meetings in January, February and March 2014. Evidence on the Bill was the focus of an external Committee meeting in Dumbarton in February 2014 as part of Parliament Day.

7. In its [Stage 1 report, published on 3 April 2014](#), the majority of the Committee endorsed the ending of right to buy, however, it recommended a shorter timescale for the abolition than proposed in the Bill. The Committee made several recommendations in relation to proposals in the Bill on social housing allocations, the registration of letting agents and the licensing of mobile home site operators. The Committee also called for inclusion of carbon monoxide detectors and mandatory electrical safety checks in private rented accommodation. The Committee agreed to the general principles of the Bill.

UK Legislation

8. The Committee considered two Legislative Consent Memorandums in the course of the parliamentary year. The first of these related to the Water Bill (UK Legislation), which was to make provision about the water industry and various issues regarding water resources. The other related to the High Speed Rail (Preparation) Bill (UK Legislation), the purpose of which is to make provision authorising expenditure in preparation for a high speed railway transport network.

9. Following consideration, the Committee agreed with the Scottish Government's view that, in both cases, the Scottish Parliament should consent to the UK Parliament legislating in these areas, and recommended this approach in its respective reports on the LCMs..

Inquiries

10. The Committee undertook the following key pieces of inquiry and scrutiny work during the parliamentary year.

Community Transport

11. This inquiry was launched in March 2013, but continued into the new parliamentary year. The Committee launched its Call for Views, and received 80 written responses in total. During April 2013, the Committee undertook a series of fact-finding visits to community transport operators across Scotland, and took formal evidence from a range of stakeholders during April and May 2013. The final evidence session took place in June 2013 when the Committee heard from the Minister for Transport and Veterans.

12. In its inquiry report, the Committee made several recommendations, including that funding should be made available for community transport vehicle replacement, subsequent to a Chamber debate on the Committee's report on 30 October 2013, the Scottish Government allocated a one-off £1m fund to support the purchase of replacement vehicles by Community Transport organisations.

National Planning Framework (NPF3) and Scottish Planning Policy (SPP)

13. The [Draft Third National Planning Framework](#) (NPF3) was laid in Parliament in January 2014, and was intended to set out the Scottish Government's long-term agenda for planning in Scotland, and to inform its future policies and investment

decisions in areas such as transport, energy, health and well-being, climate change and land use.

14. The Committee made a number of recommendations regarding the accessibility of information underpinning the inclusion of specific projects as national developments, and the potential for the inclusion of rail freight in later iterations of the NPF, amongst others.

Other evidence sessions

Transport

15. Following the announcement of the Scottish Government's intention to purchase Prestwick Airport, the Committee invited the Cabinet Secretary to give evidence on the acquisition. The Cabinet Secretary appeared before the Committee on 19 March 2014 and gave an update on progress of the acquisition, and the development of plans for its operation under public ownership.

Housing

16. On 26 June 2013 the Minister for Housing and Welfare gave evidence to the Committee on the Sustainable Housing Strategy. At this session the Minister described the Scottish Government's vision for providing adequate high quality, low cost warm housing for Scotland and, in doing so, to help meet the challenges of fuel poverty and climate change.

17. On 4 December 2013 the Scottish Housing Regulator appeared before the Committee to discuss its first annual report as an independent regulator and accounts for 2012-2013. At this meeting members explored a range of issues, including around the framework for monitoring how landlords met the requirements of the Social Housing Charter, the progress towards Scottish Safety Standards, and homelessness prevention.

Water

18. Scottish Water reported to the Committee on its annual report and accounts for 2012-2013 at the Committee's meeting on 20 November 2013. Scottish Water informed the Committee about its ongoing performance improvement work, and infrastructure projects. The Committee asked a range of questions, including several around pricing and business development in the coming years.

19. Further to this session, the Committee heard from Scottish Water, the Water Industry Commission for Scotland (WICS), and the Customer Forum on 30 April 2014 on Scottish Water's Strategic Review of Charges. These three groups of representatives described their experiences of what was agreed to be an innovative approach to co-operation between a major utilities provider and consumer representatives.

Broadband

20. The Committee has carried out ongoing scrutiny of the progress of the Scottish Government's broadband roll-out project. The Committee took evidence from the Cabinet Secretary for Infrastructure, Investment and Cities at its meeting on 12 June 2013. The Cabinet Secretary updated the Committee on the progress of the Step

Change project, and the challenges in the provision of high speed broadband to remote and rural areas of Scotland.

Infrastructure

21. On 11 September 2013 the Committee heard from Audit Scotland on its Section 23 report *Scotland's key transport infrastructure projects*, prepared on behalf of the Auditor General for Scotland (AGS), and published on 21 June 2013. The report proposed to—

“provide key stakeholders, including the Scottish Parliament Public Audit Committee and the public, with information on whether Transport Scotland is progressing the five projects to meet time, cost and scope targets.”

22. The Committee took evidence from the Auditor General and supporting officials on the outcomes of the report, and discussed issues such as reporting on capital projects, ensuring best practise, and specific questions around particular infrastructure projects.

Forth Replacement Crossing

23. The Committee took evidence at its meeting on 5 March 2014 from the Forth Replacement Crossing project team on the progress of work related to the project. Following this, on 6 May 2014, members of the Committee undertook a visit to the Forth Replacement Crossing construction site to view progress. On the same day, members met with Network Rail to discuss proposed visitor facilities at the Forth Bridge, also taking the opportunity to experience a visit to the top of the Bridge.

Budget Processes

24. The Scottish Government's Draft Budget 2014-15 was published in September 2013. The ICI Committee's role was to consider the Government's spending proposals outlined in the budget documents which relate to its remit, in line with other committees.

25. The ICI Committee agreed to appoint a budget adviser in September 2013. The Committee took oral evidence from a variety of stakeholders in October 2013, concluding with evidence from the Cabinet Secretary for Infrastructure, Investment and Cities.

26. The Committee recommended that the Scottish Government provide improved evidence-based advice around the evidence base including Logic Models and Behaviour Change and some new elements of research. The Committee also made recommendations around activities and expenditure that could better contribute to Scottish Government's own targets and indicators, including those that are in danger of being missed or where extra policy consideration may be required in the near future.

European Issues

27. In May 2013 The Committee considered 'Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high speed electronic communications networks (7999/13)' doc. The Committee

agreed to ask the Presiding Officer to write to the Chairmen of the relevant House of Commons and House of Lords Committees with the Committee's views.

28. On 7 May 2014 the Committee had the opportunity to speak with Mr Robert Madelin, Director General of the European Commission Directorate General for Communications Networks, Content & Technology (DG Connect) on European and Scottish digital infrastructure development. . This was also a useful opportunity to gauge the European Commission's perspective on the progress of, and challenges to, Scotland's digital roll out programme.

Petitions

29. Over the course of the Parliamentary year, the Committee considered five separate petitions. Of these, two were closed and three remained open at the end of the Parliamentary year.

30. Petition PE1236, on the junction where the A937 crosses the A90 at Laurencekirk, remains open. The Committee has continued to review reports and encourage discussion between campaigners, Transport Scotland and regional transport agencies.

31. Petition PE1425, on the closed of local DVLA offices in Scotland, remains open. The Committee continued to correspond with the UK Department for Transport, and most recently sought the views of freight and haulage stakeholders about the possible impact upon businesses in Scotland.

32. Petition PE1481, on employment blacklisting, was considered as part of the Committee's consideration of the Procurement Reform (Scotland) Bill, and the petitioners were invited to give evidence on the issue as part of the Committee's evidence taking. The Petition remained open at the end of the Parliamentary year.

33. Petitions PE1424, on health transport in rural areas, and PE1475, on the Bus Service Operators Grant, were closed during the course of the year.

Equalities

34. The Committee mainstreamed equalities issues throughout its work in the parliamentary year. Examples included taking equalities issues into account during the consideration of both the Procurement (Scotland) Bill and the Housing (Scotland) Bill.

35. During the Committee's external meeting in Dumbarton on 24 February 2014 as part of Parliament Day, members met informally with local tenants' groups, housing associations and local authority representatives to discuss proposals in the Housing (Scotland) Bill. This helped to inform members in advance of the formal evidence-taking session in the evening, and members made reference to the informal evidence heard throughout the remaining course of the Bill scrutiny.

36. During the Committee's Community Transport inquiry, an 'e-flyer' was developed, which allowed for swift distribution to, and responses by, stakeholders. It also allowed the Committee to reach a wider range of stakeholder groups by tapping into existing sectoral information networks. The Committee also held an informal

meeting with stakeholders to discuss its inquiry recommendations, prior to the Chamber debate on its report.

37. In advance of its one-off evidence session on the European Digital Agenda with the EU Director General of DG Connect, the Committee sought questions from a range of key stakeholders on the topics they wished to see raised. A number of these were used to inform the evidence by using Twitter.

38. In September 2013 the Committee adopted the use of Twitter to promote Stakeholders engagement and to inform followers of the Committee's ongoing work.

Subordinate Legislation

39. During this parliamentary year the Committee considered 13 statutory instruments of which 11 were negative and 2 were affirmative.

Meetings

40. During the parliamentary year, the Committee met 29 times. Of these meetings 1 was wholly in private and 13 were partly in private. Most items taken in private were the consideration of draft reports. 28 meetings were held in Edinburgh, and 1 external meeting was held in Dumbarton as part of Parliament Day