



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

12th Meeting, 2012 (Session 4)

Wednesday 20 June 2012

The Committee will meet at 10.00 am in Committee Room 2.

1. **Decision on taking business in private:** The Committee will decide whether to take items 7 and 8 in private.

2. **Scottish Housing Regulator:** The Committee will take evidence from—

Kay Blair, Chair, and Michael Cameron, Chief Executive, The Scottish Housing Regulator.

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 SSI/2012/137;

Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 SSI/2012/138;

Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012 SSI/2012/139;

Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 SSI/2012/140;

Parking Attendants (Wearing of Uniforms) (South Ayrshire Council Parking Area) Regulations 2012 SSI/2012/141;

Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012 SSI/2012/142;

the A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012 SSI/2012/145;

the M9/A90/M90 Trunk Road (Kirkliston to Halbeath) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2012 SSI/2012/147;

Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012 (SSI 2012/151);

Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 SSI/2012/180; and

Property Factors (Registration) (Scotland) Regulations 2012
SSI/2012/181.

4. **Subordinate legislation:** The Committee will consider the following instruments which are not subject to any parliamentary procedure—

Property Factors (Scotland) Act 2011 (Commencement No. 2 and Transitional) Order 2012 (SSI 2012/149 (C.12));
Private Rented Housing (Scotland) Act 2011 (Commencement No. 3) Order 2012 (SSI 2012/150 (C.13)).

5. **Petition PE1115:** The Committee will consider a Petition by Caroline Moore on behalf of the Campaign to Open Blackford Railway-station Again, calling for the Scottish Parliament to urge the Scottish Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station which is identified as a priority action in the latest Tayside and Central Regional Transport Strategy, and in doing so, recognises and supports the positive environmental, economic and social impacts of such local solutions.
6. **Work programme – European Union priorities:** The Committee will consider possible options for taking forward its EU priorities.
7. **Water Resources Bill:** The Committee will consider its approach to the scrutiny of the Bill at Stage 1.
8. **Draft Budget Scrutiny 2013-14:** The Committee will consider its approach to the scrutiny of the Scottish Government's Draft Budget 2013-14.

Steve Farrell
Clerk to the Infrastructure and Capital Investment Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5211
Email: steve.farrell@scottish.parliament.uk

The papers for this meeting are as follows—

Agenda item 2

PRIVATE PAPER

ICI/S4/12/12/1 (P)

Written evidence

ICI/S4/12/12/2

Agenda item 3

Note from the Clerk

ICI/S4/12/12/3

[Road Traffic \(Permitted Parking Area and Special Parking Area\) \(East Ayrshire Council\) Designation Order 2012 SSI/2012/137](#)

[Parking Attendants \(Wearing of Uniforms\) \(East Ayrshire Council Parking Area\) Regulations 2012 SSI/2012/138](#)

[Road Traffic \(Parking Adjudicators\) \(East Ayrshire Council\) Regulations 2012 SSI/2012/139](#)

[Road Traffic \(Permitted Parking Area and Special Parking Area\) \(South Ayrshire Council\) Designation Order 2012 SSI/2012/140](#)

[Parking Attendants \(Wearing of Uniforms\) \(South Ayrshire Council Parking Area\) Regulations 2012 SSI/2012/141](#)

[Road Traffic \(Parking Adjudicators\) \(South Ayrshire Council\) Regulations 2012 SSI/2012/142](#)

Note from the Clerk

ICI/S4/12/12/4

[The A823\(M\) Pitreavie Spur Trunk Road \(Variable Speed Limits\) Regulations 2012 SSI/2012/145](#)

[The M9/A90/M90 Trunk Road \(Kirkliston to Halbeath\) \(Variable Speed Limits and Actively Managed Hard Shoulder\) Regulations 2012 SSI/2012/147](#)

Note from the Clerk

ICI/S4/12/12/5

[Private Landlord Registration \(Information and Fees\) \(Scotland\) Amendment Regulations 2012 SSI 2012/151](#)

[Homeowner Housing Panel \(Applications and Decisions\) \(Scotland\) Regulations 2012 SSI/2012/180](#)

[Property Factors \(Registration\) \(Scotland\) Regulations 2012 SSI/2012/181](#)

Agenda item 4

Note from the Clerk

ICI/S4/12/12/6

[Property Factors \(Scotland\) Act 2011 \(Commencement No. 2 and Transitional\) Order 2012 SSI 2012/149 \(C.12\)](#)

[Private Rented Housing \(Scotland\) Act 2011 \(Commencement No. 3\) Order 2012 SSI 2012/150 \(C.13\)](#)

Agenda item 5

Note from the Clerk

ICI/S4/12/12/7

Agenda item 6

Paper from the EU Reporter

ICI/S4/12/12/8

Agenda item 7

PRIVATE PAPER

ICI/S4/12/12/9 (P)

Agenda item 8

PRIVATE PAPER

ICI/S4/12/12/10 (P)

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

Written Evidence from the Scottish Housing Regulator

About SHR

We are the independent regulator of RSLs and local authority housing services in Scotland. We were established on 1 April 2011 under the **Housing (Scotland) Act 2010**. We have one statutory objective, to:

"safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities".

We regulate social landlords to protect the interests of people who receive services from them. We do this by assessing and reporting on:

- how social landlords are performing their housing services
- RSLs' financial well-being
- RSLs' standards of governance

We intervene to secure improvements where we need to.

We keep a **Register of all the RSLs** in Scotland, which holds important information about each landlord and how you can contact them. And we set Regulatory Standards of Governance and Financial Management which RSLs must comply with and, by doing so, demonstrate effective governance and sound financial management.

We are an independent Non-Ministerial Department, directly accountable to the Scottish Parliament.

Our organisation is the successor to the previous Scottish Housing Regulator agency, which exercised Scottish Ministers' powers under the Housing (Scotland) Act 2001.

Our Regulatory Scope

We regulate to protect the interests of tenants, homeless people and others who use the services provided by social landlords. To do this we focus on securing good outcomes for tenants and other service users, help them to hold their landlords to account and drive improvement in the provision of social housing. Our regulation of social landlords is tenant-focused, intelligent and proportionate.

There are:

- just under **600,000** households – around one in five of all Scottish households - living in homes owned and managed by social landlords;
- around **55,000** people who seek help from local authorities each year as a result of homelessness or potential homelessness;
- about **100,000** people who own their homes and receive services from social landlords; and
- over **500** gypsy / traveller families who use the services of 32 official sites provided by social landlords.

We regulate over 180 RSLs and the landlord and homelessness functions of 32 local authorities (collectively known as social landlords). The smallest has just 1 house and the largest has nearly 45,000. The average size of RSLs' stock is around 1,500 houses and nearly one in ten have fewer than 250 houses.

In 2011, RSLs had an aggregate annual turnover of nearly £1.2 billion and local authorities had an aggregate housing revenue income of just over £1 billion. RSLs have total net housing assets valued at £10.4 billion, and around £2.6 billion outstanding in loans from private lenders.

Our Regulatory Priorities

In April this year we published our first **Corporate Plan** and set out our priorities for the next three years. These are:

1. **The Scottish Social Housing Charter** – the Housing (Scotland) Act 2010 gives us the role of monitoring, assessing and reporting on landlords performance against the Charter's outcomes and standards. The next three years will therefore bring significant changes in how we monitor landlords' performance. This is discussed in more detail below.
2. **Governance** – good governance underpins RSLs ability to deliver good services. Landlords are increasingly operating in a complex financial environment and with competing demands. Having the right mix of skills and experience on governing bodies has never been more important.
3. **Financial health** – landlords need to have sufficient and secure resources to meet the needs of current and future tenants. The current financial environment makes this more challenging and further demands and challenges will likely emerge over the next few years. This increases the importance of sound and effective financial management.
4. **Lender and funder confidence** – our regulation gives lenders and funders confidence that social landlords are a sound place for their investment. Lenders cite the reassurance they get from our regulatory role as being key in securing lower lending margins for RSLs. The average cost of finance for Scottish RSLs is around 4%, generally below that for social landlords in other parts of the UK.
5. **Stakeholder involvement** – engaging effectively with tenants, other service users and their representatives is important in our success. We will soon publish a Consultation and Involvement Strategy which will set out in detail how we plan to do this.

Our Regulatory Framework

Following extensive consultation with tenants, service users, landlords and others with an interest in social housing in Scotland we published our new **Regulatory Framework** on February 29 2012.

Our framework builds on the risk-based, proportionate approach to scrutiny put in place by the previous Scottish Housing Regulator. It focuses on risk and securing good outcomes for tenants' homeless persons and others who receive service from social landlords.

Our Regulatory Framework is clear that our regulation will be risk based. This means regulated bodies giving us the right type and level of assurance that the interests of tenants' and other service users are protected.

We will identify the risks to our the interests of tenants and other service users based on the information we collect and our sector intelligence. We assess the impact and probability of the risk materialising and their manageability. If we require further assurance or have concerns that a landlord is not managing its risks we will intervene to protect tenants and service users interests.

We are the lead regulator for RSLs in Scotland. We have statutory duties to co-operate with other regulators. We meet these duties by engaging with other scrutiny bodies to ensure there is no regulatory duplication or gaps. For councils, we work through the joint scrutiny framework and shared risk assessment process agreed with other scrutiny bodies. We co-ordinate and schedule our scrutiny activity with other bodies and look for opportunities for joint scrutiny where appropriate.

Our framework is clear that landlords should be regularly engaging with their tenants to assess performance and should be able to demonstrate to us the efficacy of that process and that tenants and other service users can contribute.

To help tenants and other service users to assess their landlord we will collect a range of information from landlords each year. This includes information on service delivery, and, for RSLs, governance and finance. Every year we will publish a range of this information so that tenants and other service users can understand and compare their landlord's performance and hold it to account if they believe it is performing poorly.

In addition to publishing information for tenants and other service users we will also use our inquiry powers to hold landlords to account. We can use our inquiry powers to gather more information from landlords, to investigate any concerns we may have and to inspect to hold landlords to account.

We can also use our inquiries powers to undertake thematic inspections. These are broader inspections of a number of landlords simultaneously. They allow us to develop our understanding of a particular issue across a number of landlords and better understand how landlords are dealing with them. We are currently developing our future programme of thematic inspections.

We have a range of other powers we can use when we need to intervene in a landlords activities to ensure the interests of tenants and other service users are protected.

The Scottish Social Housing Charter

Parliament passed the first Scottish Social Housing Charter in March 2012. It sets standards and outcomes that social landlords should aim to achieve. Our role is to monitor assess and report on landlords' performance in achieving these outcomes.

Our Regulatory Framework set out how we will achieve this. In May of each year landlords will complete and return to us an Annual Return on the Charter (ARC). In August we will publish the information from that ARC to enable tenants and service users to see their landlord's performance and compare it to others. In March of each year we will publish our broader analysis progress on the Charter. This will provide Parliament, Ministers, the general public, tenants, other service users and everyone with an interest in social housing in Scotland with a comprehensive picture of progress against the standards and outcomes in the Charter.

In conjunction with landlords and tenants we have developed a series of indicators that we propose to use to monitor landlords' performance against the Charter. We are currently widely consulting on these indicators and on a prototype landlord Charter Report for tenants and other service users. Our consultation document is attached (Annexe).

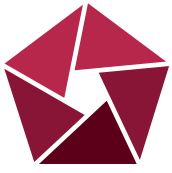
Significant Performance Failures

The Housing (Scotland) Act 2010 made provision for the us to introduce arrangements for tenants to raise with us significant performance failures by social landlords. A significant performance failure is usually something that landlords fail to do that puts the interests of its tenants at risk. Tenants and other service users can inform us if they think their landlord has a significant performance failure.

If a landlord does not deal with the failure, tenants can contact us. We have developed a **Significant Performance Failures factsheet** which provides more information on what tenants should do and how to raise concerns with us.

The factsheet sets out examples of significant performance failures. These include:

- a landlord consistently not doing repairs when it should;
- landlords not allowing tenants to apply for another house;
- landlords putting tenants' safety at risk because it is not doing gas safety checks when it should;
- landlords not helping tenants to report anti-social behaviour; and
- a landlords not reporting its performance in achieving the outcomes and standards in the Scottish Social Housing Charter to its tenants



**Scottish Housing
Regulator**

Consultation on Scottish Social Housing Charter Indicators

June 2012

Contents

Chair's foreword	2
Introduction	3
What tenants and other service users can expect	4
Charter Report for Tenants and other Service Users	5
The Indicators	9
Other information we propose to collect from landlords	13
Context information	14
How to participate in this consultation	16
Appendix 1: Consultation Questionnaire	17
Appendix 2: The Scottish Government's Scottish Social Housing Charter Outcomes	20



Chair's foreword

Over the next few months we will be consulting on the way that we propose to monitor the Scottish Government's Social Housing Charter. We are keen to hear what you think about our approach. In particular, we would like to hear the views of tenants, homeless people and others who use the services of social landlords. We want to know whether our proposed approach to reporting on the Charter will give you the insight to understand your landlord's performance and allow you to compare it to others.

These indicators will be a key part of our regulatory framework, alongside our focus on good governance and financial health. They will allow us to monitor landlords' achievement of, or progress towards, the Charter outcomes and standards. They will also allow us to do further work on a landlord's performance, or to undertake a thematic inspection across a number of landlords where we think this would have merit.

We have tried to streamline our information requirements and still make the indicators meaningful and manageable. We would like to thank all those who have helped us with their development. We hope that tenants and other customers of social landlords will find our proposed Charter report, which is included in this document, helpful.

We look forward to your feedback.



Kay Blair

Chair



Introduction

The Scottish Government's Social Housing Charter came into effect on 1 April 2012. The Charter sets standards and outcomes that describe the results that tenants and others who use their services can expect from social landlords (see appendix 2). The Housing (Scotland) Act 2010 ("the Act") gives us the role to monitor, assess and report on how landlords are achieving the Charter's outcomes and standards and, if necessary, to intervene where landlords are not achieving them.

The Act requires us to consult on and set indicators that we will use to help us monitor landlords' achievement of the Charter outcomes and standards. Our Regulatory Framework, published on 29 February 2012, explains in detail how we will monitor, assess and report on the Charter. This requires landlords to provide us with good quality, accurate information on their achievement of, or progress towards, the Charter outcomes and standards.

This document sets out the proposed indicators and information on the Charter we will require landlords to give us each year. We also set out our proposals for reporting social landlords' performance to tenants, homeless people and others who use their services. This consultation meets our statutory duty under section 35(4) of the Act.

What we want to achieve

We are aiming to set a framework of Charter indicators that will:

- » help tenants to understand their landlord's performance, and so help them to hold their landlord to account;
- » allow us to report on landlords' achievement of the Charter outcomes and standards;
- » provide useful information for landlords and others to help them compare performance; and
- » allow us to form a view of the risk for each landlord not achieving the Charter outcomes and standards.

We want to provide tenants and others who use social landlords' services with good quality, easily accessible information which they can use to help them understand their landlord's performance and to challenge them to improve if they believe they can do better. We want the information we make available

to help tenants to compare their landlord's performance with others and for landlords to use it to benchmark with others.

In addition to the information we collect we will use information gathered and published by the Scottish Government, for example on homelessness, to help us form a view on social landlords' performance.

It is worth stressing that the indicators we are proposing will not form the entirety of our scrutiny of the Charter. They may lead us to look further at a landlord's performance. They will be an important part of our risk-based approach to regulation.

As well as using these indicators, we will have an annual programme of thematic inspections that will look at identified aspects of the Charter. This thematic work will have a particular focus on those Charter outcomes that lend themselves less to monitoring through indicators, and could include the outcomes on equalities, communication, participation and housing options. We may also look at these outcomes when we are engaging with a landlord for other reasons following our risk assessment.

Our annual report on landlords' achievement of the Charter outcomes will include our analysis of the indicators we collect every year together with the findings from our thematic work and further scrutiny of individual landlords.

It is the responsibility of all social landlords to meet all of the outcomes and standards in the Charter. As well as reporting the proposed indicators to us, they must report their performance in achieving or progressing towards the outcomes and standards to their tenants and other service users. Landlords should therefore be able to demonstrate their compliance with all the Charter outcomes and standards, including those that need a more quality based assessment.

In line with our statutory duty, we will be proportionate in the amount and range of information we require from landlords. The proposed framework of indicators will give us the information we need to come to a view on whether a landlord is at risk of failing to achieve the outcomes and standards in the Charter.

What tenants and other service users can expect

Our Regulatory Framework sets out how we will report to tenants and others on landlords' achievement of the outcomes and standards in the Charter.

In August each year we will publish a report for tenants and other service users that sets out the indicators for each landlord. We will publish this on our website, and we will require landlords to give the report to all of their tenants and make it easily accessible to other service users.

Our aim is to make the report easy to access and easy to read and understand. We have set out how we propose to present the information overleaf.

In addition to these reports, through our website we will give tenants and others access to more detailed information on landlords and their performance. This will allow them to compare their landlord with a choice of other landlords and to compare their landlord's performance over time.

Consultation questions

1. In general do you find the format for the report we are proposing to be clear and easy to understand?
2. Have we included the right indicators? If not what alternatives do you suggest?
3. Are there any other changes or improvements you would like to see? If so, what are these?

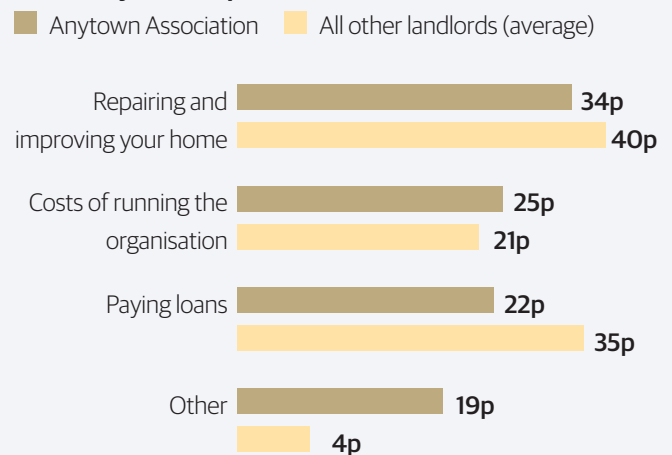
Charter Report for Tenants and other Service Users

This is the Scottish Housing Regulator's report for tenants and people who use the services of this landlord. We have chosen a selection of indicators to measure this organisation's performance against the standards and outcomes of the Scottish Social Housing Charter. To see all indicators or for more information visit www.scottishhousingregulator.gov.uk

Anytown Housing Association

Landlord Profile	2011 - 12
Total number of houses	600
Total income	£1.3m
Average weekly rent	£45
Rent increase	3.6%

How every £ 1 was spent



How we show change

Comparing the statistical figures with last year's report can show changes in the indicator. We show you these variations using three symbols.



There has been little change in the indicator or when the change represents neither improvement nor deterioration.



The indicator is improving.



The indicator is deteriorating.

N/A Not applicable

When we do not have information from last year to compare with, we leave the Change box empty.

How we show the landlord's rank

The four storey house shows this landlord's position compared to all other landlords in Scotland. We call this "rank". We show you the rank by highlighting one section of the house.



The landlord is in the top quarter of organisations included in the comparison.



The landlord is in the second quarter.



















The landlord is in the third quarter.























The landlord is in the bottom quarter.

Customer Satisfaction

Customer Satisfaction	Percentage	Change	Rank
Tenants and other service users satisfied with the overall services received	93%		
Tenants and other service users satisfied with services received for the rent or charges they pay	90%		
Tenants and other service users satisfied their landlord is keeping them informed about things that might affect them	93%		
Tenants and other service users satisfied with the opportunities given to them to participate in their landlord's decision making processes	81%		
Tenants satisfied with the standard of their home when moving in	90%		
Tenants satisfied with the repairs and maintenance service	80%		
Tenants satisfied with the neighbourhood they live in	76%		







Complaints	Percentage	Change	Rank
Percentage of complaints dealt with within the landlord's target timescale in the last year	98%		

Information for tenants



Repairs		Average	Change	Rank	
Average number of reactive repairs completed per occupied house		5			
Average time taken to complete emergency repairs		5 hrs			
Average time taken to complete non-emergency repairs		3 days			
The time it takes your landlord to let an empty house		Average time	Change	Rank	
Average time taken to let empty houses		28 days			
Rent collected and money lost on empty houses		Percentage	Change	Rank	
Rent due actually collected		93%			
Rent lost due to houses being empty		4%			
Condition of your homes		Percentage	Change	Rank	
Houses meeting the Scottish Housing Quality Standard		83%			
Tenants who stayed with your landlord for over a year		Percentage	Change	Rank	
New tenants still in their home after one year		85%			
Anti-social behaviour		Number of cases	Percentage resolved on target	Change on target	Rank
Number of cases of anti-social behaviour reported and cases resolved within your landlord's target times		15	85%		
Medical adaptations		Number of adaptations	Average waiting time	Change on time	Rank
Number of medical adaptations carried out and average waiting time		20	35 days		

Information for other service users





Homeless people

Number of homeless applications to the council	Number of applications received	Change	Rank
Number of applications	N/A	N/A	N/A
Time taken to get permanent accommodation	Average number of weeks	Change	Rank
Length of time to get permanent accommodation	N/A	N/A	N/A
Satisfaction with temporary or emergency accommodation	Percentage	Change	Rank
Homeless people satisfied with the quality of temporary or emergency accommodation	80%		
Time spent in temporary or emergency accommodation	Percentage	Change	Rank
Average time spent in temporary or emergency accommodation	45 days		
Offers of temporary or emergency accommodation refused	Percentage	Change	Rank
Percentage of offers refused	25%		

People receiving factoring services

Cost of factoring services	Amount collected	Percentage left to be collected	Change on percentage	Rank
Total amount collected for factoring services	£2,530	0.5%		

Gypsies/Travellers

Gypsies/Travellers sites	Average	Change	Rank
Gypsies/Travellers satisfied with site	91%		
Average weekly cost per pitch	£25		

The Indicators

We propose to use a range of indicators and information to monitor landlords' achievement of the Charter outcomes and standards. We will obtain most of this information from landlords' Annual Return on the Charter (ARC) which they will send to us in May of each year.

Our proposed indicators are set out on the following pages.

We have developed the proposed indicators in discussion with a range of stakeholders including tenants, landlords and representative bodies. In developing them we aimed to make the indicators:

- » clear;
- » relevant;
- » meaningful; and
- » able to be easily verified.

We used a consistent approach when developing all the indicators. A Technical Annex providing detailed descriptions of each indicator is available on our website: www.scottishhousingregulator.gov.uk/consultations Information on how to contact us is set out in the 'How to Participate in this Consultation' section.

We are proposing to establish a core set of indicators on customer satisfaction that every landlord should collect and report to us. It is important that we can compare consistently across the sector, and give tenants and others the right information to allow them to compare across different landlords.

In 2011 we commissioned Ipsos Mori to review landlords' use of tenant satisfaction surveys. We have based the satisfaction questions in this consultation on the findings of that report. The report made the following recommendations about minimum requirements for survey design, method and questions:

- » as a minimum landlords should use a self-completion postal survey to gather information from their tenants and service users;
- » landlords should collect information to enable the quality of their surveys to be assessed and comparisons to be made; and
- » standardised surveys should be carried out at least every two years, but landlords should have the flexibility to do them more frequently.

Consultation questions

4. Are there any indicators that you feel are not appropriate and, if so, why?
5. If you think that any of our proposed indicators are not appropriate, what alternatives would you suggest?

The indicators below will not form the entirety of our scrutiny of the Charter. We will use other methods, such as thematic inspections, to further develop our understanding of landlords' performance.

Charter Outcome	Indicators
Overall satisfaction	Percentage of tenants and other customers satisfied with the overall service provided by social landlords.
1. Equalities	1.1 Monitoring ethnic origins and disability indicator for service users, staff. And for RSLs only, governing body members.
2. Communication	2.1 Percentage of tenants and other service users satisfied their landlord is keeping them informed about things that might affect them. 2.2 Percentage of 1st and 2nd stage complaints, including those relating to equalities issues received in the last year, that were resolved by the landlord and also the number of complaints upheld. 2.3 The percentage of 1st and 2nd stage complaints dealt with in the last year, within the Scottish Public Service Ombudsman (SPSO) Model Complaints Handling Procedure (CHP) timescales.
3. Participation	3.1 Percentage of tenants and other customers satisfied with the opportunities given to them to participate in their landlord's decision making processes.
4. Quality of Housing	4.1 Percentage of properties meeting the Scottish Housing Quality Standard (SHQS). 4.2 Percentage of properties at or above the NHER (National Home Energy Rating) or SAP (Standard Assessment Procedure) ratings specified in element 35 of the SHQS. 4.3 Percentage of tenants satisfied with the standard of their home when moving in. 4.4 Percentage of existing tenants satisfied with the quality of their home.
5. Repairs, maintenance and improvements	5.1 Average number of reactive repairs completed per occupied property. 5.2 Average length of time taken to complete emergency repairs. 5.3 Average length of time taken to complete non-emergency repairs. 5.4 Number of repairs appointments made and number kept. 5.5 Number of properties that require gas safety certificates and number with current gas safety certificates. 5.6 Percentage of tenants satisfied with the repairs and maintenance service. 5.7 Percentage of reactive repairs carried out in the last year completed on first visit.
6. Estate management, Antisocial Behaviour, etc.	6.1 Percentage of tenants satisfied with the neighbourhood they live in. 6.2 Number of and reason for tenancy offers being refused during the year. 6.3 Number of incidences of anti-social behaviour reported, resolved and dealt with within locally agreed targets in the last year.
7, 8, 9 & 10 Housing Options and Access to Social Housing	No single indicator is proposed for these outcomes. We will use the indicators below along with those relating to outcomes 11: Tenancy sustainment and 12: Homelessness to assess performance. In addition we will also access 'context data' on the management of waiting lists supplied to support the Annual Return on the Charter. 9.1 For RSLs, the total number of section 11 referrals made to local authorities during the last year. 9.2 For local authorities, the percentage of section 11 referrals received from landlords or creditors.

Charter Outcome	Indicators
11. Tenancy Sustainment	<p>11.1 Percentage of new tenancies sustained for more than a year, by source of let.</p> <p>11.2 Turnover of lettable stock in the last year.</p> <p>11.3 Number of applicants on waiting list for medical adaptations, the number carried out and average waiting time.</p> <p>11.4 Number of cases during the year in which: Notices of Proceedings issued; court actions initiated; and orders for recovery of possession granted.</p> <p>11.5 Number of and reason for evictions in the last year.</p> <p>11.6 Number of properties abandoned in the last year.</p>
12. Homeless people	<p>12.1 Average length of time in temporary or emergency accommodation by type.</p> <p>12.2 Percentage of temporary or emergency accommodation offers refused in the last year.</p> <p>12.3 Percentage of homeless households satisfied with the quality of temporary or emergency accommodation.</p>
13, 14 & 15 Value for Money & Rents and Service Charges	<p>No single indicator is proposed for these outcomes/standards. We will use the indicators below along with those relating to outcomes 4: Housing Quality; 5: Repairs and Maintenance; 6: Estate Management etc; and 16: Gypsies/Travellers. In addition we will also access 'context data' on rents/housing stock supplied to support the Annual Return on the Charter and financial information from RSL annual accounts and Councils' housing revenue accounts.</p> <p>13- 15.1 Percentage of tenants and other service users satisfied with services received for the rent/charges made by their landlord.</p> <p>13- 15.2 Percentage of total rent due actually collected in the last reporting year.</p> <p>13- 15.3 Gross rent arrears (all tenants) as at 31 March each year as percentage of rental income for the reporting year.</p> <p>13- 15.4 Amount of recoverable costs outstanding as at 31 March each year , as a percentage of the value of property factoring services billed and un-billed in the past year.</p> <p>13- 15.5 Percentage of rental income lost through empty properties in the last year.</p> <p>13- 15.6 Average length of time taken to re-let properties in the last year.</p>
16. Gypsies/Travellers	<p>16.1 Cost per pitch</p> <p>16.2 Service users satisfaction with site</p>

In addition to the indicators included above we will also use the homelessness data that local authorities send to the Scottish Government to inform our scrutiny of the Charter.

A Technical Annexe providing detailed descriptions of each indicator is available on our website: www.scottishhousingregulator.gov.uk/consultations

The Scottish Government will soon consult on proposed standards to cover the energy efficiency of social housing. Following its conclusions we will determine whether there are any regulatory requirements and discuss with landlords and their representative bodies.

In addition to the indicators we set out previously, we also want to give tenants information on what their landlord spends. This is to help tenants to come to a view on whether their landlord's performance, when viewed with information on its spending, represents value for money. We want to keep this easy to understand and meaningful for tenants. To this end we propose to report each landlord's total annual expenditure split over the following four categories:

- » repairing and improving tenants' homes;
- » running the landlord's organisation;
- » servicing and repaying its loans; and
- » other expenditure.

It is unlikely that this information in this format will be easily derived from the annual accounts information that is prepared and published by both RSLs and local authorities. Given this, we may need to collect this directly from landlords. We will have further dialogue with landlords and their representatives on the technical issues we may need to resolve to enable the provision of this information on spending.

Consultation questions

6. Is the proposed approach to reporting landlord spending sensible?
7. If not, what alternatives would you suggest?

Other information we propose to collect from landlords

We propose to collect other information from landlords through the Annual Return on the Charter. This is largely contextual information to help us to understand the landlord, and for RSLs includes some information on its governance arrangements

We have set out this additional information overleaf.

Consultation questions

8. Is the contextual information we propose to collect appropriate?
9. Are there any pieces of information we have identified that you feel do not need to be included or have been missed?

Context information

Organisation details

1. Name of Chief Executive
2. If your RSL employs agents for all your services provide name of organisation and contact name
3. Parent, subsidiary and other connected organisation information. Including nature of activities carried out by each subsidiary
4. Total number of members
5. Number of members attending AGM
6. Staffing levels, turnover and sickness rates
7. Number of governing body vacancies at AGM
8. Number of candidates for governing body vacancies
9. Governing Body member details
 - a) Name
 - b) Date elected to GB
 - c) Length of service on GB
 - d) Position on GB (member, office bearer)
 - e) Contact address/Email address for Chairperson and Secretary
 - f) Tenure type – (tenant, owner etc)
 - g) Remuneration paid to each GB member (if applicable)

Housing management

1. Number of lets
2. Source of lets
3. Breakdown of LA statutory homeless lets
4. Breakdown of types of tenancies granted for lets during year
5. Type of housing lists
6. Number of new applicants added to the housing list
7. Number of applicants on the housing list at 31 March each year by category (waiting list and transfer list)
8. Number of suspensions from the housing list at 31 March each year
9. Number of applications cancelled from the housing list during the last year

Development programme information

1. Development programme (excluding Scottish Government funded developments) – new units and value of programme, with future projections

Self-contained stock

1. By local authority – number of self-contained properties by apartment size, split lettable/non-lettable
2. Number of low demand properties
3. By local authority – self-contained stock by provision type
4. By local authority – self-contained stock by age and type
5. By local authority – number of demolitions by apartment size
6. By local authority – stock acquisitions
7. By local authority – shared ownership, equity sharing and shared equity
8. Self-contained stock – weekly rent by apartment size
9. Number of self-contained properties void at year end and the number void more than 6 months
10. By local authority – RTB sales
11. By local authority – low cost home ownership sales

Non self-contained properties

1. By local authority – properties by provision type
2. Weekly rent and number of bed spaces

Non-housing units

1. Non-housing units owned

Factoring

1. Number of houses factored by landlord (without owning)

Rents

1. Percentage average weekly rent increase to be applied in the next financial year
2. Percentage of tenants in receipt of either full or partial Housing Benefit at 31 March each year
3. Amount and proportion of former tenant rent arrears written off at year end

Monitoring progress towards the Scottish Housing Quality Standard

1. Stock condition survey details to 2015
2. Stock failing by criteria and severity of failure to 2015
3. Stock breakdown into exemptions, compliant, failing or not in scope to 2015
4. By local authority – total stock failing SHQS to 2015
5. Properties planned/brought up to standard in year and projection for future year
6. Anticipated exemptions
7. Actual and projected investment by criteria/element
8. Stock assumptions (stock lost/gains) average stock figures to 2015

In addition to the information above we will continue to annually collect the following financial information from every RSL:

- » **annual accounts (including accounts of subsidiaries and group accounts), which show historical financial position and performance;**
- » **financial forecasts from which we derive forward financial ratios and form a view about future financial viability;**
- » **auditor's management letter; and**
- » **loan portfolio information, which gives data on an organisation's private borrowings.**

How to participate in this consultation

Consultation questions

To help you respond to this consultation we have gathered all the questions contained within the consultation document into the questionnaire at appendix 1.

We will hold a series of consultation events for tenants and service users across Scotland to promote the consultation and will attend conferences and meetings held by other organisations. We will also be working with representative bodies to organise consultation events with landlords and other interested bodies during the consultation period. These will be opportunities to hear more about our proposals and to discuss them with us. You can find out more information about these events on our website.

Responding to the consultation

You can respond to this consultation by completing the Consultation Feedback Form on our website. We would prefer that consultation responses are submitted to us electronically, however we will accept written responses to the consultation. We are inviting responses to this consultation paper by **24 August 2012**. Please send your response to: **consultation@scottishhousingregulator.gsi.gov.uk**

or write to:

Consultation Team
Scottish Housing Regulator
7th Floor
Highlander House
58 Waterloo Street
Glasgow G2 7DA

Website: **www.scottishhousingregulator.gov.uk**

If you have any queries contact us on **0141 271 3810**.

Handling your response

We need to know whether you are happy for your response to be made public. The Consultation Feedback Form includes questions on how you wish your response to be treated.

The Scottish Housing Regulator is subject to the Freedom of Information (Scotland) Act 2002 and will therefore have to consider any request made to it for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that it contains no potentially defamatory material, we will hold copies of all responses and will publish them on our website.

After the consultation closes, we will review all the formal responses we receive and then publish an analysis report.

We will then finalise the Charter indicators, taking account of the responses to this consultation. We will issue our final position on Charter indicators and other information on 1 October 2012, providing landlords with six months to ensure appropriate mechanisms are in place to collate the required information in 2013/14. We require landlords to report their performance and provide us with their first Annual Return on the Charter by the end of May 2014.

Comments and complaints

If you have any comments or would like to make a complaint about how this consultation exercise has been conducted, please send them to:

Head of Policy and Corporate Services
Scottish Housing Regulator
7th Floor
Highlander House
58 Waterloo Street
Glasgow G2 7DA

Appendix 1

Respondent Information Form and Consultation Questionnaire

Consultation on Scottish social housing charter indicators

Feedback Form

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name:

Title: Mr Ms Mrs Miss Dr

Please tick as appropriate

Surname:

Forename:

2. Postal Address

.....

.....

.....

Postcode:

Phone:

Email:

3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

a) Do you agree to your response being made available to the public (on Scottish Housing Regulator website)?

Please tick as appropriate Yes No

b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available, or

Yes, make my response available, but not my name and address, or

Yes, make my response and name available, but not my address

c) The name and address of your organisation **will be** made available to the public.

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

Consultation Questionnaire

What tenants and other service users can expect

Question 1

In general do you find the format for the report we are proposing to be clear and easy to understand?

.....
.....
.....
.....
.....
.....
.....

Question 2

Have we included the right indicators? If not what alternative would you suggest?

.....
.....
.....
.....
.....
.....
.....

Question 3

Are there any other changes or improvements you would like to see? If so, what are these?

.....
.....
.....
.....
.....
.....
.....

The Indicators

Question 4

Are there any indicators that you feel are not appropriate and, if so, why?

.....
.....
.....
.....
.....
.....
.....

Question 5

If you think that any of our proposed indicators are not appropriate, what alternatives would you suggest?

.....
.....
.....
.....
.....
.....
.....

Question 6

Is the proposed approach to reporting landlord spending sensible?

.....
.....
.....
.....
.....
.....
.....

Question 7

If not, what alternatives would you suggest?

.....

.....

.....

.....

.....

.....

.....

Contextual Information

Question 8

Is the contextual information we propose to collect appropriate?

.....

.....

.....

.....

.....

.....

.....

Question 9

Are there any pieces of information we have identified that you feel do not need to be included or have been missed?

.....

.....

.....

.....

.....

.....

.....

Appendix 2: The Scottish Governments Social Housing Charter Outcomes

1. Equalities: Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

2. Communication: Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

3. Participation: Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

4. Quality of housing: Social landlords manage their businesses so that tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair.

5. Repairs, maintenance and improvements: Social landlords manage their businesses so that tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

6. Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes: Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

7, 8 and 9. Housing options: Social landlords work together to ensure that:

- » people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them
- » tenants and people on housing lists can review their housing options.

Social landlords ensure that:

- » people at risk of losing their homes get advice on preventing homelessness.

10. Access to social housing: Social landlords ensure that people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

11. Tenancy sustainment: Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

12. Homeless people: Local councils perform their duties on homelessness so that homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

13. Value for money: Social landlords manage all aspects of their businesses so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

14. & 15. Rents and service Charges: Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- » a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and other customers can afford them
- » tenants get clear information on how rent and other money is spent, including any details of individual items of expenditure above thresholds agreed between landlords and tenants.

16. Gypsies/travellers: Local councils and social landlords with responsibility for managing sites for Gypsies/Travellers should manage the sites so that sites are well maintained and managed.

Scottish Housing Regulator
Highlander House
58 Waterloo St
Glasgow G2 7DA

www.scottishhousingregulator.gov.uk



Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

Subordinate Legislation

Title of Instruments	<p>Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 SSI/2012/137</p> <p>Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 SSI/2012/138</p> <p>Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012 SSI/2012/139</p> <p>Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 SSI/2012/140</p> <p>Parking Attendants (Wearing of Uniforms) (South Ayrshire Council Parking Area) Regulations 2012 SSI/2012/141</p> <p>Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012 SSI/2012/142</p>
Type of Instruments	Negative
Laid Date	14 May 2012
Minister to attend the meeting	No
SSIs drawn to the Parliament's attention by Subordinate Legislation Committee	No
Reporting Deadline	18 June 2012

Policy Objectives and background

1. The purpose of these six Scottish Statutory Instruments is to introduce a decriminalised parking regime within the East Ayrshire and South Ayrshire Council areas.

2. The Road Traffic Act 1991 introduced provisions enabling the decriminalising of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK.

3. Decriminalised Parking Endorsement (DPE) has so far been introduced in seven Scottish local authorities. Under these arrangements, local authorities can administer their own parking penalty schemes and retain the penalties collected in order to finance the operation of the scheme. Prior to DPE the funds collected from parking infringements were accrued to the UK Government Exchequer. Any surplus generated by the scheme will be used by the local authority, exclusively, for other traffic management measures.

Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 SSI/2012/137

Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 SSI/2012/140

Purpose

4. These Orders define the areas of East Ayrshire and South Ayrshire where the parking controls will be applied. The Order designates certain areas as special and permitted parking areas, meaning specified offences will be decriminalised, for example; allowing parking, loading, waiting or on-street parking, in particular cases. This applies the provisions of Schedule 3 of the Road Traffic Act 1991 and modifies them as applicable. This Order also modifies provisions of the Road Traffic Regulation Act 1984.

Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 SSI/2012/138

Parking Attendants (Wearing of Uniforms) (South Ayrshire Council Parking Area) Regulations 2012 SSI/2012/141

Purpose

5. These Regulations require all parking attendants in East Ayrshire and South Ayrshire Council areas to wear a uniform, as specified by the Scottish Government, when carrying out the duties for which they are employed.

Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012 SSI/2012/139

Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012 SSI/2012/142

Purpose

6. These Regulations, applying to the decriminalised parking areas in East Ayrshire and South Ayrshire Council areas, prescribe the procedure to be followed in instances of appeals before parking adjudicators, when a motorist believes a penalty charge to have been wrongly issued.

Consideration by the Subordinate Legislation Committee

7. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of Parliament to the any of the above Regulations.

8. A copy of all the SSIs and their accompanying documents are included with the papers.

Recommendation

9. **The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on these instruments.**

Steve Farrell
Clerk to the Committee
June 2012

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

Subordinate Legislation

Title of Instruments	the A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012 SSI/2012/145 the M9/A90/M90 Trunk Road (Kirkliston to Halbeath) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2012 SSI/2012/147
Type of Instruments	Negative
Laid Date	18 May 2012
Minister to attend the meeting	No
SSIs drawn to the Parliament's attention by Subordinate Legislation Committee	No
Reporting Deadline	18 June 2012

The A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012 SSI/2012/145

Purpose

1. The regulations provide for the operation of variable speed limits on sections of the A823(M) Pitreavie Spur Trunk Road between Pitreavie Roundabout and the M90 at Junction 2 Masterton Junction. These regulations are connected to the Integrated Transport System, included in the Forth Replacement Crossing Project.
2. The variable speed limits, to be displayed on road side signage, aim to allow the continued movement of traffic. Where variable speed limit signs are in operation, a vehicle may not be driven at a speed above the maximum indicated by each speed limit sign, passed by the vehicle.
3. A consultation on the provisions to be included in both these regulations and the M9/A90/M90 Trunk Road (Kirkliston to Halbeath) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2012 (SSI/2012/147) was undertaken by Transport Scotland and its report is

available at: <http://www.transportscotland.gov.uk/road/projects/forth-replacement-crossing/project-library/construction-plans-and-reports>.

4. The consultation, issued to 40 organisations, returned feedback in general support of the proposed variable speed limits and the intention to operate an actively managed hard shoulder. Several respondents also expressed the view that the restrictions applying to the use of bus lanes, which in the original proposal allowed only buses seating 28 or more people to use the lanes, could be relaxed to admit buses with a capacity of 23 or more. Other consultees suggested that the restriction (applied under the Motorways Traffic (Scotland) Regulations 1995) on certain types of buses, could be lowered or removed to allow use by a greater proportion of, or all, public service vehicles (those that can carry more than eight passengers).

5. The response to the consultation feedback explained that the bus restrictions were intended to limit the types of buses permitted to use the bus lane. This restriction aimed to allow on-going monitoring and evaluation of the operation of that bus lane, in order that the restriction might be relaxed if it could be demonstrated from the observation results, that it was appropriate to do so. The use of bus lanes by vehicles of 23 seats and over has therefore been included in recognition of the consultation feedback.

Consideration by the Subordinate Legislation Committee

6. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of the Parliament to the Regulations.

The M9/A90/M90 Trunk Road (Kirkliston to Halbeath) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2012 SSI/2012/147

7. The regulations provide for the operation of variable speed limits on sections of the M9/A90/M90 Edinburgh to Fraserburgh Trunk Road between M90 Junction 3 Halbeath and the M90 Junction 1 Admiralty Interchange; and on the M9 Spur between Scotstoun Junction and Humber Rail Bridge at Kirkliston. The regulations also create an actively managed hard shoulder on the southbound M90 between M90 Junction 2a Halbeath Interchange and M90 Junction 1 Admiralty Interchange, which in certain circumstances, may be driven on. The Motorways Traffic (Scotland) Regulations 1995 provided that only vehicles with a seating capacity of 23 or more would be permitted to use the hard shoulder in cases of emergency or by construction team traffic. These Regulations amend this provision to allow all vehicles to use the hard shoulder in such circumstances.

8. The Regulations also allow specified buses to use parts of the hard shoulder on stretches of the southbound carriageway of the M90, effectively turning the relevant length into a bus lane for the use of permitted buses, unless otherwise indicated.

A joint consultation was carried out in relation to both these regulations and the A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012. The outcomes of the consultation are discussed at paragraphs 3-5 above.

Consideration by the Subordinate Legislation Committee

9. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of the Parliament to the Regulations.

Recommendation

10. A copy of all the SSIs and their accompanying documents are included with the papers.

11. **The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on these instruments.**

Steve Farrell
Clerk to the Committee
June 2012

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

Subordinate Legislation

Title of Instruments	Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012 (SSI 2012/151) Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 SSI/2012/180 Property Factors (Registration) (Scotland) Regulations 2012 SSI/2012/181
Type of Instruments	Negative
Laid Date	SSI/2012/151 21 May 2012 SSI/2012/180 & 181 31 May 2012
Minister to attend the meeting	No
SSIs drawn to the Parliament's attention by Subordinate Legislation Committee	No
Reporting Deadline	SSI/2012/151 25 June 2012 SSI/2012/180 & 181 10 September 2012

Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012 (SSI 2012/151)

Purpose

1. These Regulations amend the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005, which prescribe the information that a person must provide, and make provision for the fees that a person must pay, in relation to landlord registration.
2. The Regulations require a private landlord applying to the register of landlords to declare any firearms or sexual offences as well as details of

antisocial behaviour orders or notices served on their property. This is due to the provisions set in in the Private Rented Housing (Scotland) Act 2011 (2011 Act) which extends the list of offences to which a local authority must have regard when considering applications for the register. The list was originally set out in the Antisocial Behaviour etc. (Scotland) Act 2004 (2004 Act) and is therefore amended by the provisions of the 2011 Act.

3. Application for registration carries a fee which is used to cover the necessary investigations to establish the applicant as fit and proper to be registered. In cases where a registered landlord later notifies the authorities that they have an unregistered agent, an investigation to determine the agent's fitness to register will be carried out. The Regulations will allow for the local authority to charge the landlord an additional fee to cover the work of the investigation, usually £55 the same amount as that of registration. When a landlord has not notified the local authority of an unregistered agent, despite two or more requests to do so, an additional fee of £110 will apply.

4. The Regulations also amend a definition that is used in the calculation of fees to clarify that it takes into account licences granted under the Housing (Scotland) Act 2006 (the 2006 Act) relating to houses in multiple occupation. It expands a definition so that it includes licences granted under part of the 2006 Act that came into force last year.

5. The financial effect to the Regulations will apply to the Scottish Government for the upgrade of their IT system to include the additional information required of landlords and to provide a template for paper application forms. Costs may also apply in terms of local authorities' enforcement of the new expanded test, however a small income will be made by the authorities as a result of the fee for the late appointment of an agent. The main financial impact will be for landlords who may have been able to appoint an agent after registration without paying a fee.

Consideration by the Subordinate Legislation Committee

6. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of the Parliament to the Regulations.

Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 SSI/2012/180

7. The Property Factors (Scotland) Act 2011 ("2011 Act") confers additional functions on the private rented housing panel and its committees. When exercising the functions conferred on them by the 2011 Act the private rented housing panel will be known as the homeowner housing panel and its committees will be known as homeowner housing committees.

8. These Regulations make provisions regarding the making and determination of applications by homeowners to the homeowner housing panel. They state the information that homeowners must provide when applying to the panel, including details on any alleged failure to carry out the

property factor's duty or the property factor's code of conduct. The Regulations further set the procedure for committees regarding the handling of applications and making of decisions on property factor enforcement orders.

Consideration by the Subordinate Legislation Committee

9. The SLC has yet to consider the Regulations. Further information will be available at the meeting on 20 June 2012.

**Property Factors (Registration) (Scotland) Regulations 2012
SSI/2012/181**

10. These Regulations prescribe additional information that a person must provide, and make provision for the fees that a person must pay, in relation to an application for entry in the register of property factors. They require that a property factor must provide details of certain criminal convictions (fraud or other dishonesty, violence or drugs) and violation of the law relating to tenements, property or debt and unlawful discrimination when applying to the register.

11. The regulations also require an applicant to supply a criminal conviction certificate ("basic disclosure" which does not disclose any spent convictions or cautions) when requested by the authorities in order to verify the information provided in the application.

12. The Regulations also set the fees for registration as a property factor which are £100 (where the property factor acts in relation to 100 or fewer properties) or £370 (where the property factor acts in relation to more than 100 properties). The fee will be payable every three years, the length of registration, and any income generated by them will contribute to the running costs of the register.

13. The costs associated with the Regulations apply to the Scottish Government who will be required to meet any shortfall between the fee income generated and the actual cost of administering the register of property factors. Financial implications will also be applicable to the homeowner as Property factors are likely to pass on the costs of registration to their homeowner clients, however, these have been deemed as negligible.

Consideration by the Subordinate Legislation Committee

14. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of the Parliament to the Regulations.

Recommendation

15. A copy of all the SSIs and their accompanying documents are included with the papers.

16. The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on these instruments.

Steve Farrell
Clerk to the Committee
June 2012

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

Subordinate Legislation Cover Note

Title of Instrument	Property Factors (Scotland) Act 2011 (Commencement No. 2 and Transitional) Order 2012 (SSI 2012/149 (C.12)) Private Rented Housing (Scotland) Act 2011 (Commencement No. 3) Order 2012 (SSI 2012/150 (C.13))
Type of Instrument	Commencement Order
Laid Date	21 May 2012
Circulated to Members	15 June 2012
Meeting Date	20 June 2012
Minister to attend the meeting	No
SSI drawn to the Parliament's attention by Subordinate Legislation Committee	No
Reporting Deadline	25 June 2012

Procedure

1. These instruments are laid before the Parliament, but are not subject to any Parliamentary procedure. Under the new procedure introduced by the Interpretation and Legislative Reform (Scotland) Act 2010, Scottish statutory instruments previously not laid, now require to be laid before the Parliament. Under Rule 10.1.3, any instrument laid before the Parliament is to be referred to a lead committee for consideration. Therefore, instruments laid only but not subject to any parliamentary procedure are also now referred to lead committees for consideration.

2. The requirement on lead committees to consider these instruments is an unintended consequence of the recent rule changes, brought into effect by the ILR Act. It is proposed that this requirement be removed in the next round of minor rule changes. Therefore, the requirement to note this type of instrument on the agenda is expected to be a temporary measure.

Background on the Property Factors (Scotland) Act 2011

3. The Property Factors (Scotland) Act 2011 (“the Act”) is intended to provide a framework for the increased protection of homeowners who use the services of a property factor. To do so it requires:

- a compulsory register for property factors;
- a new code of conduct with which all property factors will be required to comply; and
- a new statutory dispute resolution mechanism, to be known as the homeowner housing panel.

Purpose

Property Factors (Scotland) Act 2011 (Commencement No. 2 and Transitional) Order 2012 (SSI 2012/149 (C.12))

4. This Order brings into force on 1st July 2012, most of the provisions in the Act. This will allow the Scottish Government to invite applications for registration on the property factor register, in advance of 1 October 2012, when all remaining provisions of the Act will be brought into force.

5. Included in article 3 is a minor transitional provision to ensure that those whose who have applied for registration as a property factor by 1 October 2012 but have received confirmation by this date will not be guilty of an offence if operating as a property factor without registration.

6. The Order will also allow the homeowner housing panel and its committees to be established prior to the October deadline; however they will not be able to exercise their power until this point.

Private Rented Housing (Scotland) Act 2011 (Commencement No. 3) Order 2012 (SSI 2012/150 (C.13))

7. This Order brings sections 1 and 4(a) of the Private Rented Housing (Scotland) Act 2011 (the 2011 Act) into force on 1st July 2012.

8. Section 1 of the Act amends the Antisocial Behaviour etc. (Scotland) Act 2004, in terms of the registration of private landlords. The amendment means that in considering any applications for registration the local authority will take into account any previous offences, such as those relating to property maintenance, control of antisocial behaviour or criminal convictions. These matters will be relevant to determining whether an applicant is fit to be registered or to hold a licence in relation to housing multiple occupants.

9. This Order also completes the commencement of Section 4(a) of the 2011 Act in regards to prescribed fees, meaning that a registered landlord appointing an agent to act for them will be required to notify the registry authorities and will then be charged the relevant fee.

Subordinate Legislation Committee

10. The Subordinate Legislation Committee (SLC) determined that it did not need to draw the attention of the Parliament to the above Orders.

11. A copy of the SSIs and all accompanying documents, are included with the papers.

Recommendation

12. **The Committee is invited to take note of this instrument.**

Steve Farrell
Clerk to the Committee
June 2012

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

PETITION PE1115

Introduction

1. The Public Petitions Committee (PPC) has referred the following petition, which was lodged on 22 January 2008, to the Committee for further consideration:

Petition by Caroline Moore on behalf of the Campaign to Open Blackford Railway-station Again calling for the Scottish Parliament to urge the Scottish Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station which is identified as a priority action in the latest Tayside and Central Regional Transport Strategy, and in doing so, recognises and supports the positive environmental, economic and social impacts of such local solutions.

Background

Consideration by the PPC

2. The PPC considered the petition at its meeting on 1 November 2011 and agreed to refer the petition to the Infrastructure and Capital Investment Committee for further consideration of the issues raised in it, as part of the Committee's remit.

3. The petition was considered by the PPC at various meetings throughout Session 3. The outcomes from these meetings and the responses received from numerous transport operators, stakeholders and Transport Scotland, can be seen on the webpage for [PE1115](#). Consideration of the petition was suspended throughout 2008-09 until Transport Scotland had published the Strategic Transport Projects Review and the STAG appraisal on the Tay Estuary Rail Study had been completed. The PPC then delayed further consideration of the petition until Transport Scotland had completed its examination of the proposals made in the Tay Estuary Rail Study and responded to the Tay and Central Scotland Regional Transport Partnership.

4. Throughout 2010-11 the PPC wrote to Transport Scotland and Perth and Kinross Council, seeking clarification on several points raised during discussions on the petition, including the transport planning for the 2014 Ryder Cup and the timetable of TACTRAN's work on transport infrastructure in the Tayside and Central area.

5. Whilst the petitioners have presented a range of arguments supporting the reopening of Blackford Station, including a business case they commissioned, Transport Scotland has consistently maintained that it has no

current plans to reopen it. Members will wish to note that in its latest letter to the PPC, on 29 August 2011 (Annexe B), Transport Scotland stated—

“As I have explained in previous correspondence our investment strategy as set out in the Strategic Transport Projects Review, makes clear that making best use of current stations to achieve optimum utilisation of the existing network should be considered before the opening of new or former stations. As such, we have no plans to reopen Blackford Station.”

6. In a response dated 4 October, the petitioners expressed their disappointment that Transport Scotland’s position had not altered and requested that the Petition be referred to the ICI Committee (Annexe C).

Consideration by the ICI Committee

7. The Committee considered petition PE1115 at its meeting on 14 December 2011. The Committee discussed the business case put forward by the petitioner and acknowledged the merits of its proposals. The Committee recognised however, that it would not be appropriate for it to become involved in assessing proposals for the reopening of specific railway stations and agreed to consider PE1115 further during its work on the rail 2014 consultation.

8. During March and April 2012 the Committee undertook a brief scrutiny of the issues involved in the Scottish Government’s preparation for the next passenger rail franchise period. As part of this, the Committee discussed the further potential for increasing the number and location of stations across Scotland.

9. The Committee published a report of its findings in May 2012. It noted in its recommendations (paragraph 94) that Transport Scotland had launched the Scottish Stations Investment Fund, allowing applicants to state their case for the reopening of stations, and that this would provide an opportunity for the COBRA petitioners to pursue their proposals.

10. Further to this suggestion, the petitioners have been directed to the relevant department of Transport Scotland in order to pursue the possible options presented by the Fund.

Further Information

11. A copy of the original petition is attached at Annexe A, the Official Reports from the PPC meetings at which the petition was considered, a SPICe briefing on the subject and the written submissions received from the petitioner and the Scottish Government, are available at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/40005.aspx>

12. The [papers, minute and official report](#) from the Committee's meeting on 14 December 2011, at which the petition was considered, as well as a link to its [Rail 2014 report](#), are available on the Committee's website.

Recommended Action

13. In view of the Committee previous consideration of the petition and the outcomes of its Rail 2014 report, the Committee is invited to formally close PE1115.

Steve Farrell
Clerk to the Committee
June 2012



The Scottish Parliament

ANNEXE A

(For official use only) PUBLIC PETITION NO.	PE1115
--	--------

Should you wish to submit a public petition for consideration by the Public Petitions Committee please refer to the guidance leaflet entitled "How to submit a public petition".

NAME OF PRINCIPAL PETITIONER:
Mrs P Graham
TEXT OF PETITION:
Petition by Pat Graham on behalf of the Campaign to Open Blackford Railway-station Again, calling for the Scottish Parliament to urge the Scottish Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station which is identified as a priority action in the latest Tayside and Central Regional Transport Strategy, and in doing so, recognises and supports the positive environmental, economic and social impacts of such local solutions.
ACTION TAKEN TO RESOLVE ISSUES OF CONCERN BEFORE SUBMITTING PETITION:
The campaign to reopen Blackford railway station has been ongoing since 2001 when it successfully campaigned to prevent the opening of a general freight depot. It was proposed at the time that a passenger station with dedicated freight access for Highland Spring would be more beneficial to the village and surrounding area. Campaign Members have been involved as key consultees in the development of the draft regional transport strategy. The proposal was also debated at the Scottish Parliament on 28 March 2007 with great support. Campaign members have also lobbied and approached a number of key organisations and individuals to get their support in promoting this campaign with the key decision makers. Elected representative support: Gordon Banks MP, John Purvis MEP, Murdo Fraser MSP, Elizabeth Smith MSP, Roseanna Cunningham MSP, Perth & Kinross Council, Stirling Council, Anne McGuire MP, Richard Simpson MSP, Murdo Fraser MSP, Ted Brocklebank.
ADDITIONAL INFORMATION:
Key advantages of the proposal:
<p>1. ENVIRONMENT</p> <ul style="list-style-type: none"> • A re-opened station, by reducing road transport, will enhance the environment, address traffic growth issues and reduce pollution not only locally but also in a much wider area. • With Climate Change high on both the national and local agenda this initiative will encourage the use of public transport along the A9 corridor and gives commuters and tourists a real alternative to the car and will be of significant environmental benefit to the region as a whole. • Support for this proposal will demonstrate commitment to the climate change

declaration

2. SAFETY

- The station site is well lit, within village boundaries, highly visible and overlooked by a signal box which is manned 24 hours per day.
- Currently the only station between Dunblane and Perth is Gleneagles which can only be reached by rail or by car access from the A9 with all the associated dangers of that road.
- Any reduction in traffic off the public roads has safety advantages

3. ECONOMY

- Tourism, local businesses and new developments will benefit. As proposed in the government's "Community Rail Development Strategy" opportunities for new business will be created including mini-franchises on the station site.
- The area round Blackford is designated to be the location of the largest tourist related development in Scotland with a potential for an investment of £400 million
- Economic benefits through making Perth and Stirling tourist and retail attractions more accessible to a wider population base with no further impact on traffic congestion.

4. ACCESSIBILITY

- Rail-owned car-park space already exists on both sides of the rails at Blackford. This would help solve the parking problems at existing stations e.g. Dunblane. The local bus service owner is interested in providing an integrated bus/train service for the Strathearn/Strathallan communities. This service is not currently available.
- Unlike the local Gleneagles Station the level crossing gives access to both North and Southbound platforms. Capability Scotland and the Centre for Accessible Environments agree that this is "best practice" access for the disabled as well as for any wheeled vehicle (bicycle, push-chair, luggage trolley etc).
- There is an alternative B road access to the station which is within walking distance of the proposed multi million Pound resort development GWest site.
- Current evidence suggests that a significant number of commuters from the Perth and the surrounding area travel to Dunblane by car to pick up the train to Edinburgh or Glasgow. This is a perverse situation which results in a significant number of car journeys along an already congested road which are wholly unnecessary. The opening of a station at Blackford coupled with the lobbying of the rail company to adjust their pricing policy would greatly reduce the negative environmental impacts of these unnecessary journeys and also alleviate the impact on the residents of Dunblane where we are aware that parking spills over from the rail station parking facilities causing further congestion and inconvenience
- Currently the population for the Community Council areas covering the villages and towns most likely to access Blackford Station (i.e. the Blackford, Strathallan, Strathearn, and Auchterarder area) is approximately just over 9100. The house building presently underway and that planned for the near future will take this figure to approximately 10360 – a re-opened station at Blackford with a fully integrated bus service would be of immense benefit.
- The Perthshire area offers excellent leisure opportunities such as cycling, walking etc. A station at Blackford would mean that walkers and cyclists can access the area direct without the requirement of a car. Therefore support for this proposal would also demonstrate the Scottish Government's commitment to promoting healthy living.

E-PETITION:

Do you wish your petition to be hosted on the Parliament's website as an e-petition?

YES

NO

If "Yes" please enter a closing date for gathering signatures on your petition, (we would usually recommend a period of around 6 weeks; please also provide at least one comment to

set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

CLOSING DATE:

30 January 2008

COMMENTS TO STIMULATE ON-LINE DISCUSSION:

Current national and regional transport strategies continue to focus on road infrastructure - more investment is required in developing public transport solutions to ensure a truly integrated transport network suitable for 21st century needs.

STATEMENT TO THE COMMITTEE:

Are you willing and/or available to attend if required by the Convener of the Committee?

YES

NO

SIGNATURE OF PRINCIPAL PETITIONER:

Signature Date

ANNEX B

Rail Directorate

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7561, Fax: 0141 272 7560
Frances.duffy@transportscotland.gsi.gov.uk



CÒMHDHAIL
ALBA

TRANSPORT
SCOTLAND

Alison Wilson
Assistant Clerk
Public Petitions Committee
Room T3.40
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref:

Our ref:

Date:
29 August 2011

Dear Ms Wilson,

Consideration of Petition PE1115

Thank you for your letter of 4 April to Carron Pollock in relation to Petition PE 1115, which supports the re-opening of Blackford Railway Station.

Your letter enquires if a final decision has been reached on whether to reopen Blackford Railway Station or to upgrade Gleneagles Railway Station.

As I have explained in previous correspondence our investment strategy as set out in the Strategic Transport Projects Review, makes it clear that making best use of current stations to achieve optimum utilisation of the existing network should be considered before the opening of new or former stations. As such, we have no plans at present to reopen Blackford Railway Station.

Transport Plan for 2014 Ryder Cup

The transport plan currently being developed by Events Scotland, Perth & Kinross Council and Transport Scotland for the 2014 Ryder Cup is exploring strategies to improve access from Gleneagles Station, including road links to service the station for the event. As explained previously the plan will be fine-tuned over the next three years as ongoing consultation with relevant stakeholders takes place. It is anticipated that the transport plan will take the form of an access strategy rather than a formal published document.

I hope this helps to clarify the present position.

Frances Duffy
Director of Rail Directorate

ANNEXE C

David Stewart, MSP
Convenor of the Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

4th October 2011

Dear Mr Stewart,

PETITION PE115 - REQUEST TO REFER PETITION TO THE INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

Prior to the recent parliamentary recess our petition (PE1115), which campaigns for the reopening of Blackford Railway Station, was classified as a “legacy” petition to be reconsidered by the new Public Petitions Committee (PPC). We have recently been advised that the PPC is scheduled to consider our petition again at its meeting on 1st November 2011.

We have also received a recent response from Transport Scotland dated 29th August 2011 in relation to a final decision on whether to re-open Blackford Station in preference to upgrading Gleneagles Station. Disappointingly, this response still reiterates a policy position which favours investing in existing stations in preference to investing in new or former stations.

We strongly attest that in the current economic climate, the investment decision should be based on the optimal business case, taking into account the economic, social and environmental impacts on a case by case basis. We disagree that the current hierarchy for investment should be targeted on current stations and services in precedence to new or re-opened stations. Most of the existing rail stations and infrastructure date back to the late 19th and early 20th century – since then, population growth, wider transport infrastructure developments, changing social and environmental demands mean that investing in the past may no longer be relevant, or financially prudent, to meet current and future rail demands.

We have consistently demonstrated that re-opening Blackford Station provides the strongest business case and this position was reflected in the independent assessment undertaken by AECOM transport consultants. We would strongly urge that the current policy position is re-considered and that the focus should be on the comparative business cases associated with the potential options to improve rail services in this rural area.

Consequently, my purpose in writing is to formally request that our petition be referred to the Infrastructure and Capital Investment Committee (ICIC), a move that I understand is accommodated within the standing orders of the PPC.

The PPC has considered our petition on a number of occasions since early 2008 when it was first submitted. Over the last three years, we have submitted numerous reports, written responses and related submissions while the PPC has consulted various stakeholders on our behalf to request additional information or clarifications.

During this time we have continued to build on strong, cross-party political support for our campaign with numerous site visits, AGM attendance and written support by many MSPs and MPs. We also had a constructive meeting with the Transport Minister and a Transport Scotland official prior to the recent recess where we presented our summary business case that was followed up by a very constructive site visit from the Transport Minister.

Our campaign has gained significant benefits while under PPC consideration, heightening awareness amongst all key stakeholders, strengthening our widespread community support and keeping the campaign in the media's eye.

However, we strongly believe that referring our petition to the ICIC will have mutual benefits. With the new Rail Utilisation Strategy, the next round of the ScotRail franchise, and the impending High Level Output Specification for 2014-2019, it would be a very prescient time to refer the campaign for consideration by the subject committee directly responsible for rail investment. For the PPC, this will free up valuable committee time for consideration of other petitions.

We would be very happy to meet with you to discuss our proposal and to discuss any other action that the PPC considers appropriate in actively progressing our petition to the next stage.

Meanwhile on behalf of COBRA, the campaign group responsible, I would like to thank the PPC for the time and consideration that has so far been given to our petition. If you require any further information at this stage please do not hesitate to contact me.

I look forward to your early reply.

Yours sincerely

Neil Gaunt
Chair, COBRA

Infrastructure and Capital Investment Committee

12th Meeting, 2012 (Session 4), Wednesday, 20 June 2012

European issues – Consideration of work programme

Purpose

1. This paper sets out the Committee's EU priorities and invites Members to consider possible options, as recommended by the EU Reporter, for taking this work forward.

Background

2. In March 2012, the Committee agreed its priorities for engagement with the European Union, based on the European Commission work programme for 2012. These priorities have been endorsed by the European and External Relations Committee and were debated in the Chamber. The priorities are set out below, in turn.

3. As a first step, the Committee wrote to the Scottish Government seeking details of how the Government had engaged and planned to engage on each of the EU priorities. The Committee also sought information on what the Government considered the implications for Scotland to be and in particular whether the EU priorities potentially raise subsidiarity concerns. The Scottish Government response is included at the **Annexe**.

EU priorities and options for further work

Review of State aid guidelines for broadband networks

4. Current EU guidelines set out the detailed rules and conditions on how public funds can be granted to broadband networks in line with the State Aid regulations. The European Commission launched a consultation in April 2011 to which the Scottish Government responded. It is understood that the Commission plans to publish revised guidelines for further consultation before September 2012.

5. It is expected that there will be opportunities later in 2012/early 2013 for the Committee to consider the Government's broadband procurement package as well as the action required to meet the broadband target for 2020. **It is, therefore, recommended that an appropriate course of action would be to consider the draft guidelines when they are published in conjunction with any follow-up work on the Committee's broadband infrastructure inquiry.**

Digital Agenda for Europe

6. The Digital Agenda is a key flagship initiative that aims to contribute significantly to the EU's economic growth and spread the benefits of the digital era to all sections of society. The Agenda outlines a number of priority areas for action at EU, Member State and regional levels and estimates that a total of €270bn public and private investment will be required to meet the targets.

7. In its response to the Committee's broadband report, the Scottish Government confirmed that it was exploring potential funding streams for the development of Scotland's broadband network, including the new Connecting Europe Facility. **It is, therefore, recommended that the Committee monitors the progress of the Digital Agenda and the sourcing of potential EU funding for Scotland, in conjunction with any follow-up work on the Committee's broadband infrastructure inquiry.**

8. In addition, the European Commission is seeking views on how to cut the costs of setting up new networks for high-speed broadband in the EU. In particular, the Commission wants to explore how to reduce the costs associated with civil engineering, such as the digging up of roads to lay down fibre, and which can account for as much as 80% of the total cost. **It is recommended that the Committee monitors the Commission's work in this area and submits its recent broadband infrastructure report, which covers relevant issues, to the Commission for its consideration.**

Directives on public procurement

9. The European Commission is currently revising EU public procurement policy and aims to have the new directives finalised by the end of 2012. Thereafter, Member States will be required to implement the directives into national legislation.

10. As Members are aware, the Scottish Government intends to introduce a Sustainable Procurement Bill in early 2013. It is understood that the Bill will incorporate the newly-agreed EU policy.

11. **It is recommended that—**

- **the Committee continues to raise relevant EU issues at future informal procurement briefings (the next one is expected to be with the Scottish Futures Trust); and**
- **consideration of EU issues, including how other authorities have interpreted the EU rules in this area, should be incorporated in the Committee's scrutiny of the review of public procurement in Scotland and the forthcoming Sustainable Procurement Bill.**

Trans-European Transport Networks (TEN-T)

12. TEN-T is a planned set of road, rail, air and water networks designed to serve the EU through greater interconnectivity. It is understood that negotiations have been ongoing in the European Council and that a compromise position has now been reached. Further discussions will now take place in order to reach agreement with the European Parliament.

13. The Scottish Government has confirmed that it has been working closely with the Department for Transport to ensure that Scotland is suitably represented on the new network maps and that these reflect key corridors identified in the Strategic Transport Projects Review (STPR) and National Planning Framework (NPF).

14. **It is recommended that the Committee seeks to include discussion on the TEN-T in conjunction with the Committee's consideration of the revision/update of the STPR and NTS, which is scheduled for later in 2012. In addition, the Committee may also wish to have regard for TEN-T through any work that it chooses to undertake on high speed rail. In addition, it is suggested that the EU Reporter should keep the Committee updated on consideration by the European Parliament of TEN-T and the associated funding stream (the Connecting Europe Facility).**

Passenger rights in all transport modes

15. Whilst a minimum standard of passenger protection will exist across all transport modes from early 2013, the European Commission considers that further work is required to ensure the full implementation of these rights across the EU. It is understood that the Commission will consider later in 2012 whether to propose the revision of passenger rights regulation.

16. The Scottish Government intends to continue to monitor EU proposals in relation to passenger rights and to consider whether these should be implemented through legislative or non-legislative means. The UK Government has indicated that, in its view, further legislation in this area could raise subsidiarity concerns.

17. In the absence of a legislative proposal, it is recommended that the Committee should monitor the development of the Commission's proposals in relation to transport rights.

Legislative framework for electronic identification, authentication & signature

18. The proposal from the European Commission aims to increase the usability of e-signatures and to ensure the possibility of cross-border interoperability through mutual recognition and acceptance of national e-IDs. A draft directive published by the Commission seeks, for example, to enable students to register for foreign universities online, and companies to tender online for public contracts within the EU.

19. The Scottish Government has confirmed that it will monitor the development of the legislative framework.

20. It is recommended that the Committee should monitor the development of the Commission's proposals in relation to the framework. In addition, it is suggested that the EU Reporter undertakes initial investigation in relation to the Commission's proposals and reports back to the Committee in due course.

Smart ticketing, multimodal scheduling, information and online reservation

21. The European Commission aims to establish interoperable and seamless Intelligent Transport Systems (ITS) services across the EU. Legislative proposals are expected in 2014.

22. The Scottish Government has indicated that it has a particular interest in the proposals for advance booking of lorry parking slots in connection with maritime freight. The Commission has recently consulted on this issue and

intends to conduct an Impact Assessment with a view to agreeing final proposals later in 2012.

23. It is recommended that the Committee should monitor the development of the proposals for lorry parking slots in connection with maritime freight along with other ITS-related proposals.

Framework for future EU ports policy

24. Although the initiative is due for publication in 2013, it is understood that it will include proposals to better enable ports to handle increasing volumes of freight and enhance the transparency of financing.

25. As the initiative is at an early stage of development, the Scottish Government has not yet engaged on the issues. However, the Government expects that the initiative will have implications for Scotland.

26. Given their likely significance for Scotland, it is recommended that the proposals merit further consideration by the Committee. As a first step, it is suggested that the EU Reporter seeks further details from the Commission on its proposals and reports back to the Committee.

Revising passenger ship safety

27. The European Commission proposals will seek to simplify and clarify the legislative framework by removing excessive provisions currently applicable to small ships and small transport companies. The Commission is currently consulting on its proposals and the Scottish Government has confirmed its intention to submit a response in conjunction with appropriate partners. Early indications are that the proposals could have a significant impact on Scotland's lifeline ferry services and cruise shipping industry.

28. Given their likely significance for Scotland, it is recommended that the EU Reporter assesses the proposals and reports back to the Committee. Also, it is suggested that the Scottish Government should provide a copy of its consultation response to the Committee in due course.

Other relevant European issues

Safeguarding Europe's Water Resources

29. The European Commission is proposing a Blueprint to safeguard Europe's water to assess the implementation and achievements of the current policy for freshwater while identifying gaps and shortcomings. The Blueprint, which is linked to the Europe 2020 Strategy for growth, will identify measures and tools that may be needed in several EU policy areas in order to ensure the sustainable use of good quality water in the EU in the long term and in the context of climate change.

30. In addition, the Commission has proposed to create a European Innovation Partnership on Water as a way in which to encourage greater innovation in the water sector by removing barriers to innovation and connecting the supply and demand sides of water-related innovations. Its activities will be structured around urban, rural and industrial water management.

31. As Members heard during the recent informal briefings, the Commission's Blueprint for water is relevant to a number of areas of interest to the Committee. It is, therefore, recommended that the Committee incorporates consideration of the EU perspective in its scrutiny of the forthcoming Sustainable Procurement and Water Resources bills, as appropriate.

32. In doing so, it is suggested that any findings should be reported to the Rural Affairs Committee on the basis that the EU policy area has been identified as an EU priority by that Committee.

Conclusion

33. The Committee is invited to—

- **consider the recommended actions under each EU priority and to agree a course of action;**
- **where appropriate, to delegate authority to the EU Reporter to undertake inquiries and to report back to the Committee; and**
- **write to the Scottish Government to confirm its approach and to seek further clarification where the EU Reporter considers it to be necessary.**

**Aileen McLeod MSP
EU Reporter
June 2012**

Scottish Government response on the Committee's EU priorities—

REVIEW OF STATE AID GUIDELINES FOR BROADBAND NETWORKS

The European Commission launched a public consultation on the review of public funding for broadband networks in April 2011. The Scottish Government sought stakeholders' views on the questions raised by this throughout May and June 2011. Their responses were consolidated into a Scottish position that in turn became part of the UK response to the European Commission on 2 September, available on the Commission's website alongside other Member States' contributions.¹

The Commission now plans to publish draft revised guidelines for a new round of public consultation before September 2012. When they are available, we will circulate them for comment from stakeholders on their implications for current and planned projects.

In summary, the Scottish Government's response said:

- Broadband definitions should be technology-neutral, but should take into account factors such as speed, dependability and affordability;
- Definitions of Next Generation Broadband (NGB) areas should take backhaul costs into account;
- It is useful to distinguish between basic broadband and NGB networks;
- Operators' investment plans aren't always reliable indicators of local market conditions;
- More aid should be allowed for connections to end users in rural areas;
- Open access to existing NGB networks is a more realistic way of achieving competition in rural areas than building multiple networks;
- The open access time limit for NGB networks is too short to establish a competitive market in some circumstances; and
- We do not support the proposal for vertical separation of operators of subsidised networks.

These points were incorporated in the UK's response to the Commission, so we are content that our views have been reflected at the Member State level. Had this not happened for any issues that we considered sufficiently important to Scotland, we would have considered making a separate submission directly to the Commission.

State Aid – Broadband Programme Delivery

The Scottish Government is currently examining State Aid issues in detail in respect of the respective procurements that we and Highlands and Islands Enterprise (HIE) are currently taking forward to deliver the 2015 digital connectivity targets set out in *Scotland's Digital Future: Infrastructure Action Plan*², published in January 2012. In delivering the *Infrastructure Action Plan*, the Scottish Government will take into account any new/amended State Aid issues arising from the Commission's current programme of revisions to the Guidelines.

Our external engagement in relation to State Aid issues has so far been restricted to the UK Government, which is in the latter stages of finalising an "umbrella" notification for next generation broadband projects in the UK. The UK Government is thereafter expected to

¹ http://ec.europa.eu/competition/consultations/2011_broadband_guidelines/index_en.html

² <http://www.scotland.gov.uk/Publications/2012/01/1487/0>

have delegated authority from the Commission in determining aid compatibility for broadband projects, therefore the bulk of our future engagement is expected to be with the UK Government. The Scottish Government fully expects to use the UK Government's umbrella notification unless a —stopping” reason occurs which prevents us doing so. It is worth noting that the Commission have referred back to the UK Government some early notifications it received other parts of the UK – with the expectation that solely the umbrella notification will be used in the UK. Notwithstanding, we expect to engage with both the UK Government and the Commission in respect of notification of the broadband procurements as —major projects”.

THE DIGITAL AGENDA FOR EUROPE AND SCOTLAND

The Scottish Government is aware of the broadband targets set out in the EU's Digital Agenda for Europe (and indeed the targets set out by the UK Government). The EU target is specifically referenced in the Scottish Government's Digital Strategy *Scotland's Digital Future: A Strategy for Scotland*³, published in March 2011. As the Committee are aware, the Scottish Government's follow-up document, *Scotland's Digital Future: Infrastructure Action Plan*⁴, published in January 2012, sets out our commitment to ensuring the availability of world-class digital access in Scotland by 2020. It also sets an interim milestone of ensuring the availability of broadband at a speed of 40-80 Megabits per second (Mbps) to 85-90% of premises by 2015. These targets are more ambitious than both EU and UK targets.

Engagement with the Commission with regards to broadband infrastructure in the context of the Digital Agenda has been restricted to specific funding issues related to the Scottish Government's broadband programme. The Scottish Government has successfully secured a change to the Lowlands and Uplands (LUPS) programme to allow up to £20 million of ERDF Priority 4 funding to be allocated for the purposes of SME connectivity in the LUPS area in the current programming period. We have also had initial discussions with the Commission with regards to potential future funding from the new Connecting Europe Facility (CEF).

As the Committee will be aware, Scottish Ministers do not have an automatic right to attend the Transport, Telecommunications and Energy Council, where broadband issues are discussed. However, Ministers do engage directly with the Commission.

DIRECTIVES ON PUBLIC PROCUREMENT AND ON PROCUREMENT BY ENTITIES OPERATING IN ENERGY, WATER, TRANSPORT AND POSTAL SERVICES SECTOR

The European Commission published a Green Paper consultation on modernisation of EU public procurement policy in January 2011.

The Commission published proposals for revised Directives on public procurement and procurement in the utilities sector and a new Directive on the award of concession contracts in December 2011. The Commission aims to finalise the new Directives by December 2012. If this is achieved, there will be a requirement on Member States to transpose the adopted Directives into national legislation by June 2014.

In March 2012, the Commission published a separate proposal for a Regulation on the access of third country suppliers to the EU public procurement market. The timescale for negotiations on the proposed Regulation has not yet been confirmed.

³ <http://www.scotland.gov.uk/Publications/2011/03/04162416/0>

⁴ <http://www.scotland.gov.uk/Publications/2012/01/1487/0>

The Scottish Government has devolved responsibility for the development and application of public procurement policy. The Scottish Parliament has the power to implement EU public procurement law: current Directives on procurement have been transposed into Scots law by the Public Contracts (Scotland) Regulations 2012 (as amended) and the Utilities Contracts (Scotland) Regulations 2012 (as amended).

The Scottish Government is fully supportive of the Commission's work to modernise EU public procurement law in order to increase the efficiency of public spending. We agree that improvements are necessary to ensure that procurement processes are fit for purpose and support other policy aims. We believe that there is a need to radically simplify the rules and make the award of contracts more flexible.

There are two areas where we believe the Commission proposals do not go far enough: we are pressing for a change to the rules to allow public bodies to take account of local economic impact in their contract award decisions; and we are pressing for a significant increase in the threshold levels at which the rules apply.

In addition, there are two areas where we have significant concerns about the practical implications of the Commission's proposals. First, the Commission's proposal that each Member State should establish a single national 'oversight body' (combining administrative, regulatory and judicial functions) fails to take account of the fact that, within the UK, responsibility for the development of procurement policy and the implementation of EU procurement legislation is devolved in Scotland and Scotland has a separate legal system. Second, we question whether the Commission's proposal for a standardised, EU-wide passport is workable in its current form.

The Scottish Government believes that there is little statistical evidence to suggest that legislation is required on concession contracts. However, we are not opposed to the principle as long as the rules for such contracts are as straightforward and simple as possible, whilst facilitating transparency and fair competition and promoting economic growth.

We believe that, insofar as it is possible, the rules on concession contracts should be consistent with the rules applicable to public contracts.

The Scottish Government believes that there should be no new intervention at EU level in the access of third country suppliers to the EU public procurement market.

The access of third-country suppliers to public contracts in Scotland has not been a significant issue to date and there is a risk that the proposed Regulation could: affect open, international trade and adversely impact on Scottish exports; complicate and add to the bureaucracy of the procurement process; involve the Commission in procurement decisions which to date have been the sole responsibility of contracting authorities; and potentially prevent value for money being achieved for contracting authorities and the tax-payer.

We believe that public bodies in Scotland should have the choice of accepting or rejecting bids from third countries according to the particular circumstances.

The Scottish Government submitted a formal response to the Commission's Green Paper in March 2011 highlighting the issues of particular relevance to public procurement activity and the market in Scotland.

Following publication of the legislative proposals, we have been working closely with the UK Government (which has responsibility for negotiating the proposals in Brussels) on the detail of the texts.

I wrote to the European Commissioner for Internal Market and Services, M. Michel Barnier, on 16 February 2012 to request a meeting to discuss the Commission's proposals and to press for a change to the rules to allow public bodies to take account of local economic impact in their contract award decisions and for a significant increase in the thresholds at which advertisement in the Official Journal of the European Union is required. I am due to meet the Commissioner in June.

As mentioned above, we are concerned that the Commission's proposal that each Member State should establish a single national 'oversight body' fails to take account of the fact that, within the UK, responsibility for the development of procurement policy and the implementation of EU procurement legislation is devolved in Scotland and Scotland has a separate legal system. We also believe that the proposal may breach the subsidiarity principle.

We submitted a briefing paper to the Committee in February this year, prior to its consideration of this issue.

The Committee requested further information on how the Scottish Government intends to engage with the UK Government on the new Directives and to ensure that its concerns about subsidiarity are given full and proper consideration at UK and EU levels.

My officials contributed to Explanatory Memoranda on the new Directives submitted to the UK Parliament (Explanatory Memoranda 18964/11 and 18966/11) which identified that this element of the Commission's legislative proposal may breach the subsidiarity principle.

I wrote to the Minister for the Cabinet Office and Paymaster General on 25 January 2012 outlining my concerns about the provisions relating to the national oversight body and expressing our view that the UK should strongly oppose them in their current form and indeed, that they should be removed in their entirety. The Scottish Government also submitted briefing on this issue to the EU Subsidiarity Monitoring Network in March 2012.

I am pleased to report that in negotiations, the majority of Member States shared our opposition to the proposal for a national oversight body and that the Commission has agreed to bring forward significant amendments.

TRANS-EUROPEAN TRANSPORT NETWORK (TEN-T)

TEN-T is a planned set of road, rail, air and water networks designed to serve the European Union through greater interconnectivity. The European Commission published proposed revised TEN-T regulations on 19 October 2011, setting out a dual layer TEN-T network: Comprehensive and Core. The Comprehensive network consists of all main transport routes and connections, with the Core network containing the routes of greatest strategic importance for Europe, and those most likely to receive associated TEN-T financial support up to 2020.

We have worked closely with the Department for Transport (DfT) to ensure that Scotland is suitably represented on the new network maps and that these reflect key corridors identified in our Strategic Transport Projects Review (STPR) and National Planning Framework (NPF).

Scotland is well represented on the Comprehensive network across all modes and across the country, including the islands. On the Core network, Glasgow and Edinburgh are Scotland's nodes, based upon population and traffic flows across various modes. The Core network links these nodes to each other and to English nodes by road and rail. It also links to Stranraer (en route to the Core node of Belfast) via rail passenger services.

The draft regulations published last October set out demanding and wide-ranging requirements that would apply to the entire Core and Comprehensive Networks, with legally binding deadlines for implementation of 2030 and 2050 for the respective networks. Standards included full electrification of rail lines, all roads to have controlled access, and certain ports and airports to have rail and road links.

The estimated cost of upgrading the Scottish TEN-T network to the proposed standards was: £25 billion - £58 billion for trunk roads; around £2.8 billion for rail; and around £900 million for new rail links to Glasgow and Edinburgh airports.

Member States raised serious concerns over the potential cost and lack of flexibility, and the Commission's subsequent compromise text is far more flexible, removing much of the potential cost implications for road and rail, and allowing for exemptions where there is not a positive economic case for developing connections. The deadlines are also now drafted to be indicative rather than binding.

As part of overall 2014-2020 Budget discussions, the EU is proposing a new mechanism – the Connecting Europe Facility (CEF) – to support Trans-European Networks for transport, energy and digital connectivity. Under the CEF €21.7 billion (plus €10 billion Cohesion funding) is earmarked for strategic European transport projects, closely aligned to TEN-T priorities.

The majority of TEN-T funding is expected to be prioritised for the Core network, with an initial focus on certain sections (–Gore Corridors”). The Glasgow to Edinburgh is mentioned as a priority section in terms of rail upgrading following Transport Scotland's suggestion that the Edinburgh Glasgow Improvement Programme should be considered as a priority project.

We support the principles of TEN-T, that coordinated improvements to the network will provide more integrated and intermodal long-distance high-speed routes across Europe, and believe it will support sustainable economic growth. However, we have made it clear to the Commission, both directly and through DfT, that it should be for individual regions and Member States to strategically prioritise and deliver projects on their national networks, especially at a time of limited domestic and European funding.

The Minister for Housing and Transport attended the EU Transport Council on 22 March 2012, where the Council agreed on a General Approach on the compromise text. That text will be the basis for discussions between the Council and the European Parliament, whose approval is also required for the adoption of the guidelines.

The Minister also met with the two MEPs responsible for taking forward the TEN-T dossier in the European Parliament, making the case for further Scottish representation on the Core network and for the Parliament to recognise the need for economic viability to be enshrined within the new TEN-T guidelines.

Transport Scotland officials continue to work closely with their counterparts in DfT and the other devolved administrations with an aim to ensuring that the compromises reached with

the Commission remain in place as the European Parliament develop their position. Further discussions will be sought with MEPs and the Commission as appropriate.

Officials will also continue to monitor the development of the CEF and its potential to support Scottish transport priorities.

A EUROPEAN VISION FOR PASSENGERS: COMMUNICATION ON PASSENGER RIGHTS IN ALL TRANSPORT MODES

On 19 December 2011, the European Commission published *A European Vision for Passengers: A Communication on Passenger Rights in all Transport Modes*. The Communication reflects the position of the EU Transport White Paper (March 2011) reporting that while existing passenger rights rules provide minimum protection for citizens, there remains a need for better implementation of passenger rights, increased intermodality and greater passenger awareness. This Communication is intended to be the first step towards consolidating the modal rules on passenger rights into an intermodal vision. The Commission plans to continue working on both regulatory and non-regulatory means of enhancing passenger protection and to ensure that EU legislation is applied in a proportionate and effective manner.

The Communication sets out core EU passenger rights principles across a range of areas. These include commitments to non-discriminatory access, including for those with a disability or reduced mobility. Several rights relate to the reimbursement, compensation and general treatment of passengers subject to delayed or cancelled travel, loss of luggage or injury. Other rights are more administrative, relating to the provision of travel information, effective complaints handling and the enforcement of EU law.

Maritime and bus and coach passenger rights will come into force from December 2012 and March 2013, respectively. Following this, a minimum degree of protection for passengers will exist across all modes.

The Commission will consider in 2012 whether to propose the revision of passenger rights regulation establishing common rules on compensation and assistance to passengers in the event of denied boarding, cancellation and long delay of flights. This issue was consulted upon in December 2011. It is not yet known what further specific measures the Commission will propose in order to create greater intermodality between passenger rights regulations and guidance.

The Scottish Government believes it is important that passengers enjoy reasonable levels of protection in all modes of transport. We will monitor individual EU proposals to fulfil their core passenger rights and consider whether these should be implemented through legislative or non-legislative means. We will also seek to ensure that measures do not result in disproportionate additional cost to industry. These views are shared by the Department for Transport, who are leading on this dossier on behalf of the UK.

PAN-EUROPEAN LEGISLATIVE FRAMEWORK FOR ELECTRONIC IDENTIFICATION, AUTHENTICATION AND SIGNATURE

This proposal is designed to increase the usability of eSignatures and to ensure the possibility of cross-border interoperability through mutual recognition and acceptance of national eIDs. eSignature should become as easy to use as hand written signature, to facilitate better electronic transactions between citizens, businesses and administrations. The mutual recognition and acceptance of national eIDs throughout the EU would enable all

citizens and businesses to use their national eIDs in all member states to access online services of national public administrations and public authorities and speed up procedures significantly.

The Scottish Government has previously been involved in the work relating to making electronic signatures acceptable in line with an EC Directive in 2005.

The Scottish Government is of the view that excellent public services are essential for a productive and equitable society and that the quality of those services is a bedrock for society and future prosperity. This is supported by Renewing Scotland: The Government's Programme for Scotland 2011-12⁵. The Digital Future strategy also makes reference to new ways of delivering public services in a society in which access to and use of the internet continues to grow.

The Scottish Government will monitor this proposal as the legislation develops.

COMMUNICATION ON SMART-TICKETING, MULTI-MODAL SCHEDULING, INFORMATION, ONLINE RESERVATION

A new legal framework (Directive 2010/40/EU) was adopted on 7 July 2010 to accelerate the deployment of innovative transport technologies across Europe. It aims to establish interoperable and seamless Intelligent Transport Systems (ITS) services while leaving Member States the freedom to decide which systems to invest in.

Priority actions for development identified by the Commission are:

- * the provision of EU-wide multimodal travel information services;
- * the provision of EU-wide real-time traffic information services;
- * data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users;
- * the harmonised provision for an interoperable EU-wide eCall;
- * the provision of information services for safe and secure parking places for trucks and commercial vehicles;
- * the provision of reservation services for safe and secure parking places for trucks and commercial vehicles.

In relation to the movement of goods, there are two areas of EU policy development of interest. The first is the Easyway project, which is concerned with developing guidelines for the use of ITS on the Trans-European Road Network (TERN), the second is on eFreight in the context of forward booking of lorry parking slots.

Currently in the UK the use of ITS for the management of freight movements on the TERN is a commercial decision to be taken by industry. There is a wide range of ITS systems commercially available in the UK and operators have freedom of choice to adopt the system best suited to their commercial needs.

On the 15 March 2012, the Commission issued a consultation paper to gather views to inform the development of proposals for legally binding specifications for the use of ITS in information and reservation systems for lorry parking. The consultation is aimed at users of lorry parks and closes on 8 June 2012. The Department for Transport has brought the consultation to the attention of key stakeholders in the UK.

⁵ <http://www.scotland.gov.uk/About/programme-for-government/2011-2012>

Following the consultation the Commission will conduct an Impact Assessment, with the aim of having final specifications agreed by November 2012. Where Member States introduce ITS information systems and reservation systems on lorry parking they will have to be in line with agreed specifications.

Transport Scotland officials have been working with the DfT and the devolved administrations to transpose the EU framework on ITS since 2009. The DfT is leading the UK's response to the ITS Directive with input from the devolved administrations.

We are supportive of the position being taken by the UK Government, that ITS is a commercial decision for the freight industry and those providing services to the freight industry, and that any EU activity should not limit choices or introduce additional risks for that industry. We will be studying the outcome of the current consultation exercise on lorry parking with interest, and will consider the implications for Scotland of any proposals as these are developed.

It is important that the risks of potentially burdensome specifications are mitigated and we will help to ensure adequate UK representation during the implementation. To do so Transport Scotland will continue to actively participate in the Board to represent Scottish interests.

FRAMEWORK FOR FUTURE EU PORTS' POLICY

The Framework for future EU ports' policy is included as a forthcoming initiative for 2013 in the Commission programme published in December 2011. As this initiative is at an early stage of development, the Scottish Government has not yet engaged with the Commission on this matter.

We will have a policy interest in any proposals put forward, therefore, Transport Scotland officials will monitor progress and liaise with DfT as the detail of the proposals emerge.

REVISING PASSENGER SHIP SAFETY

The objective of this initiative is to simplify and to clarify the current legislative framework by removing excessive provisions currently applicable to small ships and small transport companies.

On 24 April, the Commission launched a public consultation on passenger ship safety in the form of a 41-page questionnaire. At the same time as this general public consultation, two parallel consultations are also being undertaken: one with all Member State maritime administrations; and a targeted consultation of all stakeholders in six Member States: Denmark, France, Greece, Italy, Sweden and the United Kingdom.

The main purposes of the consultation are to identify problems with the current regulatory framework and invite comments on how far regulations can be simplified; identify the objectives for passenger ship safety legislation; and seek feedback on a range of regulatory options including changes to the scope and degree of harmonization of regulation.

A number of specific issues are addressed, for example evacuation procedures and drills following the Costa Concordia incident in January 2012.

Transport Scotland officials are studying the consultation questionnaire. In line with normal practice, we would expect to have opportunity to input to the UK Government's response as well as put forward a Scottish Government response.

Our initial analysis is that the type and scope of regulatory proposals signalled by the consultation could have an impact on shipping services to and within Scotland including lifeline ferry services to the Scottish islands and cruise shipping which is growing in its importance to certain coastal communities. We will therefore be consulting with appropriate partners in preparing a response.

Once further analysis of the questionnaire has been undertaken, we will consider whether an approach to the Commission is needed and how this would be best undertaken.