



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Net Zero, Energy and Transport Committee

**Tuesday 15 March 2022**

**Session 6**



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**NET ZERO, ENERGY AND TRANSPORT COMMITTEE**  
**9<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Dean Lockhart (Mid Scotland and Fife) (Con)

**DEPUTY CONVENER**

\*Fiona Hyslop (Linlithgow) (SNP)

**COMMITTEE MEMBERS**

\*Natalie Don (Renfrewshire North and West) (SNP)

\*Jackie Dunbar (Aberdeen Donside) (SNP)

\*Liam Kerr (North East Scotland) (Con)

\*Monica Lennon (Central Scotland) (Lab)

Mark Ruskell (Mid Scotland and Fife) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jenny Gilruth (Minister for Transport)

Bill Reeve (Transport Scotland)

Jan Spy (Scottish Government)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Net Zero, Energy and Transport Committee

Tuesday 15 March 2022

*[The Convener opened the meeting at 09:32]*

### Decision on Taking Business in Private

**The Convener (Dean Lockhart):** Welcome to the ninth meeting in 2022 of the Net Zero, Energy and Transport Committee, which we are conducting in a hybrid format. We have received apologies from Mark Ruskell.

Agenda item 1 is a decision on taking business in private. Do members agree to take in private item 4, which is consideration of the evidence that we will hear this morning, and item 5, which is consideration of our work programme?

**Members indicated agreement.**

## ScotRail

09:32

**The Convener:** Agenda item 2 is an evidence-taking session on the transfer of operation of ScotRail. Last week, the committee heard from rail industry stakeholders in relation to the transfer.

I am pleased to welcome Jenny Gilruth, Minister for Transport, and Jan Spy, solicitor, Scottish Government, and from Transport Scotland, Bill Reeve, rail director; Alan Wardlaw, franchise manager, service quality and passenger satisfaction; and Sarah Aitken, commercial programme manager. Sarah Aitken and Alan Wardlaw are joining us remotely. Good morning, everyone.

Minister, we have allocated around 70 minutes for the evidence session, just so you know the timing parameters. I understand that you would like to make a brief opening statement.

**The Minister for Transport (Jenny Gilruth):** Thank you, convener.

Almost exactly a year ago, on 17 March 2021, the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson, advised Parliament that, at the conclusion of the current franchise, ScotRail services would be provided in the public sector by the operator of last resort—an arm's length company owned and controlled by the Scottish Government. The franchising system was clearly no longer fit for purpose.

At that time, there was considerable uncertainty arising from the on-going Covid-19 pandemic and continuing delays to the publication of the United Kingdom Government's white paper on rail reform. A detailed assessment of the options available for ScotRail was undertaken and it was decided that it would not be appropriate to award another franchise agreement to any party at that time. In the circumstances, our duty to provide or secure ScotRail services through the OLR under section 30 of the Railways Act 1993 will be engaged when the current franchise agreement ends on 31 March 2022. As committee members will know, bringing train operators into the public sector under Government control through section 30 OLR arrangements is not a new thing. Indeed, three train-operating companies in England and one in Wales are now in the public sector under Government control.

A considerable amount of work has taken place since that announcement. As members will be aware, I recently provided an update to Parliament, confirming that the transition of ScotRail into Scottish Government control will take place on 1 April, which is just 17 days away.

How have we prepared for the transition? Following detailed analysis and consideration, we have adopted a holding company model for the Scottish Government-owned, public sector-operated operator of last resort arrangements. Under that model, a Government-owned holding company, Scottish Rail Holdings Ltd, will, on behalf of Scottish ministers, oversee and manage the delivery of services by its wholly owned subsidiary ScotRail Trains Ltd. Our view is that that is the most robust and sustainable model that is compatible with current UK rail legislation, which we have no powers to change. It strikes a balance between experienced rail professionals being able to make operational decisions and giving overall accountability to Scottish ministers.

Late last year, we announced key fixed term appointments for Scottish Rail Holdings Ltd, with Chris Gibb appointed as chief executive officer and David Lowrie as finance director. In addition, arrangements for the formal transfer of ScotRail staff from Abellio ScotRail Ltd to ScotRail Trains Ltd continues at pace, with engagement with staff and trade unions having begun in early January. I personally have met with the trade unions both collectively and individually in recent weeks, and I will work collaboratively with them to ensure the long-term sustainability of rail operations in Scotland. Staff will transfer on their terms and conditions on 1 April. They will also benefit from the public sector pay policy, and we have committed to ensuring that any pay deals that were already agreed for 2022-23 will be honoured.

Over the coming days, the transition team will remain focused on finalising governance and other arrangements for the transition to OLR to ensure that the transition is as smooth as possible for passengers and staff. On governance, we are finalising the designation of the chief executive of SRH as accountable officer. There will be an interim arrangement in which the Transport Scotland accountable officer will remain as AO for SRH until an order under section 483 of the Companies Act 2006 is approved by Parliament.

The first of April not only marks a new beginning for ScotRail, but gives us an opportunity to deliver passenger services that are efficient, sustainable, safe and fit for the future and which reflect the changing world in which we live. It is also a chance to give people across the country the opportunity to help us shape our vision for the new ScotRail. It is clear that we have to adapt in order to align with changing travel patterns and that we have to consider the affordability of the railway as we recover from the pandemic. An important aspect is the need to make sure that passengers and staff are safe—and feel safe—in our stations and on our trains.

All of that needs to take place while we work towards the delivery of our ambitious target to decarbonise rail passenger services by 2035. Against that backdrop, I want to ensure that people the length and breadth of Scotland are given a chance to have their say on what the new future of ScotRail should look like.

As I outlined in my statement to Parliament, there is no doubt that the future of rail services is changing. We have two particular challenges to address. One is the future of ScotRail post 1 April, and another is the matter of women's safety on public transport. In that respect, I note Transport Focus's oral evidence to the committee last week. Its research found that 85 per cent of women and girls think about their safety while planning or making a journey on public transport, while British Transport Police figures for sexual harassment on public transport in London show a 61 per cent increase since before the pandemic began.

As members will know, I as the minister am making two distinct offers as we take ScotRail into public ownership. The first is a national conversation on what our railway should look like from 1 April, and how it best meets passenger need, and the second is a broader look at women's safety on rail and across our public transport network. We will be launching a consultation on women's safety, spanning all modes of public transport. Plans are being developed; officials have started engagement with Engender; and we will look to begin focused engagement with other women's organisations specifically on improving women's experience of and safety across public transport.

Officials have also started meeting key groups such as the safer transport strategic group, which is led by British Transport Police and brings together a range of public transport providers to promote safer travel across public transport. I will be meeting BTP shortly to discuss that, in recognition of its campaign on sexual harassment, which started earlier this year.

Committee members will also recall my announcement that we would be taking forward a national conversation on rail. That will be an opportunity for staff, passengers, communities, trade unions and MSPs who share our ambition to make Scotland's railway attractive and accessible for all to help shape that vision for ScotRail. Officials are developing the scope and remit for the national conversation and more information on that will be announced in the coming weeks. Substantial public engagement will begin later this spring, following the local government elections, but I am particularly keen to engage our trade unions in this work, as I recognise their vital role in ensuring that public ownership of our railways

works. I also invite committee members to play their part in shaping that national conversation.

The officials and I are happy to take any questions that the committee might have. It is also worth saying that I am keen to hear any suggestions that members might have, too.

**The Convener:** Thank you, minister.

My first question relates to improvements that we might see as a result of ScotRail's reorganisation. Last week, as you have said, the committee took evidence from various stakeholders, but we did not hear about any improvements that the change of ownership might deliver. We know that ownership will change but, from what we heard last week, there will be fare increases and service and staffing cuts; there are no plans for new rolling stock; and there are also potential closures of ticket offices. What will be improved as a result of the change of ownership?

**Jenny Gilruth:** I think that a number of things will improve when ScotRail moves into public ownership. We have to have a railway that best meets customers' needs. The challenges that you have just highlighted were at my doorstep when I was first appointed, which is why I was very keen to reshape some of the narrative around this in my statement.

The first thing that I as the minister need to address is the issue of industrial relations with our trade unions. I have spent a lot of time in the past few weeks meeting the railway unions and listening to their needs, because it is hugely important that, in the shift to public ownership of railways, we take the trade unions with us. I appreciate that there might be more questions on that matter later in this session.

With regard to service cuts, which you also mentioned, you will appreciate and understand—and we might come to this later in relation to the ScotRail timetable—that there were reductions in timetabling to reflect passenger demand. As we move forward, what we cannot account for—although we are trying to—is how patronage will be impacted by the pandemic as it plays out. At this moment in time, weekends are busier than weekdays, and as a result, ScotRail's operation of its timetable has changed to reflect passenger demand. We want more people to come back to our railways and I want to support such moves, so we will need to look at that issue in due course. Indeed, ScotRail is absolutely committed to doing that.

As for ticket office closures, you will be aware that some of those proposals have been looked at again and that, as a result, ticket office opening hours have been increased and some ticket offices will now not be closed. I have not yet made a final decision on the matter, because I want to

speak to the trade unions about it. They have some pretty strong views on it, as you will understand, and I am very alive to some of the challenges around accessibility and women's safety.

It is worth pointing out, though, that there has been no consultation on ticket offices for over 30 years and that the way in which folk use our railways has changed in that time. People now buy their tickets online and are more likely to use tickets at train stations, for example, but we should not discount the need for that wider debate about ticket offices and their place in a modern railway network. Fundamentally, a railway in public ownership has to best meet passenger need. We as a Government need to be more responsive and public ownership will allow us to do that.

Bill Reeve might want to respond to the other points that were raised.

**Bill Reeve (Transport Scotland):** I think that you have covered most of the points, minister, but the other thing that I would mention is that we are continuing with the decarbonisation programme. With regard to rolling stock, which the convener specifically mentioned, we are developing our plans to procure new and better electric rolling stock, subject to appropriate investment scrutiny. That work is under way.

**The Convener:** Thank you very much for that. I understand the ambition to have a rail service that meets the needs of the people of Scotland—indeed, it is a great ambition—but I have to say that I have heard nothing about specific improvements that will be delivered. However, other members will want to explore that issue.

What other options, apart from nationalisation, did the Scottish Government look at and what other advice and alternative options were presented to it? Minister, would you agree to share with the committee the advice that was given to the Scottish Government on the different options?

**Jenny Gilruth:** The advice that would have been given to the cabinet secretary predates my time in office. I might bring the officials in to respond. I am not averse to sharing that information with the committee but, with regard to the advice that was considered, that would have been given last year.

09:45

**Bill Reeve:** All of that was considered with reference to the requirements of the UK Railways Act 1993. The first decision was to end the Abellio franchise contract on 31 March this year. Ministers chose to commence that contractual option, which then required an analysis of the other options.

The first option was the possibility of another franchise procurement competition under the current franchising legislation. There is a widespread acceptance across Britain that franchising has had some problems and has perhaps come to the end of its time, which is why, in its recent rail review publication, the UK Government recommended a change to that approach. The other problem was that it would have been almost impossible for folks bidding for the franchise to know what future demand and patronage would be, given the uncertainty caused by the pandemic. For a variety of reasons, the decision was taken not to proceed with a franchising competition at this time.

That left us with two options. The first was to make a direct award to an operator, which the UK Government has done on occasion to the incumbent franchisee. The other was to proceed, under clause 30 of the 1993 act—I am looking to Jan Spy to see whether I get any of these numbers or references wrong—with what are known as the operator of last resort provisions. Those provisions have been used three times by the UK Government—for the northern franchise, the south eastern franchise, and InterCity east coast franchise—and the Welsh Government has brought its own franchise in house in the same manner. In this case, on receipt of the advice, our ministers elected to proceed with the clause 30 option. That decision was taken on 31 March last year, since when we have been working to mobilise for 1 April this year.

**The Convener:** I have a final, brief question. What are the estimated total costs for the reorganisation?

**Jenny Gilruth:** I will pass you to Bill Reeve to tell you about the specific expenditure.

**Bill Reeve:** Do you mean the costs involved in the creation of ScotRail Trains Ltd, or the costs of ScotRail Trains once operation has commenced?

**The Convener:** I do not mean the operational part of it. I am asking about the cost of the transfer operations.

**Bill Reeve:** Expenditure on the transfer is £3.6 million this year to date. Of course, we are now in the last month of the year, and there will be further expenditure. Inevitably, there will be a big peak in the workload at the end of the exercise, so there will be more to add to that.

I ran the previous franchise competition, which cost us about £10 million—I am for ever shocked at the cost of such processes. That figure is from memory, but I can dig it out if you want it. I remain struck by the scale of what is involved in a large complex contractual set of transfers such as this, but nonetheless it is substantially cheaper than the alternative option.

**The Convener:** If it is £3.6 million to date, what would you estimate the final total cost to be? We will not hold you to this, but can you give us a ballpark figure?

**Bill Reeve:** I could say under £5 million, but I do not know. I am very happy to come back to you on that. It would be easier for me to give you that figure after 1 April.

**The Convener:** Will that include any contractual compensation? Is that an all-in figure for the costs associated with the transfer?

**Bill Reeve:** I am not aware of any contractual compensation. Did you have something in mind in that respect?

**The Convener:** No, I am just—

**Bill Reeve:** I do not have any contractual compensation in the budget. I am not anticipating a need for that.

**The Convener:** That is good to know.

That is enough from me for the moment. I call Fiona Hyslop.

**Fiona Hyslop (Linlithgow) (SNP):** The committee has heard that, as we go through the various stages of the coronavirus pandemic, the rail industry will have to understand passenger needs better and flex services accordingly. How will you create a railway that is focused on meeting the current needs of rail passengers—I might add that one can only just get a seat on the Linlithgow to Edinburgh rush-hour trains, so already passengers are coming back on to that line—and how will you adapt to the needs of people who could travel by rail but are choosing not to? You talked about the current situation, with more people travelling at the weekends and so on, but we need a step change. How are you planning to attract more people, including those who could use rail but are not doing so, to the railways? I suspect that price might well be an issue.

**Jenny Gilruth:** There is currently a real challenge in encouraging people back safely on to the railway. You mentioned challenges with your local service; I am happy to take such issues to ScotRail. I raised a question with ScotRail just last week about carriages on the Markinch train service. I recognise that we are seeing a patronage shift, with folk returning to rail.

We also need to acknowledge—as we discussed on our directors call yesterday—the current cost of living and fuel prices, and what that means for people choosing whether to use public transport in a way that they might not have used it previously. We need to think about how our public transport networks, including ScotRail, prepare for a return to patronage, and how we can best



support ScotRail now that people are coming back to our railways.

It is important that we get our messaging right in that regard. We need to ensure that people return safely; I have had a number of conversations with the rail unions about how we might do that. For example, we could have a communications campaign to support people to come back to our railways.

Fiona Hyslop is absolutely right to suggest that we need to look at stock, because we need to ensure that there is enough space on our trains for people to feel safe. There is still a requirement to wear face coverings on our trains; people need to feel that they can safely go back to using the railway to access their work and employment. We also need to support the transition back to a semblance of normality after the pandemic is over. It is hugely important that we do that, and that we communicate well, in that respect. I have worked with the trade unions on that, and I am looking at how we might communicate better through the national conversation.

The convener said that, as we move to public ownership, no substantial changes have been identified. However, public ownership means that our railways are accountable to ministers. If there are problems, ministers are answerable to Parliament and to this committee, and we can enact change directly in a way that we were not able to enact it previously.

I am really keen for the national conversation to help us to gather data and provide the public with a sense of pride in, and ownership of, the newly publicly owned ScotRail. It is hugely important that we support a safe return to our railways, as Fiona Hyslop mentioned, by working with our rail unions and with local authority partners and other stakeholders, and that we think about how we might communicate better. Transport Scotland officials have undertaken a bit of additional work in that regard; Bill Reeve might say more on that. Ensuring a safe return is a challenge that the unions have raised with me on a number of occasions.

**Fiona Hyslop:** You have talked a lot about the return to rail, but I also asked about new passengers and people who could use the railway but are not currently doing so.

**Jenny Gilruth:** That question is potentially linked to people who are still too fearful to come back to rail, and to people who have never considered using the railway in the first instance. That second point speaks to the wider question of affordability; we might come on to speak about fare increases. Members will be aware that fares in Scotland are 20 per cent cheaper than fares in the rest of the UK. However, I acknowledge that

there has been a 3.8 per cent increase in fare prices that might put some people off.

The Government is currently undertaking the fair fares review, which is looking across modes of public transport to see where we might be able to join up journeys better. That is a key way in which we could encourage people who might be reluctant to use rail to do so. For example, we could join up rail provision with bus provision, and we could join up our approach to ticketing—we have provided funding to bus companies so that they can introduce smart ticketing, for example.

The fair fares review, although it is still currently at the planning stage, gives us an opportunity to look more broadly at how we might encourage people out of their cars, how we could support a modal shift to our railways and—as Fiona Hyslop mentioned—at how we might reach people who might not, in the past, have considered using the train.

**Fiona Hyslop:** Decarbonisation is a key part of the future of the newly publicly owned and controlled railways. Will you give us more detail on implementation of the “Rail Services Decarbonisation Action Plan”, and on delivery of individual schemes and their likely budgets? I am interested in particular in what you are planning in relation to battery power, which you mentioned earlier. Also, is there any interest in a move to hydrogen at some point?

**Jenny Gilruth:** As you will know, we have already announced our plans for electrification of the Glasgow to Barrhead line by December 2023, and the new Levenmouth line by spring 2024. We are also making good progress on finalising our proposals for electrification of the East Kilbride, Fife and Borders lines, and we continue to develop our decarbonisation plans across the entire Scottish rail network.

More broadly, decarbonising transport is one of the six themes that have been set out in the draft “Strategic Transport Projects Review 2: Summary Report”, which was, I think, published in February. I know that STPR2 was mentioned at the committee’s evidence session last week.

Procurement of new rolling stock forms an integral part of the decarbonisation action plan that Ms Hyslop mentioned, and we are building on the track record of electrification of Scotland’s rail network. Pre-pandemic, 75 per cent of passenger journeys and 45 per cent of freight services in Scotland were made on electric services. That is good work, but there is clearly more to do. To some extent, the pandemic has given us impetus to focus on driving that improvement further. Transport Scotland, Network Rail and ScotRail are working in partnership with officials to ensure that the programme moves forward.

That speaks to the wider opportunities, which Ms Hyslop touched on, to support passengers who might not have considered using rail in the past to travel on our networks, knowing that they are clean and decarbonised. Given its carbon footprint, people might be more inclined to choose rail now than they were in the past.

Bill Reeve will say more about the decarbonisation action plan specifically.

**Bill Reeve:** We are working hard with our colleagues in Network Rail and ScotRail to turn into reality the plans that we have already announced for the Borders and Fife. For example, as we proceed with construction of the Levenmouth branch, we are taking the opportunity to put up the electrification infrastructure now, even though it will be two or three years until we can start to run trains for that service. We are doing that because we are looking ahead, with the benefit of the 2035 plan, to the network that we need to build. We are considering our plans for replacement of existing rolling-stock fleets, which will require us to get wires in place so that we can buy electric trains, rather than replacing diesel engines with more expensive hydrogen engines. That planning is under way.

We are working hard with our colleagues in Network Rail in particular to drive down the cost of electrification in order to render the work affordable. I am pleased to say that Scotland is leading the way, in comparison with the costs south of the border. That is a huge part of what my team and colleagues—what we call team Scotland—in Network Rail and ScotRail are working on at the moment.

**Jenny Gilruth:** Ms Hyslop asked about battery-operated trains and hydrogen as a potential opportunity. There are parts of the rail infrastructure and network that lend themselves to that more readily than others do. We are considering the opportunities to bring in that technology on the far north line and other lines, where electrification might not work.

**Bill Reeve:** Yes. There is a big capital cost with electrification, but it typically has a much lower operating cost. The rule of thumb is that if we take an ordinary electric unit as the starting point, a battery electric unit probably adds about a third to the cost. At the current state of technology, a hydrogen train might add 80 per cent to the cost in terms of first cost and operating costs thereafter. A lot of work is going on, including work that we are doing with the hydrogen train at Bo'ness, to explore that and see how we can drive down the costs of alternative technologies. As the minister said, hydrogen is a very promising technology for the longer and more lightly used lines.

**The Convener:** Liam Kerr has a supplementary question on that. Following that, Natalie Don will join us remotely.

**Liam Kerr (North East Scotland) (Con):** On the point that has just been made, I understand that around 50 per cent of the ScotRail rolling stock is pre-1994. I think that that represents about 500 carriages and all 25 of the high-speed train sets, which I think will be life-expired by 2030. The question then, is this: is there a plan and a timeframe for replacing the pre-1994 sets that fits precisely with the electrification programme and timescales?

**Jenny Gilruth:** We will obviously have to replace by 2030 the stock that Liam Kerr mentioned. He raised the issue of a break clause with me last week in the chamber. I have spoken to officials about how we might be able to deal with that. I do not think that there is currently a break clause in the contract—Bill Reeve can correct me if I am wrong—but we are, of course, planning for the future, because those trains will not be with us forever. They are older trains, as Mr Kerr knows—some of them date back to the 1970s—so it is essential that we do that planning and build in the electrification requirement that we will need for our decarbonised network of the future.

**Liam Kerr:** Is there an actual plan? The trains will be life-expired by 2030, so one would have thought that, for the trains that are pre-1994, we need to do the decarbonisation that Ms Hyslop has rightly mentioned. Is there a plan to replace the pre-1994 trains? If not, when will there be one?

**Jenny Gilruth:** There is a plan. If there were no plan, there would not be enough trains to allow us to run the network. It is essential that we have a plan in place. Bill Reeve will come in on the details.

**Bill Reeve:** There is a plan being worked through with our colleagues in ScotRail and Network Rail. As I said earlier, we need a programme that aligns the infrastructure investment in electrification with the plan for rolling stock replacement. The first phase of that plan will be procurement of a fleet of new electric—and some battery electric—multiple units. In the diesel fleets, the class 156s will be coming out of service first, in the next five years or so, with the HSTs and the class 158 diesels coming out by 2030. That will leave our last diesel fleet—the class 170s—which we anticipate will run until 2035.

All that could change—it is a long timescale. However, our planning for the decarbonisation programme takes all that into account, including phased replacement of the older electric fleet that we already have in the west of the country.

10:00

**Natalie Don (Renfrewshire North and West)**

**(SNP):** We have touched on smart ticketing this morning. The committee and all its predecessors have heard calls for better integration between rail and other forms of transport, and for the creation of a smart-ticketing model. Can you update us on the immediate priorities of the fair fares review and say what stage it is at? What other steps are being taken by Transport Scotland on the smart-ticketing options that you mentioned?

**Jenny Gilruth:** I touched on that my initial response to the convener. The fair fares review is part of a broad programme of work by officials on a sustainable transport system for the future and on joining up transport modes, rather than thinking about them in silos. The immediate priorities for that work are to consider the current Covid-19 conditions—what patronage is telling us, for example—and the Covid-19 strategic framework. That is important because the pandemic has not gone away.

In response to Ms Hyslop I talked about encouraging people back to rail, but we have to do that in a way that is safe and in line with current guidance. We do not know when the next variant like omicron might come round the corner, so we need to plan accordingly. We also need people to feel confident. Ms Hyslop raised that in relation to people choosing to travel by rail for the first time.

As I mentioned, the fair fares review is currently in the planning stages and work is being undertaken on a sustainable integrated approach. It will consider a range of discounts and at the concessionary schemes that are available in all modes of transport. It is important that we consider how we can join up bus, rail and ferry travel opportunities better.

The review will also take cognisance of the cost and availability of services. The cost of public transport is hugely important in relation to the cost of living and in trying to facilitate the modal shift to get people out of their cars and on to the trains.

I have a proposal in my inbox that gives more options on the associated timescales for the fair fares review. I will be more than happy, once I have made a decision on that, to share it and to come back to the committee to discuss the work in detail. At the moment, we are in the interim planning stage.

**Natalie Don:** I will follow on from that. Is there reluctance among private operators about having an integrated ticketing system, or are we not at that stage yet?

**Jenny Gilruth:** I am not aware of any such reluctance, but we probably have not yet got to that stage in the consultation. In respect of rail, we

have one national operator, so I suppose that pushback might not exist in ScotRail in the same way as it might in other sectors of our transport network. However, I am not sighted on any such reluctance, thus far.

**Natalie Don:** I will move on to a different issue.

We have touched on antisocial behaviour. Last week, the National Union of Rail, Maritime and Transport Workers highlighted concerns about the increase in antisocial behaviour. I know that women's safety on public transport has already been made a priority in the national conversation and the consultation; it is important that that filters through to the real world and to women who use and rely on the services. How do we ensure that we hear from women who use the services and experience such problems?

**Jenny Gilruth:** Natalie Don has raised a really important point. When I look back at the statement on the matter, which I made a couple of weeks after I was appointed, it is clear that women's experiences on public transport are, in the main, not particularly positive. There is a range of evidence that we can draw on to quantify that—not the least of which is, of course, the British Transport Police survey that was carried out last year, I think. It looked at comparable data from 2019 and women's experiences of sexual harassment on the London underground train network specifically, in which there was an increase of over 60 per cent during the time frame.

The pandemic has, potentially, changed behaviour, so we need to get more data on the issue specifically for Scotland. I am meeting the BTP because it has been leading on a campaign specifically on sexual harassment. Members who travel by rail regularly, as I do, might have seen signs at local train stations, which I am keen to explore further with BTP.

However, we need to have a broader conversation about women's safety on public transport and what that looks like. Are we just talking about what happens on the train, or are we also talking about the journey to the train? There are wider ramifications that we need to consider.

Ms Don asked how we will ensure that women's voices are heard. I said in my opening statement that we have already engaged with Engender; we will meet soon to discuss that further. We are also looking at other women's organisations.

Ms Don is absolutely right—we need to speak to women in the real world and make sure that we have a rail service that meets their needs, and that they feel safe using our trains late at night. In my limited experience, which I shared with members in the chamber, the train is not always a safe place to be—for example, if you are getting the last train back home on a Friday night. That should not be

the case in 2022. We need to work better to ensure that our trains are safe spaces for women. On that, I again thank the rail unions for their contributions. They have had some really positive things to say.

Ms Don spoke about challenges with antisocial behaviour. I recognise that those challenges have been linked to women's experiences of travel on our trains and to staff experiences, throughout the pandemic. It is important to remember that ScotRail staff went above and beyond the call of duty during the pandemic. They were getting people to their work but they were also at work; they were essential workers throughout the pandemic. I want to thank them for that and to acknowledge that they are often subjected to some pretty difficult and challenging behaviour. It is really important that the Government ensures that there is support for them.

The BTP has a statutory requirement to provide that support. As I mentioned, I will be meeting the BTP soon—it will be either later this week or the week after, I think. It is very important that we get the work right and that we ensure that staff feel safe coming to work, that women feel safe travelling on our trains, and that the vision that we are trying to realise for the new public ownership of ScotRail best reflects the needs of the passengers who use it.

**The Convener:** Monica Lennon has a supplementary question on this area.

**Monica Lennon (Central Scotland) (Lab):** Good morning. I recognise a lot of what has been said about safety, particularly for women. Something that concerned me last year was reports in the media that there has been a consistent trend of girls assaulting other girls on trains, particularly in the west of Scotland, with the British Transport Police describing it as a consistent trend. Minister, what discussions have you had with the BTP in that regard?

Mick Hogg from RMT Scotland was very complimentary last week about his early talks with you, minister. He also talked about taking tougher action on known perpetrators of antisocial behaviour. I do not think that banning young girls from the trains would be the answer—I think that the cohort tends to be between 12 and 16. However, is work going on more widely in schools and through youth engagement to find out what is at the root of that antisocial behaviour, which is difficult for passengers and for staff?

**Jenny Gilruth:** Monica Lennon raises a really important point. I saw the reports on the issue at the time. I have not yet met the BTP to discuss the matter, but I intend to raise it with the BTP. It seems to be a specific issue in the west of Scotland at this time. I am not sighted on any

similar statistics in Fife, for example, or in other parts of the country.

I would be really keen to support wider work with schools. As the member will know, our schools are really important places to try to challenge and tackle antisocial behaviour. We also need to ensure that communities' voices are heard when things are not working. On our rail network, in particular, staff are often presented with challenges—they might have to move people on, for example.

I had a really good conversation with Mick Hogg about that two weeks ago, and ScotRail has an approach whereby it will use teams of staff. It is remobilising staff to get out and about and to move people on in cases of antisocial behaviour. I had a conversation with Mick and others about that, and they were of the view that, sometimes, when these teams come out, they just move the behaviour elsewhere, which does not help to contain or tackle the behaviour.

I would like to take up the issue with the BTP because of our shared responsibilities. Also, as we move forward with public ownership, Ms Lennon is absolutely correct that we need to ensure that there is safety on board, not only for passengers but for staff.

The wider issue of tougher action that Ms Lennon raises was raised with me by the unions in considering potential legislation. I will bring Bill Reeve in on that point, because we have not raised it further with the unions but I am not ruling it out. If there is an opportunity to consider how we might better support staff in that endeavour, I am keen to examine all options.

**Bill Reeve:** The specific issue is that there are no powers to ban people who exhibit antisocial behaviour on trains as there are, for example, to ban people from attending football matches. We have commenced discussions with justice colleagues on that issue, and we would like to follow it up with the BTP and justice colleagues. We certainly feel that it deserves further consideration.

**Jenny Gilruth:** My memory of the discussions with the unions is that there was a feeling that it is unfair that the legislation does not extend to railway workers in the way that it covers other parts of society.

**Bill Reeve:** It is hard to answer the question why there would not be powers to prevent folk who are known to exhibit behaviours that are unreasonable—or beyond unreasonable—to passengers and staff from using railway services. It is something to be followed up.

**Jenny Gilruth:** In my conversations with the unions, I heard frustration about the fact that

people who are identified as behaving antisocially will be back on the train the next day or in a couple of hours. That is demoralising for staff. We have to re-examine the provisions in the legislation and work with the BTP to get it right.

Like Bill Reeve, I share the view of the unions on the matter. I want to ensure that public ownership of the railways does not rule anything out and that we consider all the opportunities that are open to us to support staff. Nobody deserves to go to their work and face abuse. Some of the conditions under which our railway staff worked during the pandemic were challenging.

**Monica Lennon:** So, there is a willingness to put into practice a zero tolerance approach towards any antisocial behaviour or criminality on the railways. Will the scoping exercise on the potential for legislation form part of the work on the national conversation?

**Jenny Gilruth:** I do not want to exclude it from the national conversation but it will probably not part of it, because I want to follow the matter up with justice officials. We will do that after the committee meeting, and I would be happy to share information with Ms Lennon on it. We might have a specific legislative fix that might not be part of our wider national conversation. Although I do not want to exclude it at this point, they are probably two separate things.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Good morning, minister. You mentioned in your opening statement that the Scottish Government has started the national conversation on the future of the rail services. I have heard the answers that you have given, but what exactly would you like to come out of the national conversation? What would you like to hear from the folk of Scotland? How will the results be implemented once you have heard back?

**Jenny Gilruth:** I do not want to prejudge the outcome of the consultation. However, we need, first of all, to establish what works in the system. It is not all a challenge or a problem. There are some things that are great about our railways. In fact, as Bill Reeve will tell you, there are many things about our railways that are fantastic and that work really well.

We should not throw the baby out with the bath water, but the public clearly faces challenges and it is important to identify where they are. For example, where people feel unsafe returning to using our railways, we need to identify how we can best support them to use the railway network.

To me, the overriding point is that I would like people to feel a sense of pride in ownership of Scotland's railways. At the end of the day, the trains will be publicly owned. They belong to the

people, so they have to be fit for purpose and meet the needs of the travelling public.

I recognise that we have a journey to go on with that, but that is why I committed to the national conversation. It is really important that it is not just a box-ticking exercise and that it is not a case of the railways moving into public ownership and nothing changing. Something will have to change. It should change. However, when we make those changes, the public must feel that they work for them. If they do not work for them, we will have got it wrong and we will have to start again. That is really important. As a Government, we have to listen to and respond to the needs of the public. Public ownership gives us a real opportunity to do that.

As the committee is aware, industrial relations with the railway unions have been a bit fraught in recent months. I have been keen to do my best to listen directly to our railway unions. At the end of term, we had a good meeting on Teams with all the unions together, and, last week and the week before, most of my meetings with the unions were in person. I have been building relationships and listening to them, and I think that a lot of the things that the unions want are also what our passengers want. There is a natural link there, but we need to better understand that in Government and reflect it in the delivery of services.

10:15

**Jackie Dunbar:** With regard to the new governance arrangements, can you explain what systems are already in place or that you would like to establish to ensure that our ScotRail services provide best value for our taxpayers as well as value for money for our passengers?

**Jenny Gilruth:** That is an important question. As I said in my opening statement, Scottish Rail Holdings is wholly owned by the Scottish Government and has been set up to give that oversight and management of the train service, which will be delivered by ScotRail Trains. Ministers, as shareholders of SRH, are responsible for it, and ministerial responsibilities include keeping Parliament informed of SRH's performance. If members have views on how best we can do that, I would be keen to hear them. Should that be done on a quarterly basis? Would this committee like to be updated quarterly? Keeping Parliament informed is important, as I want us to have a responsive approach to running Scotland's trains in the future, and that means that the Government has to listen and act accordingly.

Ministers also have responsibility for approving SRH's strategic plan and its budget. I think that that answers Jackie Dunbar's points about value for money and the overall accountability to the

Parliament in general and this committee in particular.

Again, if Jackie Dunbar or other members of the committee have views on how best we can share that information with members after 1 April, I am keen to hear them. I want to be as transparent as possible, and it is important that we do that, given that the service is under public ownership.

Bill Reeve might want to say more on the value-for-money aspects of the strategic arrangements that have been established, or Jan Spy might want to say more on the legalities of the approach that we have adopted.

**Bill Reeve:** The only thing to add in relation to the governance arrangements is that the priorities for Scotland's railway are about net zero, net cost and safety. We have to make the railway affordable to the taxpayer, so that it can play the much bigger part that we need it to. Even in the transition work around the creation of Scottish Rail Holdings, we have looked at the opportunities to make savings in some of the contracts that ScotRail needs, such as those for rolling stock. We are always looking through the governance arrangements for ways to improve value for money in the delivery of the service, and part of that transition project cost has secured some quite meaningful savings in rolling stock leases. That is a good illustration of how we will use the governance arrangements to drive value into delivery.

**The Convener:** Jan Spy, the minister suggested that you might want to talk about the legal side. Would you like to do that now?

**Jan Spy (Scottish Government):** Yes. I can confirm that there will be a framework agreement between the Scottish ministers and Scottish Rail Holdings that will set out governance arrangements, rules and responsibilities and the accountability of Scottish Rail Holdings to Transport Scotland, the Scottish ministers and the Scottish Parliament in connection with ScotRail's operations and the discharge of ministers' duties under section 30 of the Railways Act 1993.

**The Convener:** When will we be able to see that framework? Is it publicly available? If not, when will it be?

**Jan Spy:** It will be publicly available in due course.

**The Convener:** Fantastic.

I believe that Monica Lennon has further questions.

**Monica Lennon:** I would like to return to the issue of trade union engagement. We had a useful session last week, and the minister has already made several references to her many meetings

with trade unions. It sounds like the situation is quite positive.

This might have been superseded, but, last week, we heard concerns from the Transport Salaried Staffs Association about the offer of union representation at board level in the new ScotRail. It was not clear whether that would be a trade union or staff representative place or whether it would be just a regular board member place. Has that been bottomed out?

**Jenny Gilruth:** I think that it has, but I can tell you where we are just now. At the current time, the offer has been made for a full board member, as a statutory place. That would mean that the trade union representative would have a statutory company director position. I know that an offer to that effect has been made to the unions.

I am aware that an individual has been nominated by the four unions, but, because the appointment process has not been concluded, the name has not been made public. Members will understand that I cannot share that information, but I am happy to have further discussions with the unions on the matter. We have discussed it in the meetings that we have had, and I do not think that there is disagreement in that respect. I might be wrong, but I think that a name has been put forward that the unions seem to be content with, and that person would be a full board member and would not be in, say, an observer post.

**Monica Lennon:** It is good to get a further update on that.

Another issue that needs to be mopped up from last week's meeting is the no compulsory redundancy policy. Will that just carry over, per the union's wishes?

**Jenny Gilruth:** As Ms Lennon will know, it is not off the table, because we are still in negotiations. I have discussed a number of things with the unions, not least their views on ticket office closures. We are having conversations at the moment, and those engagements are on-going directly between officials, ScotRail and the unions, but, as I have said, the issue is not off the table. I have heard Mick Hogg's comments on the matter, and I think that the committee would be surprised if we took ScotRail into public ownership and did not have a no compulsory redundancy policy. However, we are not there yet, because we have not established a pay deal. I would be very keen to get to that place with the unions, but, as those negotiations are on-going, I do not want to prejudge anything.

**Monica Lennon:** But is it your position that you are not in favour of compulsory redundancies on our railways?

**Jenny Gilruth:** I am not personally in favour, but the matter is still on the table, because the negotiations are on-going.

**Monica Lennon:** I was interested to hear Bill Reeve's comment that what the trade unions are saying pretty much aligns with what the public are feeling and saying. Given your engagement with the trade unions, what is your take on their "A Vision for Scotland's Railways" document? It sets out a number of recommendations. I will not, you will be pleased to hear, run through them all, but they include reducing ticket prices instead of having a fares freeze and offering free rail travel for the under-24s and the over-60s. Are you sympathetic to such recommendations?

**Jenny Gilruth:** "A Vision for Scotland's Railways" puts forward a number of different ideas, some of which I am supportive of. However, for others, we will have to look at the associated costings. Bill Reeve will give you some of the detail on that, but I have to say that some of what the unions have put forward would be financially unviable at this time.

On the fares freeze, I am not ruling out having a look at fares in the future, because I recognise the challenge around the fares increase that happened, I think, at the end of last year. As for the suggestions that Ms Lennon highlighted with regard to the under-24s and over-60s, she will know about our bus operators scheme for the under-22s, which I briefly talked to the committee about last week. Again, I recognise some of the challenges in that respect.

The answer to some of the concessionary travel issues lies in the fair fares review, because, as far as need is concerned, there is a requirement to look not just at rail in a silo but across the piece at, say, bus travel and joining up with ferry journeys to ensure that timetables work for passengers, that they can join up their journeys accordingly and that concessionary fares flow across those different modes of transport. I am not ruling out looking at these things in the future, but they cost a lot of money, which means that we will need to look at the associated budget lines. Preparatory work that officials have done on the unions' "Vision for Scotland's Railways" tells me that rather a lot of money will be involved and we will need to think again about how we budget for such things in the future. However, we will look at them in the future, with the support of the unions.

I am broadly sympathetic to a lot of the ideas in the document. The issue is how the Government finances and finds the budget for them, which will be the challenge as we move forward. Some of the things that we are facing just now are quite difficult. Given the cost of living situation, for example, we need to ensure that our public transport system is not only fit for purpose but

affordable for people. I hear some of the criticisms that the unions have made with regard to fare freezes, and I am not ruling out looking at what that will mean for rail travel in the future, because it is really important that folk can afford to use our railways. That, of course, will be a wider challenge as we move into public ownership and ensure that our railways are not only sustainable but efficient.

Bill, do you want to say anything more about the unions' document?

**Bill Reeve:** I and some of my colleagues made a point of turning up for the report's presentation at the 26th United Nations climate change conference of the parties—COP26. Throughout my career in the railway industry, I have found one of its huge strengths to be the passion of its staff in making the railway a success and in what it can do for society and so on. I therefore found it very easy to support a lot in the report, and I was very interested in some of the challenging questions that it raised about our fare structures and whether, for example, peak fares make any sense when we do not have peaks any more.

There is a perennial challenge in railway management and financing. In essence, there are two ways that the railway can be paid for: one is by the customer, be it a passenger or a freight customer, and the other is by the taxpayer. That is why securing value for money and driving efficiency through delivery is so important. There is a lot to like in the unions' report, but there is a big question about how much of it is affordable and how we can make it affordable. However, my personal view—if I am permitted such a thing—

**Jenny Gilruth:** You are.

**Bill Reeve:** —is that it is a valuable contribution to the vision for the future of Scotland's railway.

**Monica Lennon:** The good news is that we have already demonstrated in Scotland the affordability of free bus travel for the under-22s and others, and there is a wider campaign to extend that. The minister's point about making sure that public transport is joined up and integrated is important.

My final question is on the fair fares review. What is the timescale for that, and how can the public engage with it?

**Jenny Gilruth:** As I mentioned in my answer to Natalie Don, I have received a submission that sets out a number of options. I will be arriving at a decision on the matter imminently, and I will be happy to share that with the committee.

The current associated timescales might take us to 2023, but I am keen to see results sooner than that. I will speak to officials about how we can do that and how we best join up the different modes of public transport so that we do not look just

narrowly at rail travel. It is important that we do the preparatory work in that respect.

We should also be cognisant of the fact that travel patronage patterns are not what they were two years ago and not what I hope they will be in two years' time. As far as looking at the data is concerned, it is difficult to prejudge how the public might feel in, say, three months' time. As I mentioned earlier, another wave of coronavirus, such as omicron or some equivalent, might put people off returning to public transport. We need to be cognisant of that, too.

I do not have timescales to share with Ms Lennon just now. However, as I have said, I have the submission that has been made, and once I have made a decision on what the fair fares review will look like, I will be more than happy to share that with the committee. Given that we are in the planning and preparatory stages, I do not have that detail to hand just now.

**Monica Lennon:** Again, given that we are in a cost of living crisis and given that we know that many people have been priced out of using the trains, it would be good for that work to be accelerated.

**The Convener:** I call Liam Kerr.

**Liam Kerr:** Earlier, Mr Reeve talked about the procurement of rolling stock and said that the new company might buy electric trains. Can the minister clarify whether the new rolling stock will be leased through rolling stock companies, or will there be a move towards the train sets being owned by the operator? If it is the latter, what is the cost implication?

**Jenny Gilruth:** The existing rolling stock has been secured through lots of different leases and, initially, it will be necessary to maintain some of those in order to keep the ScotRail fleet available for use. We will look at future fleet procurement, which will offer us an opportunity to look at purchase or lease options. That will be decided with regard to the availability of capital and resource budget funding. Essentially, we need to look at the cost. Will leasing or buying be cheaper or more expensive? The funding mechanism will be explored actively as we look at how the fleet is procured and the balance of costs in that respect.

There are risks with ownership, too. In fact, I had a conversation with officials yesterday about what that would look like, and we need to factor in those associated risks if we are looking to purchase rolling stock in future. My view is that we should potentially look to own some of the rolling stock—it might provide greater value for money in the longer term as we will not be leasing the trains—but we will need to look at the financials.

Bill Reeve might want to say more about that.

**Bill Reeve:** I think that the minister is right. When we have analysed this before, we have found that the whole-life ownership cost of a train that is owned, rather than leased, tends to be cheaper. However, there are inevitably questions at the start of the process about the availability of capital and how it can be most efficiently allocated. As Britain has an established rolling stock leasing market, we are in the nice position of being able to choose how we allocate capital. However, the sort of short leases that end up with your being charged the same price as a new train at the end of seven years, because the lessor knows that the company has very few choices, are not great ways of securing best value either.

We have taken steps with regard to some of the existing leases to get the best of both worlds. With the Caledonian sleeper, for example, the Scottish Government contributed approximately half the capital costs, so we own half that fleet and work with a lessor for the rest. It is an interesting model that brings in some of the strengths of the other two models. With each fleet, we will need to make the appropriate decision as we approach the investment decision.

10:30

**Liam Kerr:** I note that, in *The Scotsman* on 4 March, Alex Hynes was reported as saying that ScotRail's budget had yet to be fixed. Has that been done now?

**Bill Reeve:** Do you want me to respond, cabinet secretary?

**Jenny Gilruth:** I am happy for you to do so. I was of the view that it has been.

**Bill Reeve:** The budget bill has a rail services line that allocates £719.5 million to rail services for this year. Of that, £312 million is for what are called fixed track access charges, which are paid in the slightly byzantine way in which rail finances work—in other words, through the train operating companies and on to Network Rail. The remaining budget of £407.5 million is for the subsidy for the Caledonian sleeper and ScotRail.

What the revenue for ScotRail will be for this next year is not yet certain. Over the past two years, we have seen demand going up and down; indeed, we were under 10 per cent of revenue at one point. On some Saturdays now, we are up to pre-pandemic levels, but we are still bumping along at 55 to 60 per cent of revenue on weekdays.

We could all look at a range of plausible scenarios for the next year that would give us very different passenger demand and revenue figures. Can I look Liam Kerr in the eye and tell him that I am confident about what the net cost of operating



ScotRail will be in the next 12 months? No, but that is an issue not of ownership but of market conditions.

**Liam Kerr:** I just want to ask one more question. Right back at the start of the meeting, minister, the convener asked you an important question about what nationalising the railway would bring, but I am not sure that I understood your answer. It seemed to involve relations with the trade unions, consideration of service cuts and consulting on ticket office cuts as well as other consultations, and you finished by saying that the important thing was to ensure that we met passenger need in the best way and that public ownership would allow you to do that.

That is the part that I did not quite understand. After 1 April, we will have the same people, the same rolling stock, the same leasing arrangements in the short term and the same network at a cost of £3.6 million, but with potentially fewer ticket offices and services. Monica Lennon asked about the no compulsory redundancy policy, and you talked about a possible fares increase. What can a nationalised rail company do that the previous operator could not?

**Jenny Gilruth:** The answer is accountability to ministers. The holder of the ScotRail franchise is now accountable directly to ministers, and ministers are accountable to the Parliament and to this committee.

Mr Kerr, you talked about passenger need. I think that in the debates and conversations that we have in the chamber and in this committee, there is a place for us to discuss how we meet passenger need. It is a hugely important issue.

You also touched upon a number of different challenges that we have talked about during this morning's meeting. I am alive to all of them, but we have to be pragmatic and realistic here. The fact is that people walked away from—or were not able to use—our railways during the pandemic, because they were being told to stay at home by the good public health advice that was given. At the same time, however, we were providing emergency funding to allow the railways to continue. As a result, we need to look at the sustainability of the revenue structures that we have in place for our railways.

There are no proposals for fare increases. I think that what you are talking about is a historical point that was raised at the committee's previous evidence-taking session when it was mentioned that fares had increased by 3.8 per cent. There are no proposals for future fare increases that I am aware of. As for ticket office closures, I have given an undertaking to the unions that I will work with

them on that issue, because I recognise the strength of feeling in that respect.

I think that all of this comes back to what will be different with this new approach. It is about accountability and ensuring not only that ministers are held to account but that we deliver a railway service that best meets communities' needs. As a Fife MSP, I know about some of the challenges that we faced with the Abellio contract in the years leading up to where we are now. Indeed, those challenges were very real. There were not enough seats on trains; trains were being cancelled; and there were delays. I am very much alive to all of that. Do I think that all of that will go away with public ownership? I hope that some of it will, but at least there will now be accountability to Parliament and ministerial oversight of the process. Those things are hugely important.

Secondly, some of the people will be the same, but they are experts in their field, and they are the people whom we would want to be in charge of running ScotRail Trains Ltd. The new framework agreements, which of course will be shared with the committee as and when they are published, will allow for ministerial oversight. I think that that is the main difference here. As ministers are accountable to Parliament, and as ScotRail Trains Ltd is accountable to ministers, there will be greater democracy in how we hope to run Scotland's trains. We have not had that under the franchising network system with Abellio and, as I have said, I recognise some of the challenges that have existed in relation to that in the past.

Bill Reeve might want to say more about the opportunities that this approach presents but, to my mind, it is all about accountability.

**Liam Kerr:** My question was not so much about the opportunities—it was about what the nationalised rail company can do that the previous operator could not. You have said that this is about accountability, and I accept that. In your view, that is what is different. Do you have anything to add, Mr Reeve?

**Bill Reeve:** Perhaps I can reflect on how things can be changed. A negotiation is just that—a negotiation. There is a difference between negotiating a change to a contract—for example, a clause might have been set out seven or eight years previously to cover something that seemed like a good idea at the time, but the world has moved on since—and having the ability to agree and direct changes under public ownership.

I first came across that principle when I visited the railways in Victoria in Australia. The Government there was looking at investing in the system; in the end, it took two bits of the system back out to franchise, but it chose to keep in house for a period the bit in which it was investing

in substantial change, as doing so facilitated the easier management of those changes. Similarly, with the arrangements that we are discussing, it will be easier to respond speedily to changes in market conditions than would have been the case under contractual arrangements.

**Jenny Gilruth:** On our responsibilities, I mentioned in response to Jackie Dunbar that ministers will be required to keep the Parliament informed of the performance of Scottish Rail Holdings Ltd as well as approve SRH's strategic plan and budget. That accountability is built into the new arrangements, and it will allow for the kind of greater scrutiny from members such as Mr Kerr on behalf of their constituents that we do not have under the Abellio franchise.

**The Convener:** I call Fiona Hyslop.

**Fiona Hyslop:** Minister, as you will be aware, the committee is interested in both continuity and the opportunity for change. Given that Network Rail is going to be subsumed by Great British Railways, can you update us on discussions between the UK and the Scottish Governments on the development of GBR and how it will operate in Scotland? What responsibility and powers will Scottish ministers have? Clearly, when it comes to the interaction between the new ScotRail and Network Rail on, say, new lines or even new stations to help get commuters out of their cars and on to rail, that relationship will be very important. What continuity and what potential change will there be in that relationship?

**Jenny Gilruth:** First, we are really clear that a devolved railway that is public sector controlled and operated in the service of the public and which is, as Ms Hyslop talked about, fully integrated and is, as I said to Mr Kerr, truly accountable will deliver that better and more efficient service for Scotland's communities. In the rail review, Scottish ministers and officials presented a clear case for the full devolution of rail powers, but the UK Government plan outlined in the white paper did not deliver on that.

I know that Transport Scotland officials are engaging with the Department for Transport on further clarity in relation to the details of the white paper. I will probably bring in Bill Reeve to talk about this, as I have not been involved in any conversations with GBR on the issue thus far in post. I have, though, familiarised myself with evidence that the committee took from GBR last week. I look forward to meeting GBR in due course. There are several issues about continuity and potential challenges to address, but I was heartened to see some of the comments from GBR last week about working closely together and about recognising devolution and the different roles and responsibilities involved in our railways.

**Bill Reeve:** I suppose that the obvious answer to the question whether we are clear about how the relationship will be applied in Scotland is no. We do not know because we have not yet seen firm proposals. I am pleased to say that we have a very constructive relationship with our fellow officials at the UK Department for Transport, but as yet nothing is settled.

There are three broad principles to the GBR reform. The first is the bringing together of the management of track and train in the interests of more efficiency and better service. We strongly agree with that—in fact, we have been trying to do it in Scotland for several years now.

The second is the clearly stated principle that the responsibility of devolved Administrations for rail will continue to be respected as established. That is the least that we would expect.

The third principle is that there should be a single controlling mind for the railways of Great Britain. It is not yet clear how in Scotland that third principle can be reconciled with the first two, and that is the area on which we are seeking further discussions with the UK Government.

**Fiona Hyslop:** The committee might want to take that matter further as the situation develops.

**The Convener:** We are running up against the clock now, but I have a final question that takes us back to the issue of the proposed service cuts. Minister, I understand that you campaigned against those cuts last year, including several proposed cuts to services in Fife. Is that still your position?

**Jenny Gilruth:** Before I was transport minister, I raised concerns on behalf of my constituents about a reduction in services in the local area. I am aware that, at the moment, patronage has not regained its level prior to the pandemic, and I recognise that the ScotRail fit for the future consultation, which was undertaken during the pandemic, has sought to reduce some services. However, on—I think—14 February, ScotRail committed to reinstating more than 150 services, which is an improvement on the outcome of the initial consultation. My view is that we need a railway service that meets passenger demand. At the moment, patronage is not there yet. Bill Reeve can outline the statistics for the committee, but I think that it is at around 60 per cent of what it should be.

**Bill Reeve:** It is about 55 to 60 per cent during the week, but it is much stronger on Saturdays.

**Jenny Gilruth:** We have seen a complete shift in patronage, with people using railways at the weekend and not as much during the week, when they work from home. We have to be cognisant of that when we consider the delivery of the timetable

and what that means for the travelling public. Would I like to see more trains in the future? Absolutely, but to justify that action, we need to get patronage up to its level prior to the pandemic.

**The Convener:** With Covid restrictions being lifted, people returning to the office and people commuting to Edinburgh from Fife and elsewhere, do you see a scenario in which pre-Covid levels of service will be reinstated?

**Jenny Gilruth:** I hope that we will get to that position, but it all depends on patronage, which in turn depends on people's behaviour and whether they choose to work from home. Hybrid working is here to stay. Indeed, we have an example of that in today's committee meeting—the Parliament has been a great example of hybrid working throughout the pandemic. However, we cannot account for what that might mean in the future. Prior to the pandemic, none of us as politicians could have imagined working remotely, and yet we have all learned to cope with it over the past two years.

I would like our railway provision to get back on to a more sustainable footing, but that will require passenger demand to increase. We need to reflect that better in timetabling in the future.

**The Convener:** I believe that Liam Kerr has a supplementary.

**Liam Kerr:** I will be brief and go local—which will not surprise you, minister. STPR2 does not allow for the lines from Fraserburgh and Peterhead into Aberdeen to be relaid. Does that mean that the Government's mind is now closed to those lines or would you be receptive to ordering a feasibility study into them?

**Jenny Gilruth:** I am not going to give Mr Kerr an undertaking on a feasibility study right now. However, STPR2 is currently out for public consultation. That consultation will stay open until next month, and I encourage Mr Kerr and other members to respond to it.

In addition, STPR2 does not preclude campaigns such as the one in his region. For example, the Levenmouth rail link had two Scottish transport appraisal guidance options appraisals and then another options appraisal before it was approved. In other words, there were two different processes and then a final options appraisal that was considered before we gave approval to that line.

I am not ruling out any lines in the future; indeed, as a high-level document, STPR2 itself does not preclude the implementation of local lines in the future. I know that Mr Kerr has written to me on this subject, as has the campaign group, and I would be more than happy to meet the campaigners and Mr Kerr to discuss the matter in

detail. One of the first things that I did when I was elected was to meet Mr Yousaf and campaign on behalf of my constituents for the Levenmouth rail link—and look where we are now.

**Liam Kerr:** I am very grateful for that response and look forward to setting up that meeting, minister.

**The Convener:** That brings us to the end of our allocated time, and I thank the minister and her officials for taking part in this evidence-taking session. The committee will discuss the evidence in private later in the meeting.

I suspend the meeting for a few minutes before we move on to the next public item on the agenda.

10:45

*Meeting suspended.*

10:58

*On resuming—*

## Public Petitions

### Satellite Tags on Raptors (Monitoring) (PE1750)

**The Convener:** Item 3 is consideration of three petitions. I refer members to paper 3, which provides background information on each petition and outlines possible options.

PE1750, which was lodged in August 2019 by Alex Hogg, on behalf of the Scottish Gamekeepers Association, calls on the Scottish Parliament to urge the Scottish Government to introduce independent monitoring of satellite tags fitted to raptor species, to assist the police and courts in potential wildlife crime cases and to provide data transparency. As this is the first time that the committee has considered the petition, I highlight the options set out in paragraph 15 of the paper and invite members' views.

Perhaps I can explore some of the options with regard to the petition. My view is that we should keep it open. We could write to key stakeholders such as NatureScot and Police Scotland for views on the implementation of the new data-sharing protocols in the first year. The predecessor committee kept the petition open on the basis that there were still concerns over the robustness of the data being gathered, and we can explore that with NatureScot and Police Scotland. Our other option is to write to the Scottish Government to ask what action it has taken to address those concerns following the Werritty report on grouse moor management.

Once we get the responses from all of that correspondence, the committee can consider appropriate next steps, including whether to keep the petition open. Do members agree with that suggestion?

*Members indicated agreement.*

**The Convener:** That is fantastic. We will take those actions and follow up with correspondence.

### Protected Beavers (Translocation) (PE1815)

**The Convener:** PE1815, which was lodged in August 2020 by Steve Micklewright, on behalf of Trees for Life, calls on the Scottish Parliament to urge the Scottish Government to initiate a programme to translocate protected beavers to suitable habitats outside existing beaver range, to minimise the need to kill animals that are adversely impacting on arable farmland.

The committee first considered the petition a couple of months ago on 30 November 2021. Following that meeting, the committee requested more information from NatureScot and the Minister for Green Skills, Circular Economy and Biodiversity to inform our consideration, and we have also received an update from the petitioner.

I invite views from members on how to progress the petition. We should explore the following options. First, we could write to NatureScot and the Scottish Government, seeking further information and clarification on any issue raised in their responses. In particular, the committee could ask NatureScot to respond to the petitioner's claim that

"NatureScot continue to rely on their argument that, once they have decided to issue a licence, the law does not require them to licence the least harmful activity, such as translocation before lethal control. As far as we know, beavers are the only protected species they treat in this way."

That is an important point on which we should seek clarification. Do members agree?

*Members indicated agreement.*

**The Convener:** Another option is to write to the Rural Affairs, Islands and Natural Environment Committee to ask whether it could address the issue of beaver management in its consideration of new rural support schemes, which it will do in due course in its future work programme. If we agree to that correspondence with the RAINE Committee, we could write in similar terms to the Cabinet Secretary for Rural Affairs and Islands. Do members agree with that course of action?

*Members indicated agreement.*

### Island Ferry Services (PE1872)

**The Convener:** PE1872, which was lodged in May 2021 by Liz McNicol, calls on the Scottish Parliament to urge the Scottish Government to urgently ensure that all islanders have access to reliable ferry services.

As with PE1815, the committee first considered the petition on 30 November 2021. Following that meeting, the committee requested more information from Caledonian MacBrayne and the Minister for Transport. Members will note that, since we last considered the petition, we have received two submissions relevant to it from residents on Tiree and Mull.

I invite views from members. Noting the options set out in paragraph 42 of the paper, I would remind members that we will be discussing our work programme in private after the public part of the meeting. Given that we will be discussing our work programme, I think that the best option is to come back to the petition in the weeks ahead, as

the subject matter of the petition might very well be covered in our future work.

I also note that Audit Scotland's report on ferry procurement is scheduled to be published by the end of this month. If we come back to the petition shortly with the benefit of the Audit Scotland report and an agreed work programme, we will have the best, most current and fullest information with which to consider it and will be able to take a more informed position. Do members agree with that course of action?

**Members** *indicated agreement.*

**The Convener:** Having dealt with the three petitions, we thank the petitioners for raising these issues with the Scottish Parliament, and I close the public part of the meeting.

11:04

*Meeting continued in private until 12:50.*



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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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