



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Net Zero, Energy and Transport Committee

Tuesday 30 April 2024

Session 6



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NET ZERO, ENERGY AND TRANSPORT COMMITTEE
15th Meeting 2024, Session 6

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

*Jackie Dunbar (Aberdeen Donside) (SNP)

*Monica Lennon (Central Scotland) (Lab)

*Douglas Lumsden (North East Scotland) (Con)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bridget Bryden (Transport Scotland)

Jim Fairlie (Minister for Agriculture and Connectivity)

Bettina Sizeland (Transport Scotland)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Net Zero, Energy and Transport Committee

Tuesday 30 April 2024

[The Convener opened the meeting at 09:26]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, and welcome to the 15th meeting of the Net Zero, Energy and Transport Committee in 2024.

Those who are following our agenda for this week will know that we should have been doing stage 2 of the Circular Economy (Scotland) Bill. That has been postponed and will, we hope, take place next week.

Agenda item 1 is a decision on taking business in private. We will consider whether to take item 5, which is a discussion of our work programme, in private. Do we agree to take that item in private?

I am sorry—my mistake. I said item 5 because it was there in writing, but those who are eagle-eyed will know that it should be item 4. Do we agree to take item 4 in private?

Members *indicated agreement.*

Subordinate Legislation

Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [Draft]

09:27

The Convener: The second item on the agenda is consideration of a draft statutory instrument, the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024.

I am pleased to welcome Jim Fairlie, the Minister for Agriculture and Connectivity, who is joined by his team: Bridget Bryden, the bus regulatory policy team leader at Transport Scotland; Kevin Gibson, a lawyer for the Scottish Government; and Bettina Sizeland, the director of bus accessibility and active travel at Transport Scotland. I hope I have that right. Thank you for joining us today.

The instrument is laid under the affirmative procedure, which means that it cannot come into force unless the Parliament approves it. Following the evidence session, the committee will be invited to consider a motion to recommend that the instrument be approved. I remind everyone that the officials can speak under this item but not in the debate that follows. I invite the minister to make a brief opening statement.

The Minister for Agriculture and Connectivity (Jim Fairlie): Good morning, and thank you for having me at this meeting.

The Transport (Scotland) Act 2019 was designed to make Scotland's transport network cleaner, smarter and more accessible than ever before. For bus transport specifically, it provides local transport authorities with an enhanced suite of flexible options to improve services according to local needs and to ensure sustainable bus networks across Scotland.

The 2019 act amended the Transport (Scotland) Act 2001 by substituting existing powers that allowed local transport authorities to put in place schemes for quality partnerships and quality contracts for new powers allowing them to establish bus services improvement partnerships and franchising frameworks respectively. The act also provided local transport authorities with a new power to run their own bus services. That power sits alongside authorities' existing ability to subsidise services. Those powers are now available to local transport authorities as defined in the 2001 act—namely, all Scottish local authorities and the Strathclyde Passenger Transport Authority, which was the precursor to the current Strathclyde Partnership for Transport—SPT.

In 2005, regional transport partnerships were formed. Of the seven RTPs in Scotland, three took on additional powers relating to bus services by means of transfer orders similar to the one that is being considered today. Those so-called model 3 RTPs are South West of Scotland Transport Partnership, or SWestrans; Shetland Transport Partnership, or ZetTrans; and SPT in its current form—I love Transport Scotland's use of acronyms.

09:30

The transferred bus powers include the ability to form quality partnerships and quality contract functions that have now been repealed and can no longer be used by RTPs. In order for RTPs to be able to use the replacement functions in the amended 2001 act, as well as the new power to run their own services, an order under section 10 of the Transport (Scotland) Act 2005 to transfer those functions is required.

It has always been the Government's intention that RTPs would be able to access the full suite of bus powers that are provided for by the amended 2001 act. As such, the 2019 act was drafted with the intention of this order being laid following the commencement of the relevant powers.

In preparing the order, the Government has engaged with the three affected RTPs and has consulted their constituent authorities. All the responses that were received were supportive of the proposals. The order will ensure continuity of the powers for SWestrans, ZetTrans and SPT and will allow them to exercise those powers to improve bus services in their regions.

I am happy to take any questions that you have.

The Convener: Thank you very much, minister. I am sorry that we were slightly slow in getting you in—we had programmed the session to begin at quarter past 9—but there was some confusion about the policy note for the instrument. In the past, the committee has commented on how easy it is to understand policy notes and how helpful they are in relation to legislation. The problem was that, in all the explanation that we received—I re-read the information several times last night—we could not identify what a quality partnership or a quality contract is. Could that have been made a bit clearer in the policy note? That is a gentle nudge, minister, and something to think about.

Jim Fairlie: I will let Bridget Bryden answer that, because we have had a similar conversation.

Bridget Bryden (Transport Scotland): I drafted the policy note, so I will take that point on board. Would you like me to explain the differences?

The Convener: The Scottish Parliament information centre gave us an explanation this morning, which is why we were slightly slow in getting to you. I would just remind you that, although I know that it is very easy for you, as a group, to talk about these things—because, I am sure, they are the focus of much of your attention—the committee had no knowledge of either term. I was the convener of the committee that considered the bill that became the 2019 act, but I was still scratching my head as to what they were, so it would have been helpful to have had further information. I will labour the point no more—I have made it, and I think that the minister has noted it.

Monica Lennon (Central Scotland) (Lab): Good morning. That was a helpful opening statement, minister. Thank you for the clarification.

I note the information about the existing powers and what the instrument will do, but will more funding be made available to transport authorities? Having powers is really important, but we know that there are big challenges for bus services right across Scotland. I am thinking particularly about the Strathclyde area, where many of my constituents live. There are powers to run bus services and existing powers to subsidise services, but, when I speak to transport authorities, they say that they do not have the budget to do that. What can be expected in the months and years ahead?

Jim Fairlie: I cannot say anything about funding at the moment. As you know, funding is extremely tight, but a huge amount of the funding that is provided by the Scottish Government every year goes to transport. The Scottish Government's budget for 2024-25 allocated £5 million in capital funding and £1 million in resource funding for the community bus fund. All sorts of funding is being provided for local authority buses and for the bus system right across the country.

I cannot give you any more detail. We can tell you what is being done at the moment, but I cannot tell you anything about what will happen in the future.

Monica Lennon: Okay. Fair enough. I am sure that the committee will try its best to help you to persuade colleagues that investment in bus services is absolutely crucial to Scotland's economy but also to achieving net zero.

We know that Strathclyde Partnership for Transport's current consultation on its approach to bus transport includes potentially setting up a municipal bus company. Would ministers support that approach?

Jim Fairlie: The Government is absolutely cognisant of how important bus services are. They are the biggest source of public transport that we

have, so members should be in no doubt about our commitment to them. What the local authority or SPT does is its decision. It is entirely up to them how they go about what they are going to do. As long as they have looked at all their modelling, it is their choice.

Mark Ruskell (Mid Scotland and Fife) (Green): Good morning to the panel. I am trying to get a sense of where the Government's vision for buses is now. As Monica Lennon has just outlined, we can have municipally run services that are run in the public interest and owned by the public. We can have franchising in which regional transport partnerships and councils can control the provision of services in their areas or we can have the status quo, with bus services improvement partnerships trying to get fragmented services and fragmented public sector delivery working a little better. What is the Government's vision? Which of those three approaches do you think is the way forward and which do you back?

Jim Fairlie: The Government's vision is to get as many people on to public transport as we possibly can by whatever means necessary. There are various options that local authorities and local transport partnerships can use, and it will be up to their local decision making, with encouragement from the Government, to do as much as they possibly can. There are some statutory obligations for each local authority to deal with, but, by and large, their decisions and how they achieve them are entirely up to them.

Mark Ruskell: Which of the three options do you think will get more people on to public transport and repair services?

Jim Fairlie: I cannot give you an answer to that off the top of my head.

Bettina Sizeland (Transport Scotland): As the minister has said, these transport powers are very much about local authorities and RTPs making their own decisions about what is appropriate for their areas. We set out a vision in the fair fares review, which was published in March. That vision is to make public transport affordable, available and accessible.

Mark Ruskell: That concerned pricing rather than the delivery model, which the fair fares review did not cover at all.

I will move on to the cabinet secretary's announcement on climate change from a couple of weeks ago. As part of a package to reboot our action on climate change, a national programme of integrated ticketing was announced. It was, of course, announced previously—12 years ago—but it has not been delivered yet. That will probably need to be delivered on a regional basis and rolled out across Scotland. Which of the three transport partnerships that are mentioned in the statutory

instrument will be the first to integrate ticketing in a pilot area and encourage people on to public transport?

Jim Fairlie: I will have to defer to officials on that, because I have not taken that bit forward.

Bettina Sizeland: That announcement was made as part of the fair fares review, and we are looking at that work. We have not yet started detailed discussions with local authorities and operators that might be interested in taking up a pilot. That is work that we will need to do.

Mark Ruskell: Three regional transport partnerships are mentioned in the statutory instrument but there is no understanding of whether they will move towards rolling out integrated ticketing in the near future. Is that correct?

Bettina Sizeland: The intention is that we will look at delivering a national integrated ticketing system for Scotland, but we will need to work with the regional transport partnerships to see what is appropriate in their areas.

Mark Ruskell: What will the timescales be for that?

Bettina Sizeland: We do not have the timescales set up. The National Smart Ticketing Advisory Board is looking at the technological standards. It is already set up to look at those, but it has three years in which to provide recommendations on the appropriate technological standard.

Mark Ruskell: Okay. That will be 15 years since the initial policy commitment to roll out integrated ticketing, and there is no understanding of whether the three regional transport partnerships that I mentioned will have any role in that in the near future.

Bettina Sizeland: To deliver a national integrated ticketing system, all the local transport authorities, including the three RTPs, will need to have a role in defining that. The RTPs are already represented on NSTAB, which is the board that has been set up through legislation to look at smart and integrated ticketing.

Mark Ruskell: I understand that there is already an element of integrated ticketing in Shetland, and Shetland is mentioned in the statutory instrument. Would it be possible to move fully towards integrated ticketing in Shetland, at least, and to support that delivery with a regional roll-out?

Bettina Sizeland: There are examples of integrated ticketing systems and approaches across Scotland, and NSTAB is looking at those to see what might be appropriate for further development.

The Convener: Tell me—because I was listening to that question—about the three councils that are mentioned. Shetland Islands Council, Dumfries and Galloway Council and the Strathclyde Partnership for Transport all asked for those powers—is that right? Did they come to you, or did you just tell them that you were giving them those powers?

Bridget Bryden: When the regional transport partnerships were set up, in 2005, there was a consultation, but I honestly cannot tell you whether it was sought by the RTPs or developed in some other way. It was determined that they should lead on bus powers in their areas. When we were developing the 2019 act, it was always the intention that they would continue to have the new bus powers.

There have obviously been discussions with the regional transport partnerships. We also had a formal consultation, which is required under the 2005 act, when the minister or cabinet secretary—I honestly cannot remember whether it was the minister or the cabinet secretary at the time—wrote to them and formally consulted them and their local authorities.

The Convener: Did they come back and say, “Yes, we want these powers. We are cracking on and accept your business impact assessment that there is no cost involved in it”?

Bridget Bryden: They all came back and accepted the powers. There was no business impact assessment associated with the regulations. There was one for the act as a whole when it was introduced, in 2017.

The Convener: Your policy note says:

“No BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.”

Will taking on the powers have no cost?

Bridget Bryden: There is no cost to the local authorities in holding the powers. There will be a cost if they choose to use them, in the same way as there is a cost if they choose to subsidise services.

The Convener: What I take from that is that, if they exercise the powers, they will need money, but that has not been discussed. So I am not clear in my mind whether they asked for the powers or have just been given them.

Bridget Bryden: We wrote to them and asked them if they were content to have the powers transferred, and they agreed.

The Convener: Okay. Sorry, Douglas, I jumped the gun.

Douglas Lumsden (North East Scotland) (Con): Not at all, convener. I will follow on from that. We heard earlier that there are seven regional transport partnerships but this instrument looks at only three of them. This is probably a daft-laddie question, but is there a reason why the other four are not included?

Bridget Bryden: Back in 2005, when the transport partnerships were established, only those three wished to take on the bus powers. In carrying out this transfer order, we are not looking to change the governance approach to regional transport partnerships in Scotland. There was a commitment to review that coming out of the fair fares review, which may mean that RTPs in future wish to take on further powers. We are looking to ensure that the RTPs that had access to the older bus powers are also able to access the new bus powers. We do not want to be in a situation where we have taken powers away from them and not given them an alternative.

Douglas Lumsden: Would it not be better just dealing with all seven so that they can have the powers if they are requested in the future?

Jim Fairlie: The three that you have spoken about are the ones that have said that they want the powers; the others do not. That is my understanding.

Bridget Bryden: The transport governance review will engage with the local authorities and determine whether there need to be any changes in future.

Douglas Lumsden: We heard in our pre-brief that the quality partnerships are not formalised in any way. Is that a good thing? Should they operate more formally?

09:45

Jim Fairlie: I will defer to Bridget Bryden on that one.

Bridget Bryden: Quality partnerships no longer exist. I think that five were established in Scotland formally. With bus services improvement partnerships—the new partnership powers allow for those—a very formal approach must be taken. There are already a number of voluntary partnerships in Scotland, and they may wish to become a formal bus services improvement partnership. No one has commenced that process yet.

Douglas Lumsden: A voluntary partnership is when it is not formalised.

Bridget Bryden: That is when it is not formalised. When you are using the bus services improvement partnership powers, you go through

the process of reaching legal agreement between the local authority and the operator.

Douglas Lumsden: Right. I understand that now.

Do we need the order to be agreed to for some of the regions to move to a franchising model, or is that a separate issue?

Jim Fairlie: They need the powers in order to progress anything that they want to do.

Douglas Lumsden: In terms of franchising?

Jim Fairlie: Yes, but not just franchising.

Bridget Bryden: The order covers franchising, partnerships and local authority-run services.

Jim Fairlie: They need the powers to do any of the things that they would want to do.

Douglas Lumsden: In answer to Monica Lennon's question about how we get more people on to public transport, you said that the Government would do that by whatever means possible, I think. What will that mean for car users?

Jim Fairlie: The Government has a commitment to reduce our car usage by 20 per cent—or is the figure to do with 20km? Correct me if I am wrong, Bridget.

Bridget Bryden: It is 20 per cent.

Jim Fairlie: That is what we are aiming towards in order to help us to meet our net zero targets. We want to get people on to buses, trains and other forms of public transport.

Douglas Lumsden: Will you do that by using a carrot or a stick, or will you use a bit of both?

Jim Fairlie: At the moment, it is all carrot, because we are giving under-22s free travel and we are giving older and disabled people concessionary travel. Local authorities have the ability to put in place car park charges and so on. I think that it will probably be a bit of both, but everything that I have seen up to now has been more carrot than stick, if you want to use that phrase.

Douglas Lumsden: If we move to the stick approach, we have to recognise that the car will still be very important to some people in our rural communities. We must ensure that those communities are not penalised by anything that is done.

Jim Fairlie: I would absolutely accept that.

The Convener: With respect, we are straying a wee bit away from the provisions of the statutory instrument. Although that line of questioning is interesting, I am not sure that it is following completely on the lines of the instrument. I am

happy to let you ask another question. It would be helpful for that to be specifically on the instrument.

Douglas Lumsden: I will leave it there, convener.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I think that you took a very generous definition of "a wee bit" there, convener.

The powers that are contained in the instrument, which cover BSIP, franchising and municipal bus companies, are enabling powers. It is not a directive for the SPT, which covers my area, or others to use those powers; rather, it provides enabling powers that will allow us to plan ahead for the future. Will the minister confirm that, for a region as big as the one that the SPT covers, this is not an either/or? We live in a world in which a bus services improvement partnership could be developed for one part of the SPT area; a business case for franchising could be developed—the SPT is currently doing that and it will take several years and be of significant cost, I understand; and local authorities and the SPT could dip their toe in the water in relation to running municipal services. Therefore, it is not a choice between three options; it will be a case of mix and match at a local level to best meet the needs of strategic transport and buses.

Jim Fairlie: Agreed.

Bob Doris: That is helpful, because sometimes it feels as though it is an either/or.

Monica Lennon was quite right to raise the issue of finances. We know that, if the SPT was to use franchising powers, the costs would be eye-watering. There is no point in anyone around this table, from any party, pretending that the Government has got spare change for that sitting about in its coffers, because it simply does not. Will you say a little bit more about the conversation that the Scottish Government would expect to have with other parties in this place, and with any current or future Government at Westminster, about how to identify such funds that simply do not exist just now? If we are serious about our net zero aspirations, that will take partnership working across parties and Governments, and it needs to be financed. Will you set out your thoughts on how we should have those constructive conversations?

Jim Fairlie: When the cabinet secretary—my immediate boss, Fiona Hyslop—was seeking a debate on the fair fares review, she asked for a debate without a motion, which Mark Ruskell, Alex Rowley and Graham Simpson all agreed to. That was probably one of the most constructive debates that we have had in the Parliament since I became a member. I would like to see us continuing in that way. You are right to raise costs: anything that we are going to do will require cross-

Government funding, because there is no way that the Scottish Government will be able to manage to do all the things that we would like to do, given our budgetary constraints. I take on board the point that you are making, which is that it will take cross-party conversations and a great deal of co-operation in order to achieve the big-ticket stuff that will reduce our emissions.

Bob Doris: That is helpful. I do not think that that is an admission; it is just the reality of the world that we live in across parties and across Governments. My colleagues spoke about the fair fares review, and one of your officials, Bettina Sizeland, also mentioned it. I spoke in the debate without a motion and I thought that that was an excellent way to find out where the Parliament stands on an issue, so that we are not boxed in by party positions. During the debate, I made the point that, in Glasgow or Strathclyde, there is already a degree of integration and there are a variety of platforms—for example, the old zone card still exists and there are multicompany bus tickets. I made the case that Glasgow would be well placed to be part of an integrated ticketing pilot as well as a flat fare pilot, which is also being considered, and that those pilots should integrate bus and rail.

Jim Fairlie: I think that Mr Doris is in danger of doing exactly what Mr Lumsden was doing. *[Laughter.]*

Bob Doris: I will point out that what I am doing, though—

The Convener: You are straying. When Douglas Lumsden was speaking, he was on a slightly different runway—I feel that you may be on that same runway. I ask you to put a question to the minister.

Bob Doris: I will come to my question. However, I note that other colleagues have asked specific questions about the fair fares review and integrated ticketing pilots. All that I am doing is asking a question that is similar to what colleagues have already asked—they were not told that they were straying from the point, which I think is important.

What is your timeline for identifying areas that may be considered for a pilot? How would members such as Monica Lennon, Mark Ruskell and me know that our area is being actively considered, so that we can get involved and support any bids or pilots that may be in the pipeline?

Jim Fairlie: I will defer to Bettina Sizeland on that.

Bettina Sizeland: We do not have a timeline yet. That recommendation and commitment was made in the fair fares review and we now need to

do that work. As you would appreciate, we need to have proper discussions with the local transport authorities and the operators. Through those conversations, we will come up with an assessment of the options that may be appropriate, so that ministers can consider them. Once we have done that work, we can set out a timeline.

Bob Doris: Will members be informed at that point, or is there a timeline for when you are likely to have a timeline? In other words, can you tell us that you will be able to clarify what that timeline will look like within six months, for example?

The Convener: I think that you have pushed that as far as you can. Maybe that is a hanging question.

Bob Doris: Let us say that it is rhetorical, convener.

The Convener: It was a nice try. Monica Lennon has a follow-up question.

Monica Lennon: I was feeling inspired listening to my colleague Bob Doris. Given that there are real challenges around public finances and we know that investment is crucial but that being able to unlock it is not easy, are you and your colleagues having discussions with colleagues elsewhere? It is not just about what we talk about in the Parliament. Can we learn from what is happening in, for example, Greater Manchester and the work that is being led by Andy Burnham that is a result of lots of campaigning and cross-party working? Are you building that into your fact finding?

Jim Fairlie: As far as I am aware—Bettina Sizeland will correct me if I am wrong—the cabinet secretary has been looking across the United Kingdom at different models in order to work out the best way forward. Is that correct, Bettina?

Bettina Sizeland: Yes. As officials, we have had discussions with colleagues who are developing other models, including in Manchester, so that we can learn from them. As we progress with the work, we will need to visit them to understand their approach in more detail. We will develop that work programme.

Monica Lennon: That is encouraging.

The Convener: Good. Thank you, Monica. I think that we were in danger of going down a different rabbit hole. There will be questions that we will have to ask later.

Monica Lennon: We could go on the buses together in Manchester.

The Convener: I am not sure that the committee will be going to visit Manchester.

I will let Mark Ruskell have a final question on the subject of the SSI.

Mark Ruskell: I will try to keep it to the subject. Have the three RTPs that are named in the SSI benefited from the community bus fund? The minister mentioned that there is a relatively small amount of money—£5 million—for community bus funds. You will have noticed in Perth and Kinross that the council has used that money successfully to develop a new model for rural bus services that involves communities running their own services. I am interested in where that would sit within a new emerging model of rural services, and whether there is an expectation that the community bus fund will be enhanced and further developed in order to create new delivery models?

Jim Fairlie: I cannot tell you what the individual RTPs have done or what funding they have received. I do not know whether Bridget Bryden or Bettina Sizeland has those figures to hand. If they would be useful, we can send them to the committee.

Bridget Bryden: Last year, 10 different bids for the community bus fund were taken forward. It was available to RTPs across Scotland as well as local authorities. I cannot tell you how much money went to individual RTPs, but we can write to the committee with that information.

Bettina Sizeland: I have it here. SPT was awarded grant funding of £155,000 from the Scottish community bus fund to consider rural transport provision, local authority-run services and the scoping of data provision. SPT has used that information to feed into the Strathclyde regional bus strategy.

Mark Ruskell: What about the other two RTPs that are mentioned in the SSI?

Bettina Sizeland: I do not have that information to hand, so we will have to write to the committee with that.

Mark Ruskell: That will be useful.

The Convener: I would be happy for that information to be sent to the committee clerks after the meeting.

As there are no other questions, we will move on. Agenda item 3 is a debate on the motion calling for the committee to recommend approval of the draft order. I invite the minister to speak to and move motion S6M-12678.

Jim Fairlie: I have said all that I am going to say on the motion.

Motion moved,

That the Net Zero, Energy and Transport Committee recommends that the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [draft] be approved.—
[Jim Fairlie]

The Convener: Do any members want to say anything on the motion?

I do not mean to frighten members off. I understand the motion now, although I have struggled to come to terms with it, if I am honest. My concern is that I am not entirely clear that the two councils and the Strathclyde Partnership for Transport have taken on the transfer of functions voluntarily. In my opinion, it would be wrong to vote against the motion, but I would seek more clarity in future when we come to consider it.

Minister, is there anything that you would like to respond to in the debate? You could respond to me now, or you could just say that you are happy to take away the points that have been made.

Jim Fairlie: I am content to move on. The points have been noted, convener.

The Convener: The question is, that motion S6M-12678, in the name of Jim Fairlie, be approved.

Motion agreed to,

That the Net Zero, Energy and Transport Committee recommends that the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [draft] be approved.

The Convener: The committee will report on the outcome of the instrument in due course. I invite the committee to delegate authority to me as convener to finalise the report for publication.

Members indicated agreement.

The Convener: I thank the minister and his officials for attending. That concludes the public part of the meeting. We will now move into private session.

09:59

Meeting continued in private until 10:55.

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