



Environment and Rural Development Committee

30th Meeting, 2004

Wednesday 15 December 2004

The Committee will meet at 10.15 am in Committee Room 4.

1. **Water Services etc. (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 2).
2. **Subordinate legislation:** The Committee will consider the following negative instruments—
 - the Agricultural Holdings (Fees) Scotland Order 2004, (SSI 2004/496);
 - the Agricultural Holdings (Forms) Scotland Order 2004, (SSI 2004/497);
 - the Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2004, (SSI 2004/512); and
 - the Water Environment (Register of Protected Areas) (Scotland) Regulations, (SSI 2004/516).
3. **Sustainable development:** The Committee will take evidence from Ross Finnie MSP (Minister for Environment and Rural Development) on the Scottish Executive's response to the Committee's research report on sustainable development.
4. **Item in private:** The Committee will consider whether a draft remit and suggested programme of evidence in connection with its proposed inquiry into rural development should be considered in private at a future meeting.

Mark Brough
Clerk to the Committee
Direct Tel: 0131-348-5240

The following papers are attached:

<p><u>Agenda Item 1</u></p> <p>Members are reminded to bring with them copies of the Water Services etc.(Scotland) Bill.</p> <p>The Marshalled List of amendments will be published on Tuesday. The groupings will be available from document supply on Wednesday morning and will also be available at the meeting.</p>	
<p><u>Agenda Item 2</u></p> <p>the Agricultural Holdings (Fees) Scotland Order 2004, (SSI 2004/496)</p> <p>the Agricultural Holdings (Forms) Scotland Order 2004, (SSI 2004/497)</p> <p>Extract from the Subordinate Legislation Committee's 43rd Report</p> <p>Note from the Clerk to the Subordinate Legislation Committee</p> <p>the Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2004, (SSI 2004/512)</p> <p>the Water Environment (Register of Protected Areas) (Scotland) Regulations, (SSI 2004/516)</p>	<p>ERD/S2/04/30/2a</p> <p>ERD/S2/04/30/2b</p> <p>ERD/S2/04/30/2c</p> <p>ERD/S2/04/30/2d</p> <p>ERD/S2/04/30/2e</p> <p>ERD/S2/04/30/2f</p>
<p><u>Agenda Item 3</u></p> <p>Executive Summary of the Committee's research report into sustainable development</p> <p>Response from the Minister for Environment and Rural Development to the Committee's research report on sustainable development</p> <p>Response from the Sustainable Development Commission on the Committee's research report on sustainable development</p> <p>Paper from SPICe (<i>for Members only</i>)</p>	<p>ERD/S2/04/30/3a</p> <p>ERD/S2/04/30/3b</p> <p>ERD/S2/04/30/3c</p> <p>ERD/S2/04/30/3d</p>

Subordinate Legislation Committee

Extract of 43rd Report, 2004

The Committee reports to the Parliament as follows—

1. At its meeting on 7th December 2004 the Committee determined that it did not need to draw the attention of Parliament to the instruments listed in the Annexe to this report on any of the grounds within its remit.
2. The report is also addressed to the following committees as the lead committees for the instruments specified:

Environment Development	and	Rural	SSI 2004/497
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Instruments subject to annulment

The Agricultural Holdings (Forms) (Scotland) Regulations 2004,
(SSI 2004/497)

1. The Committee asked the Scottish Executive for clarification in relation to the Notice of Proposal to Transfer Land set out at Schedule 2 to the Regulations. The Committee was concerned that the Notice does not require the owner to provide an up to date address. As the Notice may be made a significant time after Registration, the Committee asked the Executive whether it will consider updating the Notice to ensure that the tenant has an accurate address for the owner.
2. The Scottish Executive indicated in correspondence (attached at the appendix to this report) that it would be willing to reconsider the matter should any difficulties arise in practice with the use of the form. The Executive refers the Committee to a similar form in the Community Right to Buy (Forms) (Scotland) Regulations 2004, (SSI 2004/233) in respect of which no concerns have been raised to date.
3. The Committee notes the Executive response but remains of the view that an up to date register is important for the effective working of the regulations. As there is no such requirement in this case the Committee takes the view that this is an unusual or unexpected use of the power and reports the instrument to the lead Committee and Parliament on this ground.

APPENDIX

THE AGRICULTURAL HOLDINGS (FORMS) (SCOTLAND) REGULATIONS 2004 (SSI 2004/497)

On 30th November 2004 the Committee asked the Executive for an explanation of the following matter-

“The Notice of Proposal to Transfer Land set out at Schedule 2 to the Regulations does not require the owner to provide an up to date address. As the Notice may be made a significant time after Registration, the Committee asks the Executive whether it will consider updating the Notice to ensure that the tenant has an accurate address for the owner.”.

The Scottish Executive responds as follows:

The Scottish Executive notes the matter raised by the committee and is willing to consider the practical use of the form and any difficulty that might arise from the absence of an address for the landowner. If practical difficulties arise the Executive will of course consider amendment to the form. It is hoped, however, that the need to comply with the legislation in order to transfer a good title to a third party will result in all landowners and their advisers ensuring that all reasonable steps are taken to satisfy themselves that any right to buy has been either properly exercised or declined.

The Committee may be interested to note that the Executive has considered the matter in the context of the Community Right to Buy legislation as the form contained in Schedule 4 of SSI 2004/233 is in almost identical terms. No concerns have been raised to date in relation to that form. Any points arising from the use of either the forms of notice to transfer land in SSI 2004/497 or SSI 2004/233 will be considered for both uses.

Note from the Clerk to the Subordinate Legislation Committee

**Agricultural Holdings (Forms) (Scotland) Regulations 2004
(SSI 2004/497)**

At its meeting of 7 December 2004 the Subordinate Legislation Committee agreed to report the Agricultural Holdings (Forms) (Scotland) Regulations 2004 (SSI 2004/497) on the basis of unduly limited use of powers. The Committee also agreed to highlight concerns that lay outside its remit to the lead committee by referring the lead committee to the relevant extract of *the Official Report* from its meeting of 30 November 2004.

Please find a copy extract enclosed.

Subordinate Legislation Committee Official Report 30 November 2004

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Scottish Parliament

Subordinate Legislation Committee

Tuesday 30 November 2004

[THE CONVENER *opened the meeting at 10:41*]

EXTRACT

Agricultural Holdings (Forms) (Scotland) Regulations 2004 (SSI 2004/497)

Stewart Stevenson: I draw attention to my entry in the register of interests, which indicates that I own 3 acres of rough grazing, which are rented to a farmer for up to 364 days a year. I believe that that falls outwith the scope of the order, but I think that it is appropriate to draw your attention to that, convener, in case my judgment is incorrect.

I have a small point to raise in relation to the form. Under schedule 2 of the regulations, provision is not made for the owner who is giving notice that he is about to transfer land to provide his address. Given that the original registration of interest could apply for up to five years prior to the owner giving such notice, it would be appropriate for the form to have the address that is current at the time of giving notice, so that the party or parties who have given notice of interest are able to respond within the timeframe to the owner at his current address.

The Convener: We should report that very good point to the Executive.

Christine May: To amplify what Stewart has said I—and I suspect many others in their constituency work—have come across instances where it is impossible to contact landowners because an up-to-date list of addresses is not available. People have therefore missed out being informed on fairly major issues with implications for their particular landholding. If the opportunity arises, the issue could be flagged up in other pieces of subordinate legislation that might need to include an up-to-date address. That would be very welcome, although I do not know how we would do it.

The Convener: Obviously, I am averse to giving more work to the Executive and I am wondering how that might be flagged up. Perhaps we could do it only with forthcoming orders, but it would be quite useful.

Stewart Stevenson: I have a general observation based on constituency work and previous legislation in which I have been involved. There is no legal obligation for owners to be

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registered and that can create a real difficulty. In the case of these regulations, the address is already known and in the public domain, but it might have changed. Christine makes a more general point that is probably well beyond the remit of the Subordinate Legislation Committee, but the committee might be minded to take the opportunity to take cognisance of the issue.

I have a constituency issue where for ten years it has been impossible to find out the owner of something that matters to a local community. That is to the community's great detriment and it is a very big and complex issue.

The Convener: We can take up Christine May's point with reference to regulations such as those we are considering. We would like the Executive to consider the issue for future similar instruments.

Murray Tosh: It might also be appropriate for our legal advisers to reflect on this discussion. As Stewart Stevenson says, it might not be a matter for the committee, but we have discussed some general issues that must be in someone's remit and someone somewhere should scrutinise them. Perhaps the legal advisers could reflect on that and come to a considered and informed position.

The Convener: We will pass that on to the appropriate committee, which is possibly the Environment and Rural Development Committee. We will find out and pass it on.

A minor error has also been picked up and we will bring that to the Executive's attention.

Environment and Rural Development Committee

10th Report, 2004 (Session 2)

Is The Scottish Executive Structured And Positioned To Deliver Sustainable Development? Volume 1

SP Paper 206

Session 2 (2004)

Executive Summary

1. CAG Consultants was commissioned by the Environment and Rural Development Committee of the Scottish Parliament to investigate: *Is the Scottish Executive structured and positioned to deliver sustainable development?*

2. This report presents the main research findings. A supplementary report has also been produced, setting out in more detail the various elements of our analysis.

3. The report begins by defining clearly the remit of the research and outlining the methodology employed. In particular the research draws on the framework for the analysis of sustainable development governance developed by the OECD (Organisation for Economic Co-operation and Development), and on the examples of good practice governance highlighted by the OECD in their recent report.

4. The next section of the report sets out the main findings of the research, examining the mechanisms by which the Executive has integrated sustainable development into its internal workings and how this has translated into the development of Executive Strategies, Guidance for NDPBs (Non-Departmental Public Bodies) and Executive Bills put before Parliament.

5. The analysis shows that the Executive has established a number of useful mechanisms to help address the sustainable development agenda, but also highlights areas where performance could be improved. It is argued that one particular weakness in the current approach is the lack of a coherent sustainable development strategy and action plan. There is also a need to better engage staff within the Executive and to develop more formal systems to ensure that sustainable development is a key commitment of other public agencies, stakeholder organisations and the wider Scottish public.

6. The report concludes with a series of recommendations to be considered by the Environment and Rural Development Committee. These are that the Scottish Executive should:

- Agree a Scottish sustainable development strategy which identifies priorities that reflect the need to integrate social, economic and environmental objectives
- Better integrate sustainable development into core staff training

- Establish a mechanism for translating the sustainable development commitment to other public bodies and local government
- Develop a sustainable development action plan based on sustainable development strategy priorities
- Develop formal mechanisms to translate the sustainable development action plan into key Executive documents
- Allocate overall responsibility for implementation of the sustainable development action plan to the Cabinet Sub-Committee on Sustainable Scotland (CSCSS)
- Consider if the Sustainable Development Directorate should move to the Office of the Permanent Secretary (OPS)
- Ensure more integrated sustainability appraisal of Executive policies and legislation early in their development
- Expand the procurement strategy to support social and economic objectives
- Establish a system to feed back trends in sustainable development indicators to decision-makers (Ministers and staff) to inform policy development
- Establish a commitment to regular (e.g. every 4 years) independent scrutiny of Executive sustainable development performance
- Ensure wide stakeholder engagement in the development of the new sustainable development strategy and action plan.

7. It is also recommended that the Scottish Parliament:

- Better integrate sustainable development into staff training
- Develop a checklist to help Parliamentary Committees to assess the sustainability of legislation under consideration
- Enhance scrutiny of the Executive by Parliament.

8. This research has also highlighted areas where the Parliament may wish to undertake future work to inform its scrutiny of the Executive. The two main additional areas identified during this evaluation are:

- Is policy being converted into practice? In other words, are the frameworks and structures developed by the Executive leading towards a more sustainable Scotland and if not, what action is required to move Scotland along a more sustainable path?
- Finance and Sustainable Development: The expenditure of the Executive and its agencies (and other organisations the Executive can influence) is crucial to the promotion of a sustainable Scotland. The Executive has already attempted an initial evaluation of the impacts of its direct expenditure through *Building a Sustainable Scotland*. A more comprehensive review would provide a clearer basis for evaluating how Executive money is spent and how the Executive could encourage other stakeholders to be more sustainable.

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November 2004

Further to my letter of 25 November, I attach a response to the recommendations in the report prepared for your Committee by CAG Consultants on whether the Executive was structured and positioned to deliver sustainable development.

I was pleased to see that the consultants were able to interview a good range of key officials across the Executive as part of their work. I am looking forward to discussing their findings and our response to them with the Committee on the 8th, as I am to hearing what the Committee's own views are on the report's recommendations.

In your letter, you refer specifically to the review of the EU's sustainable development strategy. The UK Government is taking the lead in responding to the review, in consultation with us and the other devolved administrations, and we hope to see better progress under the new Commission in integrating environmental considerations into other policy areas. We and the UK Government will be looking at how to take forward the conclusions of the review in the context of our respective strategies.

I am copying this letter to the Clerk to the Committee and also sending a copy to the Clerking Team in electronic form.

ROSS FINNIE

SCOTTISH EXECUTIVE RESPONSE ON RECOMMENDATIONS BEING CONSIDERED BY THE ENVIRONMENT AND RURAL AFFAIRS COMMITTEE

Introduction

1. I am pleased to have this opportunity to respond to the issues raised in the report from CAG Consultants on the arrangements we have in place to deliver sustainable development in Scotland. I hope this will aid the Committee's consideration of the recommendations that have been made (listed in paragraphs 140 and 141 of the consultants' report).

2. The recommendations are considered in turn in the paragraphs below. It might however be useful to set any discussion of institutional arrangements within the wider political context. One of the five key criteria identified in the OECD checklist is clear commitment and leadership. Our political commitment to sustainable development is declared in the introduction to the Partnership Agreement:

“We want a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities. Our commitment to the environment is demonstrated in every section of this Partnership Agreement.”

3. The First Minister has repeatedly signalled the political priority he attaches to sustainable development and his chairmanship of the Cabinet Sub-Committee reflects that commitment to developing the agenda and delivering a sustainable Scotland.

Recommendation 1: that the Executive should develop a Scottish Sustainable Development Strategy

4. We will be developing a Scottish SD strategy during the course of 2005. Preparatory work is already underway and I am aware that a number of external groups and organisations are gearing up to work with us in the development of the strategy. This is extremely helpful: we are committed to making the process as participative, engaging and transparent as it possibly can be, in line with our commitment to open and inclusive policy making based on effective consultation. Sustainable development in Scotland cannot be delivered by the Executive alone: we depend on the active involvement of all sectors of Scottish society and public life.

5. As you will be aware we are working with the UK Government and the other Devolved Administrations to produce an overarching UK sustainable development Framework. The visions and principles it sets out will inform the development of the strategy and many parts of the process can only be taken forward once that Framework is in place. But that will not hold us back from taking the preparatory stages forward. Nor does it preclude us from making clear our commitment now to a strategy that will integrate social, economic and environmental goals, and that considers future and global impacts.

6. The development and production of the first sustainable development strategy for Scotland will be a significant step forward. It will make many changes to the

policy landscape and will undoubtedly have implications for the organisational and delivery arrangements that are considered in the report.

Recommendation 2: that the Executive should prepare a sustainable development action plan linked to the sustainable development strategy

7. The development and agreement of the Scottish strategy will generate a clear statement of actions to which we are committed and to which we will be held to account.

8. A good deal of work is of course already underway on the areas identified in the report: the duty of Best Value on local government, for example, and the environmental performance of public bodies. I would be happy to provide more information to the Committee on this work if that would be helpful.

Recommendation 3: that the Executive should establish a systematic monitoring and review process

9. As the report suggests, the Cabinet Sub-Committee has a key role to play in monitoring progress on implementation of our commitments. We also already publish annual progress reports on the 24 Indicators of Sustainable Development for Scotland which were originally set out in *Meeting the Needs...*

10. We recognise the importance of systematic monitoring and review and appropriate mechanisms will be built into the strategy and ensuing action programme.

11. The development of the strategy also provides us with the opportunity to review our sustainable development indicators, as we committed ourselves to do when we first published them in 2002. Key considerations in that review will be the extent to which we can mirror the indicators used by the other UK Administrations (and by the EU, which is in the process of reviewing its own sustainable development strategy) to allow reasonable comparisons to be made and the need for our indicators to reflect peculiarly Scottish priorities and concerns.

12. We are also working with other leading European regions to consider whether it would be useful to develop some common indicators to compare and contrast progress at regional level.

Recommendation 4: that the Executive should ensure more integrated sustainability appraisal of its policies and legislation early in their development

13. It is of course vitally important to embed sustainable development appraisal into an early stage of policy development. We already seek to do this in a number of ways. For example:

- The Better Policy Making programme includes a checklist for policy makers which aims to assist in assessing the impact of their proposals on sustainable development and other cross cutting issues and priorities.
- Department are required to undertake pre-expenditure assessments (PEAs) for all significant capital projects, significant proposals for new resource spending and

major new spending proposals in Spending Reviews. The PEA process involves assessing the aims and objectives of proposals, the options for addressing them, the evidence base on likely economic, social and environmental impacts and on value for money, financial and management arrangements (including risk management) and monitoring and evaluation plans.

- Papers seeking Cabinet decisions are required where relevant to set out what steps are being taken to ensure that proposals embody the principles of sustainable development.
- All transport projects which the Executive supports or approves are required to be appraised in accordance with Scottish Transport Appraisal Guidance (STAG), which looks at economic, social and environmental impacts.

14. As part of this year's Spending Review process, all portfolios were required to submit assessments of their performance in delivering sustainable development and their plans for taking it forward in their work over the next three years. Building on this work, I shall be leading a programme of meetings with Cabinet Colleagues over the coming months to ensure that sustainable development principles are effectively driven forward through each portfolio's operational planning and delivery.

15. We can also anticipate a major shift in both behaviour and outcomes as a result of the introduction of SEA. The introduction of this legislation will take us significantly further than our international counterparts and demonstrates a step change in the attention and priority that must be given to environmental issues by public bodies. At this early stage, we believe it is important to maintain the focus of SEA and that formally including economic and social factors could run the risk of obscuring the environmental factors that we are trying to identify.

16. Looking ahead, we shall be considering as part of the delivery work on the Scottish strategy the scope for providing further practical guidance, signposting or simple tools to assist policy makers in taking account of sustainable development.

Recommendation 5: that the Executive should act to increase understanding of sustainable development concepts and its priorities amongst its staff

17. It is already part of the Sustainable Development Directorate's work to increase understanding of sustainable development concepts and priorities through its work in collective policy making within the Executive. My programme of bilaterals with Cabinet colleagues will provide an additional opportunity to raise understanding and engagement among at Ministers and senior officials.

18. So far as training is concerned, as the report recognises there is some coverage already of sustainable development in the Executive's training for policy makers, based on the Better Policymaking checklist. We are looking at the scope for strengthening this and at the possibility of providing further specialist training where there might be helpful.

Recommendation 6: that the Executive should consider if the Sustainable Development Directorate should move to the Office of the Permanent Secretary

19. Our commitment to sustainable development means action across all portfolios. A key role of the Cabinet Sub-Committee is to make those connections and ensure that we can drive the agenda forward across government. The chairmanship of the Sub-Committee by the First Minister sends a clear signal regarding the priority we attach to this agenda. It is an agenda for all departments and that is where we can make the critical difference. Making that happen requires us to have institutional arrangements in place to “steer integration” but does not depend on the specific location of the Sustainable Development Directorate.

20. The Directorate’s current location reflects the strong linkages between sustainable development and related policies in the environment field, such as on climate change. Its position is similar to that of other cross cutting policy units such as Social Inclusion Division, which is located within the Development Department but which plays a cross cutting role across the Executive on closing the opportunity gap.

Recommendation 7: that the Executive should expand its procurement strategy to support social and economic objectives

21. The Executive already aims to buy goods and services in a way which minimises impact on the environment, and has published a considerable amount of guidance and information for both public purchasers and suppliers on how purchasers can take full account of relevant sustainable development objectives and policies.

22. The Scottish Procurement Directorate (SPD) is considering whether social issues can be included within public procurement practice without falling foul of European Procurement Directives through its participation in the "Community Benefits in Procurement" programme, which is piloting four projects in Scotland. The programme is trialling a methodology to see whether it might be possible to include targeted recruitment and training opportunities in public sector contracts. The Directorate will review the outcome of these pilots and consider whether it is possible to issue policy guidance to the Scottish public sector on the inclusion of community benefits in procurement.

23. The SPD’s procurement strategy embraces the Partnership Agreement and Ministerial commitments on economic objectives. Normal practice is to award business through competition which helps to promote economy and supports the key elements of Scottish Executive Procurement policy. The SPD is actively looking at how, within the European Procurement Directives, Scottish suppliers can compete effectively and fairly for Scottish public contracts. Guidance for buyers and suppliers has been placed on the SPD's external website.

24. In addition the SPD has facilitated a working group which includes representation from the Scottish Chambers of Commerce, CBI Scotland, the Institute of Directors and the Federation of Small Businesses, together with local authorities, health and education bodies and Scottish Enterprise. The working group has been considering the main issues which are considered barriers to business and will shortly submit an action plan to the Finance Minister identifying ways in which access to public contract opportunities by SMEs in Scotland may be improved.

Recommendation 8: that the Executive should establish a commitment to regular independent scrutiny of its sustainable development performance

25. We fully accept the importance of independent scrutiny of performance: being held to account for the delivery of our commitments. That principle runs right through our approach to and programme for government. We publish updated figures on our sustainability indicators as soon as they become available and, as you will know, these are reinforced by a comprehensive annual report.

26. The SDC has an important role in assessing progress across the UK, including in Scotland, and in reporting publicly on their findings and advice. The three external members of the Cabinet Sub-Committee similarly play an important part in bringing external expertise and challenge to bear on our thinking.

27. We look forward to further dialogue on mechanisms for effective monitoring, review, reporting and scrutiny as the strategy is developed during the course of next year.

Minister for Environment and Rural Development
November 2004

Agenda Item 3

**Environment and Rural
Development Committee**

15 December 2004
ERD/S2/04/30/3c



**Sustainable
Development Commission**

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25th November 2004

Ms Sarah Boyack MSP – Convenor
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Dear Sarah

ERD Committee 10th Report 2004: Is the Scottish Executive structured and positioned to deliver Sustainable Development?

As you know, the Sustainable Development Commission is the independent advisor to governments throughout the UK. Scottish Commissioners very much welcome the opportunity to comment on the Committee report into sustainable development. SDC's chair, Jonathon Porritt, read through and commented on the report and his comments are included in this response.

Report Methodology

We commend the Committee for a comprehensive and well-researched report. We felt the methodology was thorough and we welcome the comparisons with other parts of the globe which gave the report a particularly authoritative tone. We also commend the use of the Brundtland definition of sustainable development.

We strongly endorse the Committee view that it is desirable and necessary for Scotland to have an appropriate sustainable development strategy, action plan and audit structure.

Review of SD Strategy

We acknowledge, as does the Committee report, that the Scottish Executive has not to date produced a sustainable development strategy. However the Executive has stated the intention to produce a strategy and action plan. This work, that will be developed as a result of the review of the UK Government, is crucial to work towards embedding sustainable development across the work of the Scottish Executive.

Scottish Commissioners recommend a much wider definition than the current narrow focus of the Resource Use, Energy and Travel. We regard the development of a Strategy in Scotland as crucial. The strength of the Strategy document in Scotland will be the acid test of the statements of the coalition parties on sustainable development. We also

see any associated Action Plan and development of indicators as equally important to the Strategy itself. The idea that sustainable development is simply about environmental issues must be challenged across government and in wider society.

Training and Learning

Scottish Commissioners would like to highlight the pilot work undertaken by the SENCE Group (Sustainability through Environment, Nature, Communities and Enterprise). This group is comprised of SEPA, SNH, Communities Scotland, Scottish Enterprise and HIE. The group commissioned June Thomas of Stow College to develop a training package on sustainable development, which has been piloted and run throughout Scotland. We endorse this kind of package for use in the wider public sector. We feel in particular that those appointed as Bill Team Leaders in the Scottish Executive would benefit from this kind of learning experience.

CSCSS

The Cabinet Sub Committee on Sustainable Scotland (CSCSS) is a unique feature in the UK. We are not aware of any other Cabinet Sub Committee that invites participation from external individuals. However we do have a number of questions about the structure and function of the CSCSS. For example, do papers from the quarterly CSCSS feature on the agenda of the full Cabinet? We are also concerned that Health is not regarded as part of Sustainable Development and lacks representation on CSCSS. We also believe that CSCSS would also benefit from a more formal link to the Sustainable Development Commission. We suggest a regular appearance by Scottish Commissioners at CSCSS so that Ministers can make use of the Commissioners as a resource.

Monitoring Progress

As the Committee report states, the Executive does not at present have an action plan - or, therefore, monitor progress. In terms of independent monitoring this has been picked up by NGO's. WWF published 'Reality Check' documents and Scottish Environment LINK'S 'Everyone' campaign published a four year assessment 'For Better or Worse?' which included analysis of progress towards sustainable development. In England, Defra is examining the role of the audit of sustainable development structures. We understand that there is current research into this area commissioned by Defra.

The Committee report suggests an audit role for Commissioners. Currently the two Scottish Commissioners work part time for 18-24 days a year and have one dedicated member of staff for Scottish policy. SDC in Scotland consequently does not have the resources, and nor is it equipped, to carry out any kind of audit function. It is questionable whether this is an appropriate role for SDC as an advisor to government. In addition, there is also an important role for independent monitoring of the Executive's 'green thread' .

In terms of monitoring we believe that there is a strong argument for Audit Scotland to be involved in the monitoring of the Scottish Executive on sustainable development. We also believe that Parliament itself, perhaps via the Audit Committee, should ensure that Policy Memoranda for Bills introduced to Parliament are appropriately proofed for sustainable development. This should be linked to the training of Bill Team Leaders.

Efficient Government and Sustainable Development

An issue we feel would have merited consideration in the report is the Efficient Government agenda. We are concerned about how the effects of modernisation will affect Ministers' stated aims for sustainable development. Many of the disappointments

and conflicts in the modernisation process stem from a lack of compelling strategic purpose. We believe that sustainable development needs to be at the centre of the Executive's modernisation programme.

Sustainable development needs better machinery, while the modernisation agenda needs a sustainable focus and a bigger public purpose than can be provided solely by prevailing views of 'efficiency' and 'customer focus'. Modernisation without sustainable development is a recipe for short-term gains but long-term waste, frustration and contradiction. Sustainable development without the leverage and resources of the modernisation agenda may remain marginal in most public services.

Scotland is leading the way with e-procurement and sustainable procurement. The e-procurement Scotland system is designed to be available to the whole Scottish public sector. This is a good example of joined up working which is bringing real benefits to suppliers and purchasers alike. The Scottish Executive also has an improving record on sustainable procurement. The policy of specifying environmentally preferable goods and services, reducing waste and energy use and by actively seeking recycled or reusable products has been beneficial to the Executive.

Efficient Government and procurement are vital to the modernisation agenda. It would be very unfortunate if these two strategies were not properly integrated from the start - which means simply that all central Executive departments and agencies must be given an explicit sustainable development remit as part of their drive for increased efficiency. Interpreting 'efficiency' thus in a broader, longer-term context will ensure not just reductions in public expenditure, but an array of benefits over and above those savings.

Sustainable Development Directorate

While Scottish Commissioners are developing stronger links with the Sustainable Development Directorate in the Scottish Executive, we have doubts about the capacity of the Directorate to cover the broad sustainable development agenda (notwithstanding the report's observation that staff numbers are comparable to those responsible for Equalities). There is an increasingly heavy agenda, not least as the Directorate faces a step-change in the demands upon it with respect to its responsibilities in the development of a Scottish strategy and action plan. We also note that its location within a Government Department rather than centrally in the Office of the Permanent Secretary contrasts with criterion in the OECD checklist that such an 'institutional "catalyst" (should be) located strategically within the government machinery (e.g. at the level of the Prime Minister's office)'. We think this merits re-examination.

Conclusions

The Sustainable Development Commission welcomes the publication of a thorough and well-researched report. We share the report's view on the desirability of the Scottish Executive publishing a Sustainable Development Strategy with a much wider remit than the current focus on Resource Use, Energy and Travel. We commend the work of the SENCE Group, and suggest its training package be much more widely used. We support the work of the CSCSS, which we believe could be improved by the involvement of the Minister for Health, and establishment of more formal links with the work of the SDC.

We believe that as part of the Efficient Government initiative, all central Executive departments and agencies must be given an explicit sustainable development remit as part of their drive for increased efficiency.

The Scottish Executive's intention to develop a Sustainable Development Strategy will place increased demands on the Sustainable Development Directorate. Its leading role in this process may require additional resources beyond its current staff complement. We endorse the report's recommendation that the location of the Directorate within the ERD Department rather than the Office of the Permanent Secretary be reconsidered.

The Sustainable Development Commission, as currently resourced and constituted, is not able to undertake the scrutiny function of the Executive's sustainable development performance to which the report refers.

We look forward to learning how the Committee intends to continue the sustainable development theme to its work.

With best wishes

CLLR. MAUREEN CHILD
Vice Chair Scotland

HUGH RAVEN
Commissioner