

City of Edinburgh Council

City Development

City of Edinburgh Council

City Chambers

High Street

Edinburgh EH1 1JY

Comments are requested on whether the content of the policy statement: a) complies with the statutory requirements b) makes clear Scottish Ministers' policy with regard to the matters mentioned above.

We do not wish to comment on item a). We consider that it is for a branch of government to verify for itself whether its proposed actions are legal and competent.

The draft statement generally makes clear Scottish Ministers' policy except with regard to paragraph 9f:

'It is likely that an invitation to submit a tender for the right to provide, or to secure that a wholly owned subsidiary provides, passenger railway services under a franchise agreement will not be issued where: ... f) if an invitation to tender were issued any bids received in response to that invitation would not represent value for money or would not be affordable as a result of the shortness of the term of the proposed new franchise agreement or any other circumstance.'

This leaves significant uncertainty regarding the circumstances in which Ministers would conclude that any bids received in response to an invitation to tender would not represent value for money or would not be affordable. It is by issuing an ITT and receiving bids that value for money and affordability become clear.

We are not convinced that the statement should indicate that Ministers may prejudice the issue in this way.