Local Government and Communities Committee

Wednesday 7 February 2018

The Scottish Parliament
Pàrlamaid na h-Alba

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
5th Meeting 2018, Session 5

CONVENER

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

DEPUTY CONVENER

*Monica Lennon (Central Scotland) (Lab)

COMMITTEE MEMBERS

Kenneth Gibson (Cunninghame North) (SNP)
*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)
*Graham Simpson (Central Scotland) (Con)
*Alexander Stewart (Mid Scotland and Fife) (Con)
*Andy Wightman (Lothian) (Green)

*attended

COMMITTEE SUBSTITUTES

David Torrance (Kirkcaldy) (SNP)

THE FOLLOWING ALSO PARTICIPATED:

Roddy Angus (Scottish Government)
Dame Susan Bruce (Electoral Commission)
Joe FitzPatrick (Minister for Parliamentary Business)
Sarah Mackie (Electoral Commission)
Andy O'Neill (Electoral Commission)
Rebecca Whyte (Scottish Government)

CLERK TO THE COMMITTEE

Jane Williams

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 7 February 2018

[The Convener opened the meeting at 10:00]

"Scottish council elections 2017"

The Convener (Bob Doris): Good morning, and welcome to the fifth meeting in 2018 of the Local Government and Communities Committee. I remind everyone to turn off mobile phones. Meeting papers are provided in digital format, so members may use tablets during the meeting.

We have received one apology. Unfortunately, Kenneth Gibson MSP is unable to come to the meeting, but I am delighted to say that David Torrance MSP is here as a substitute member in his place. As David Torrance has not been to the committee before, he has to declare any relevant interest that he feels appropriate to put on the record. I give him the opportunity to do that now.

David Torrance (Kirkcaldy) (SNP): Thank you, convener. I have nothing to declare.

The Convener: That was brief. Thank you.

Under agenda item 1, the committee will take evidence on the Electoral Commission's report "Scottish council elections 2017: Report on the administration of the elections held on 4 May 2017". I welcome the electoral commissioner Dame Susan Bruce; Andy O'Neill, head of the Electoral Commission Scotland; and Sarah Mackie, a senior officer in the Electoral Commission Scotland. I welcome all three of you, and thank you for coming along. I ask the commissioner to make a short opening statement.

Dame Susan Bruce (Electoral Commission): Thank you very much for the opportunity to give evidence.

The report on the local council elections last year has been published. I am pleased to report that the elections were well run and commanded high levels of voter confidence and satisfaction. We think that that was down to the hard work of the returning officers, electoral registration officers and the Electoral Management Board for Scotland. At that time, they faced the additional challenge of planning the unexpected general election immediately afterwards. The ability to deliver council elections successfully—as they did—and to increase the engagement of voters demonstrates the strength of the electoral community in Scotland. I also include the parties

and the policy makers in that group. There was strength in depth in understanding what the election meant.

We are pleased to be able to report that the turnout had risen by over 7 per cent since 2012 to 46.9 per cent, which was the best turnout since 1977. However, that was still less than half of those who were eligible to vote, so there is still work to do in engaging the electorate and encouraging participation. Although the general picture was positive, members will have seen in the report that we make a series of recommendations for improvements to the running of the polls and to better support the participation of voters and candidates during the election.

There are a couple of other issues. Members will be aware that the Scottish Government has now published its consultation on electoral reform. We are very much engaged in that consultation and are working on our response.

Finally, I note that the Scotland Act 2016 makes the commission accountable to the Scottish Parliament for our work on Scottish parliamentary elections, as we already are for council elections. I put on the record that we value that accountability to the Parliament and look forward to working closely with members.

The Convener: Thank you. That is very helpful. I will open up with some general questions, and we will then move to members for more detailed questioning.

Is there a general turnout trend following the Scottish independence referendum? Is the turnout the result of a referendum bounce, or are there other factors? Irrespective of people's views on the constitution, if there is a referendum bounce, that might subside again. Is there a gradual realignment of turnout to increased levels—although it is still pretty low in some places—or is it a false hope that there is a general trajectory that will continue?

Dame Susan Bruce: There were record levels of turnout at the Scottish referendum, and the engagement and participation of 16 and 17-year-olds were encouraging. We have been at pains to point out to ourselves and to our colleagues in the electoral registration offices, the returning officers and the Electoral Management Board for Scotland, for example, who work with them, that that should not be taken for granted.

We are now seeing quite long spaces between electoral events, so we will have to work hard to ensure that information is made available and that there is plenty of engagement with the public in general. Once older voters have started voting, they tend to continue to vote. With colleagues—particularly those in the electoral registration offices—we have been trying to capture the

interest of people who have never registered before to encourage them to register and understand the value of their vote, and to continue with the awareness-raising campaigns. I do not know whether Andy O'Neill has anything to add to that.

Andy O'Neill (Electoral Commission): In a sense, we are not about turnout. Although it is not really anything to do with us, we think that voters will vote if they think that that is important enough. That is why 85 per cent vote in independence referendums and fewer vote in lower-tier elections, as academics would call them. Our figure was higher than that for England and Wales at the United Kingdom parliamentary elections in 2015, but it was lower in 2017. That was only a month after the council elections, the turnout for which was the highest since 1977 in a stand-alone council election.

We are interested in ensuring that people are engaged, understand how to register and can fill in the ballot papers. There were a number of issues at the council election relating to how to vote and how to vote correctly, which members will no doubt want to raise with us.

The Convener: That is a nice lead on, because I wanted to follow that line of questioning. We should go through the various groups in society with protected characteristics and how they engage with the system—and we will do that—but I remember a theme from when the Electoral Commission gave evidence to the committee previously. It seems that the biggest inequalities that appear in voter turnout figures and spoiled paper figures are a result of geographic location, poverty and deprivation. For example, the Canal ward in Glasgow, which is in my Glasgow Maryhill and Springburn constituency, had, I think, the highest number of spoiled papers in Scotland.

Previously, the Electoral Commission was aware that those things were going on, but there is now a recommendation that, where there is evidence of significant long-term trends of a higher percentage of spoiled papers in some areas, work should begin one, two or three years before the next election and there should be more information on the day of the election and more officers.

What would that look like? There is a recommendation for the Government on how we manage that. Should we expect to see a huge information and education campaign two years before the next council election in my Canal ward? Should there be extra money for our schools to do the education, for the third sector and for hard-to-reach groups? What would that look like in practice? In the North Isles ward in Orkney, the figure for spoiled papers was 0.47 per cent. In the Canal ward, the figure was 5.67 per cent. That is a huge differential and a huge inequality.

Sarah Mackie (Electoral Commission): Yes. A mile away from the Canal ward, in Hillhead—or somewhere like that—the figure was less than 1 per cent. Two places cheek by jowl had such a discrepancy.

There are a few issues relating to the number of spoiled ballot papers, so we did some analysis of that. We looked at issues such as educational attainment, social renting and private renting. Deprivation and unemployment clearly correlated with spoiled ballot papers, but none of the other issues did so. Therefore, that is clearly an issue. However, we also found that spoiled ballot papers were much more likely in wards in which parties have multiple candidates and that the biggest cause of spoiled ballot papers was people voting with three Xs. They had looked for the party that they liked, had seen that there were three candidates, and had just put an X by all three. That is a big issue. We also found that the longer the ballot paper—the more names that were on it—the higher the risk of its being rejected.

Having done that analysis, we can predict where there are likely to be higher rates of spoiled ballot papers. It is very much about having information in the polling station and looking at the postal voting packs in those wards to see whether we can make things clearer. It is also about work in schools and through the local media. We have found that, if an information campaign is started too far out from the election, people will turn off and that the optimum time is about six weeks before. We could look at putting more resources into those six weeks rather than having those resources spread out over a year.

We have recommended that returning officers identify which wards are at risk. We found that a ward with deprivation might not get the same high rate of spoiled ballot papers if there were not multiple candidates standing from a party. Obviously, we will know the full risk of rejected ballots only when nominations close.

The Convener: You said that you want to push turnout, but turnout is everyone's responsibility. Is there a double whammy for some deprived communities, which get significantly increased percentages of spoiled ballot papers and significantly lower levels of turnout to begin with? Should we identify wards where there is a high number of spoiled papers and low turnout and say that even more support is needed there?

Sarah Mackie: Yes. There are places such as Shettleston where people do not turn out. I was at the Glasgow count and I saw the number of double Xs that were on the Shettleston ballot papers and were being discounted. It is very

disappointing to have managed to get those few people to turn out, only for some ballot papers—I think it was 4 per cent in Shettleston—to have been spoiled. We would agree that you need to particularly target those wards.

The Convener: Are you saying that we need well-trained and confident information officers in polling stations, reminding people, as a wee courtesy, that they should use numbers—just 1, 2 and 3—and not Xs? It would be a human touch, just before people cast their vote. That is resource intensive, but is that the kind of thing that you are talking about, at the end of a six-week process?

Andy O'Neill: Yes, absolutely. To be fair to returning officers, they do that training at the moment, although some deputy ROs and ROs are concerned about the training on the day and the consistency of the message. However, they have taken that away and the Electoral Management Board will make sure that in 2022 it prosecutes the policy to do all of that.

The parties could also be more consistent in their messages about how the ballot paper should be filled in. We have worked on that with all the parties over the years and some of them do it better than others. There is also an element, which we see in by-elections, of what we call the 3 in the 3 box, where a number 3 is not counted as a valid vote, whereas an X would be, if it is only one X. It could just be a casual remark by a candidate, such as "I'm third on the ballot paper", or "Just put an X—it'll be fine, because they'll count it." However, if someone else says, "Vote for me, too", depending on the thought processes of the voter, you suddenly get two Xs. It will be counted if it is one X but not if it is two Xs. We all have to be very careful that we consistently deliver the correct message about how to fill in the ballot paper.

The Convener: I will be brief on the next line of questioning, because others may want to discuss it in more detail. I am a strong supporter of some form of randomised ballot paper—I think that it is inarguable that we should be moving towards that. I say that as a Bob Doris, who does quite well out of an alphabetised system. Parties do quite well, too, because it gives them a lot more control over their voter management strategies and their efforts to maximise the number of candidates. However, if we moved to randomised ballot papers, and proportionate prints based on the various combinations of candidates on the ballot paper, that could confuse voters even more, as they try to seek out their preferred candidate from their preferred party. We will come to that later, no doubt. I would support randomised ballot papers to put fairness into the system for all candidates, but is there a negative to that in terms of potential spoiled papers and confusion for the electorate?

Andy O'Neill: You have read our report. We acknowledge that alphabetic discrimination seems to be occurring. Its impact varies between the parties. For example, in 78 per cent of cases where the Scottish National Party stood more than two candidates, the first candidate, the Aardvark, got the vote, rather than Mr Zebedee or whatever you want to call them.

There are solutions to all of that. There is A to Z or Z to A; there is rotation; and there is discrimination by lot, I suppose. Our concern is the law of unintended consequences and how that impacts on the voter, because we are obviously all about the voter. Our argument is that if we are going to change the ballot paper, we should test it. We are not really aware of anything where a voter gets something in a list that is not alphabetic. We do not know. It may be a solution; it may not.

We held a conference with the University of Glasgow a couple of weeks back on how to engage people on the consultation. People were articulating, for example, that we could leave things as they are and that the parties could have better vote management strategies. The parties could say where they want 1 and 2 for Zebedee and Aardvark, or 2 and 1, or whatever. There are many ways, but what we are saying is that whatever we do, we need to test it first.

The Convener: It is worth pointing out that, if I recall it right, the predecessor of the committee that I now chair did an inquiry into this, too, and it recommended that a pilot initiative should take place at elections. This committee has not really looked at that yet—we might want to consider it, and we should note that the predecessor committee recommended it. Would you support, for example, picking half a dozen council wards and doing a pilot, if that was possible?

Andy O'Neill: You would probably have to do that in 2022, because the effect occurs where there is more than one candidate from the same party. Since 2007, I think, we have only had two double vacancies on the same day on the same ballot paper. If you were going to do it in a by-election, you would basically be waiting for the councillor bus to go off the cliff. [*Laughter.*] I used to work in local government and I would go on councillor visits and so on. We have tested ballot papers before. You get people to fill in a range of ballot papers and then you interview them over a long period, or you do focus groups, so that you can try to figure out what you are seeing and the reasons for it.

The Convener: We have the perfect opportunity with 2022, have we not? There are lots of opportunities to do market research, to trial ballot

papers in controlled circumstances and then, potentially, to have a go-live pilot in 2022.

I should point out that some committee members were previously councillors and could have been on that bus that you referred to, Mr O'Neill, so good luck with your line of questioning in relation to that. Thank you for the suggestion, though.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Just to clarify, I was never a councillor.

One of the recommendations in your report is that consideration should be given to how to engage young people who will reach the age of electoral majority—that is, who will turn 16—in the next four years. You also talk about working with educational partners to support political literacy in schools. I know that you did similar work in 2014. What will be different this time? Will you work with electoral registration officers on voter registration more specifically?

Dame Susan Bruce: Yes. We need to look at ways that we can work across the board. We were discussing that yesterday, in fact. If we focus efforts on, say, modern studies courses, young people who are not necessarily following that course in schools might be excluded from that type of education. In order to raise awareness, it would be incredibly helpful if we engaged across the board with directors of education, local authorities, youth groups and organisations such as Young Scot.

Sarah Mackie: For the past two years—since preceding the Scottish Parliament and local government elections—we have worked with all the local authorities in Scotland, the directors of education and the chief executives of the councils to get schools signed up to do what we call a ready to vote event. This year we did it on 1 March. We have pretty much named and shamed local authorities by putting a table on the website, which showed how many schools had signed up. Those that were not there became a bit embarrassed and signed up, so there was a domino effect as more and more schools signed up. That worked very well—more than 80 per cent of secondary schools in Scotland took part and did something with young people who would be eligible to vote at the forthcoming election. What we found, however, was schools found it hard to carve time out of the school year, because the young people were approaching exams at that point. It was difficult to get some schools to give up that time—you can understand that, if it is the young people's exam success that is in jeopardy.

In the next few years, rather than having schools do an event, we are looking at developing resources that could be used in schools. It would potentially be part of citizenship or personal and social education, and then all young people would do it. In March, we are going to meet a group of academics with an interest in this area who have been developing resources. We will also talk to Education Scotland to see if we can get something that becomes a routine part of a young person's development in school.

Jenny Gilruth: On that point, I was not a councillor, but I was a modern studies teacher so I know that, until the end of secondary 3, every child should experience a certain level of political education, irrespective of whether they take modern studies. You say that 80 per cent of schools are signed up to your ready to vote programme, but what about the other 20 per cent? You talked about naming and shaming them, as it were. In 2012, Education Scotland produced a social studies impact report that said that 20 per cent of schools in Scotland did not teach modern studies. Is there a connection between the schools that do not teach the subject and those that have not signed up to your ready to vote campaign? Are they just not engaging? Is that a cultural issue? What is going on there?

Sarah Mackie: That is possible. We have not gone through the list of schools that have not signed up to see whether they provide modern studies. We launched the programme in Govan high school two years ago before the Scottish Parliament elections, and it was the modern studies class that worked as peer educators and went out and delivered sessions with other young people. When the teachers signed up, there was a high level of modern studies teachers among those names, so there possibly is a link with that. We want to talk to the Modern Studies Association about how we can get the programme embedded into the political literacy work in schools. I will look at what is happening in the schools that do not provide modern studies.

Jenny Gilruth: Does the Government need to look again at how schools are delivering the curriculum? My concern as a modern studies teacher was that certain parts of the country—I think that Angus was one—just did not deliver modern studies for whatever reason, and they could not provide evidence at the time to Education Scotland of how it was being delivered elsewhere in the curriculum. The argument was always put that, although modern studies was not being delivered, the children could get the experiences and outcomes in that curriculum area through being taught history or geography or something else. However, no substantive evidence to that effect was provided. Might you work with the Government or Education Scotland in future to track and monitor what schools are delivering to ensure that there is consistent delivery of political literacy education to all kids across Scotland?

Dame Susan Bruce: Education Scotland would clearly have a lead role in that. As the Electoral Commission, our role would be in providing Education Scotland with as much evidence as we could on young people's engagement and understanding of electoral matters, but we would not take a role in influencing how much time was spent on that in the curriculum—that is very much in the ballpark of Education Scotland. We could certainly be a resource and provide evidence to support any work. To tie that up with the previous question about the rejection rates in certain constituencies, we would need to try to give as much information as possible to ensure that people in those areas, whatever age they were, had the best possible chance of participating. If we can get as much useful information as possible to young people before they start voting and get them into the habit of voting, they are more likely to stay in the habit of voting. It is really important to look at that.

Sarah Mackie: On a positive note, we found that the 16 and 17-year-olds who we surveyed after the election were much more likely to report finding it easy to access information about how to register and vote than the 18 to 25-year-olds were. We recognise that there are more schools that we need to reach, but getting that information to young people in schools seems to be having a positive effect.

Jenny Gilruth: Have you done any supplementary work on the effectiveness of pupil councils and how they impact on engagement later in life? I have been looking at pupil councils, and I know from my constituency that some of them are more effective than others. Some of them give children a real voice in a school and I think that that impacts on whether they engage in the political process later in life. Has the commission looked at that?

Sarah Mackie: We have not looked at that in any depth, but it sounds interesting. I have certainly had some experience of pupil councils. In, I think, West Lothian there was a very dedicated community education worker who was determined to increase young people's political engagement and who used to oversee all the pupil council elections. He would go into schools and get the elections team involved, and they would run those as proper elections. The young people had to sign up on the electoral register for them. The really positive thing was that it was a properly run election and it had a proper output of elected representatives. A lot of people go down the mock election route but, for me, the pupil council feels like a much more educational process about the whole democratic space.

Andy Wightman (Lothian) (Green): Susan Bruce said in her opening comments that, when

people start to vote, they tend to continue to vote. Is there good evidence for that or is that just anecdotal?

Dame Susan Bruce: The evidence that we have on voter turnout is that, where there is high turnout, there tends to be an older population who have started to vote and have continued to vote. We have found that people who have never registered and who are in their 30s or 40s are the most difficult ones to get into the habit of voting.

To go back to the first question, which was on the referendum, there was an increase in the number of people who joined the register at that time and who had never been on it, and a large number of them were in their 30s and 40s. The hope is that those individuals will continue as voters, having experienced it once and realised that they can do it and that it is accessible to them. There is a range of messages that we have to get out in relation to that.

I defer to Andy O'Neill and Sarah Mackie for the historical evidence on that.

Sarah Mackie: Obviously, the number of countries where 16-year-olds are entitled to vote is limited, but there is some evidence from, I think, Austria, that there is an effect in that, if people turn out at 16, they will continue to turn out. I can check that and I am happy to supply the information to the clerks.

Andy Wightman: That is useful.

To go back to Jenny Gilruth's question about schools, you gave the example from West Lothian where someone was running elections for pupil councils. I am a great fan of pupil councils. When I meet schoolchildren, I always ask them about pupil councils and turn some of their questions about democracy back to them and I get a range of reactions. This is not strictly within your remit, but do you see a benefit in exploring how we could make pupil councils more mandatory, if you like, or something that is the norm? You oversee the rules and procedures regarding elections. Would you be happy to adopt a role in pupil council elections?

Sarah Mackie: We would partly be getting into somebody else's territory. We are not educationists. We have worked with experts in education to deliver our work in this regard. I do not want us to exceed our remit but, off the top of my head, I can imagine that, if packs were put together about how to run a pupil council election, we would happily help to support that.

Andy Wightman: That is the kind of thing that I am thinking of. Even if schools choose not to have a pupil council, at least they can see what good practice is and can see the educational benefits of people participating in a more structured and formal process.

Andy O'Neill: Obviously, the reason why we got involved in all of this was because of the 16 and 17-year-olds. Our role in providing the educational toolkits for 16 and 17-year-olds and teachers was to bring everyone together and hold the ring. We brought our expertise to their world, but it is really the educationists' world—they run it, not us. Throughout Scotland, councils run education and they also run elections. In the Highlands, Highland Youth Voice has done things for a number of years. The councils in Aberdeenshire, the elections team and the ERO have worked with the schools on several occasions to produce mock elections. There are examples of councils already working in their own particular way, which we have helped with and advised on, but it is down to them to do what they want, because we do not have a formal role in the curriculum.

Andy Wightman: I can understand that.

Moving on, do you have a role in improving the diversity of candidates in elections?

Andy O'Neill: Yes, in a sense. For instance, the access to elected office fund has been a great success. Of the people who accessed the fund, 15 were elected, so it has been seen to produce a discernible change. We advised the Government when it was formulating the legislation, to ensure that the work that it wanted to do did not fall foul of the regulatory regime for candidates. We also had a public awareness role, so we were at the various party conferences to try to ensure that people knew about the fund. We worked with Inclusion Scotland, which administered the fund, to try to make people aware of it.

Our role is to ensure that whatever the policy makers and the Government try to put through in legislation works in practice.

10:30

Andy Wightman: What role does the commission have in ensuring that people with protected characteristics under the Equality Act 2010 can register and vote on the same basis as everybody else? If the commission does not have that role, who does have it?

Andy O'Neill: We have a role, because we advise Government. It would be for the Government, because it proposes the law, and for Parliament, which makes it, to ensure that such people can vote and register.

Andy Wightman: The access to elected office fund has been useful, but what initiatives have been taken to improve registration, turnout and candidacy among people with other protected characteristics?

Dame Susan Bruce: In relation to the law that protects individuals with protected characteristics, we work with the Electoral Management Board for Scotland and the returning officers to train people who work end to end in the electoral system, such as electoral registration officers and polling clerks. Although the delivery end of that is the responsibility of returning officers and registration officers, we work with them to ensure that any guidance that we put out meets the terms of the legislation and to raise awareness, so that people in those roles at the front end do not have tunnel vision. They need to think laterally and be open-minded. They need to consider how people might need assistance and ensure that people are not excluded. As Andy O'Neill said, the law is set by Parliament, and our guidance fits within that. It is about training, awareness raising and other general things to ensure that people understand that it is their democracy. Our role is to make it as accessible as possible and to ensure that the rules, regulations and guidelines that we are responsible for do not prevent people from having proper and fair access.

Sarah Mackie: We do a significant amount of research to find out who is and is not registered. We can identify groups that we know to be particularly underregistered and we can target work towards them. For example, young people living in private rented accommodation are much less likely to be registered than those who are older and who own their house. Certain minority ethnic groups are more likely to be underregistered than others. We can target appropriately. We share all that research and ensure that the electoral registration officers are aware of it, because they can consider where they need to target their effort in their local areas.

When we do our public awareness work, we split people into groups. There are what we call the incidentals, who are the people who are kind of interested in politics and who probably will want to take part but who just have not quite got around to taking action to register. They are the people who we target with our advertising. We catch them at the right moment and remind them to register. Now that people can register online, that process is very efficient.

The other group are the people who are disengaged from politics and who are not going to register. Why would they, if they are never going to vote? No public awareness campaign or 30-second advert will change that attitude. With those people, we work in partnership with organisations that are already trusted and in contact with them. For example, we have worked a lot with Shelter over the years to get information to homeless people or people in insecure accommodation. For example, one of our team in Northern Ireland has worked with the local lesbian, gay, bisexual and

transgender group to go around the clubs and pubs where people from the LGBT community are to give information about registration and voting. That team member has also worked in partnership with a Travelling group. We are open to doing all those sorts of things and to considering how we can get the messages out and work with those groups.

Another issue—I think that the committee will be talking about this after we have left, so I will not go into it too much—is the expansion of anonymous registration. We have supported that to make such registrations as easy as possible. It is not just for women; it is for anybody who is at risk of violence. We will be working with Women's Aid, the police and social workers to get guidance out across Scotland to make that more effective.

The Convener: Thank you. Graham Simpson has a question. If it is a supplementary on that specific point, you can ask it, but Monica Lennon has been waiting patiently to come in. Is it on that point?

Graham Simpson (Central Scotland) (Con): Yes, it is. Sarah Mackie mentioned homeless people and said that the commission has worked with Shelter. How easy is it for homeless people to register to vote when they do not have a permanent address?

Sarah Mackie: There is a thing called a declaration of local connection. Someone who is a rough sleeper can register in respect of the park bench that they sleep underneath, and they can nominate an address to pick up all their electoral communications. That could be the local rough sleepers hostel—their poll card and postal ballot paper will go there. There is an argument that rough sleepers probably have other things on their mind and that voting might not always be at the top but, working with Shelter and other organisations, we ensure that people are at least aware that they have an option.

Graham Simpson: Have you done any work on how successful that approach is?

Sarah Mackie: The numbers are not collated nationally for declarations of local connection. They can be used for different reasons. Someone in a mental health hospital might register with a declaration of local connection. I can find out whether there is any research on how many people use them.

Monica Lennon (Central Scotland) (Lab): Good morning. My questions follow on from Andy Wightman's questions about people with protected characteristics. Your November report, "Elections for everyone: Experiences of people with disabilities at the 8 June 2017 UK Parliamentary general election", highlights problems that voters with a disability have when they vote. More worryingly, the report highlights that people with disabilities do not always know about their voting rights. Why is that? Why do people not know that they have a vote?

Dame Susan Bruce: That is associated with the general issue of people not engaging with their right to vote. Our awareness campaigns, which are run largely at local level by returning officers, try to reach the hard to reach. The campaigns apply to the general electorate, but they also seek to target people who may not know that they can exercise their right to vote.

We are looking to do some more work with organisations that work with people with particular disabilities, such as the Royal National Institute of Blind People, so that we can understand the kind of barriers that people are facing, help with voter awareness and put measures in place to assist those people to come forward and vote.

There are facilities. Just yesterday, we were talking about readers who are present at polling places to help people with sight impairment to cast their votes, the extent to which people know that they are there in every polling place and the extent to which the presiding officers promote that information on the day. From the point at which people wonder whether they are eligible to vote, right through to the day when people go to vote, there is a train of work that needs to be done. That goes from raising awareness across groups that support people with particular needs of a specific type, right through to the more generic kind of awareness raising. We know from the turnout figures that I mentioned at the outset that more than 50 per cent of people still do not cast their votes, so there is a big issue about getting people to engage, ensuring that they understand that they have a right to vote and ensuring that they have enough information to know that they will be supported.

A point was raised earlier about information officers. When the single transferable vote was first introduced, there were information officers in all the polling places, which perhaps is something that we should encourage people to think about doing again. People were nervous about that system, and fear of the unknown sometimes stops people stepping over the door either to register or to cast their vote. We need to work with everybody across the electoral community, including returning officers, the electoral management board, registration officers and, of course, political parties themselves, to get as much information out as possible, to make sure that people feel that they can exercise the right that is theirs to exercise.

Sarah, do have anything to add to that?

Sarah Mackie: There has been a particular issue with adults with learning disabilities. We have done a lot of work over the years with Enable Scotland to reach out and to make sure that those people are aware that they have a right to vote. We have found that a particular barrier that adults with learning disabilities face is their carers, who say, "You should not be voting. I am not going to support you to go down to the polling station." It is a question of reaching out and saying, "Actually, everybody has a right to vote, whether they choose to exercise that right or not." We would always encourage everybody to be registered and to register anybody who they care for.

That is the case even with people with conditions such as dementia. We have seen instances of care homes not registering people who are living there. They say, "Oh, they have dementia," but people with dementia have good days and bad days, and polling day may be a good day, so we say, "Register everybody." That gives those people the option, which they may be able to exercise.

Monica Lennon: When I read a submission that Enable Scotland made to the committee back in 2016, I was quite struck by how low the turnout was. It said that not enough people with a learning disability vote: on average it is about a 30 per cent turnout. It also said that around 70 per cent people with learning disabilities do want to vote, but they find it quite difficult. You mentioned the role of carers and support workers and how they need to support people, but how could that work be taken forward? Is there anything you can update us on?

Sarah Mackie: We work with organisations such as Enable Scotland and others across Scotland. We make sure that care organisations have the information that they need to pass out to the carers who they employ. We also provide information in EasyRead, which is something on which we have worked with Enable Scotland in the past year. It ran workshops with EasyRead packs to explain how to vote. We are always open to working with as many organisations as possible to get that information out.

Monica Lennon: Enable Scotland provided those figures in 2016. Do you have any updated figures? Is that monitored?

Dame Susan Bruce: Do you have updates on that, Sarah?

Sarah Mackie: No. Enable Scotland may have, because it runs a big campaign each time there is an election. It might conduct a survey itself. We can check that.

Monica Lennon: Enable Scotland has its own data on people with protected characteristics, but is data collected nationally?

Sarah Mackie: In terms of turning out to vote, it cannot be, because of the secrecy of the ballot. The difficulty with asking people whether they voted is that they always overclaim. We could have a turnout of 46.9 per cent in an election, but, when we survey, 70 per cent will claim that they turned out. We know they did not.

The issue with surveys is that we would not get in the sample enough people with protected characteristics to be statistically relevant. I would have to talk to our research team, because they are the experts on this, and ask them what potential there is within the surveys that we do to draw out that information.

Monica Lennon: It would be good to track that, from the point of view of knowing whether we are making progress. Obviously I appreciate the secrecy of the voting process, but there could be other ways to capture that information.

One of your recommendations has been on extending emergency proxy to people who, for example, have unforeseen caring responsibilities or have had a bereavement in the family. My understanding is that the Scottish Government has not yet taken that recommendation forward. Can you give an update on or any insight into that?

Andy O'Neill: My understanding is that the Scottish Government is still thinking about it. It is reviewing it and the consultation is on-going. We support that recommendation. Practically, it can be done; the issue is just about testing. You have to decide who can do what and when. It is a question that you would have to ask the Scottish Government rather than us.

Monica Lennon: Is that a part of the Government's consultation at the moment?

Andy O'Neill: Does it talk about proxy, Sarah?

Sarah Mackie: No, I do not think so.

Monica Lennon: Is it being reviewed outwith the consultation?

Andy O'Neill: In our response we will raise a number of issues that are not currently in the consultation. We will certainly raise it with the Scottish Government again.

10:45

Monica Lennon: Are there other recommendations that you have made that are not in the consultation?

Andy O'Neill: Yes. For instance, our recommendation about candidate regulation for council elections, which we made in 2012, is not specifically talked about in the consultation. However, we have on-going dialogue with Scottish Government officials, and it is our understanding

that they are looking at bringing in the same level of regulation for council elections as exists for council elections in England and Wales.

You will be aware that the various law commissions across the UK published a report on consolidating and modernising electoral law in general. Joe FitzPatrick, the Scottish Government minister to whom I think you will speak soon, has made commitments to try to bring in many of the recommendations in that report to Scottish Parliament and Scottish council elections.

I know, because we are talking to the Scottish Government about this, that it is looking at trying to consolidate the electoral rules for Scottish Parliament and council elections. There are other things going on in the electoral world that perhaps are not in the consultation, but that does not mean that they are lost.

The Convener: Sorry if this sounds like a silly question, but why does the secrecy of the ballot stop us from getting data on who voted? It is not a secret whether someone voted—it is publicly available information, because political parties use something called marked registers. There is more than anecdotal evidence to prove that voting is a habit, because if political parties collect the data in an appropriate way, they can work out whether someone has voted. If someone has voted in a UK election, they have probably voted in a Scottish election and a European election—they have probably voted in all elections—and we can work out pretty reasonably who is likely to vote or not to vote. It is not a secret whether someone has voted; it is a secret how they voted.

Data could in theory be tracked and analysed. When attainers become 16, they appear in the electoral register. We know who every 16 and 17-year old who had the opportunity to vote is because they are all on the electoral register. There are also marked registers, which tell us whether they voted. We have the data. Why can we not analyse it? I do not understand why the secrecy of the ballot stops us analysing how many actually voted.

Sarah Mackie: It is not about how many. I think that we were talking specifically about disabled people. We could identify 16 and 17-year olds, but we could not identify who was disabled or had a mental health condition.

The Convener: So you would have to have a huge, anonymised survey at the point at which young people became attainers. Have we analysed the data for 16 and 17-year-olds? Do we know how many voted?

Sarah Mackie: We know how many have claimed to have voted, but we have not gone through the marked registers. We boosted the sample of 16 and 17-year-olds when we did the

public opinion surveys after the election so that we could get a representative sample, and 51 per cent of them claimed to have voted at the election. However, as you say, people do tend to overclaim. The claimed turnout was comparable with the 18 to 25-year olds.

The Convener: Would it just be overly bureaucratic and burdensome to do that exercise and work out exactly how many voted?

Andy O'Neill: The problem with marked registers is that they are generally on paper and are dispersed through the 32 returning officers, so you would have to collect them up. There is not one portal where all the registers are, so it is not easily analysable. You know who has voted, but you do not know what type of person it is, for example their age or whether they have disabilities—it is just a name. The only people who collect that information consistently, as I understand it, are the parties, because they use it in their campaigning software systems. It would cost a lot of money and resource to collect that information.

The Convener: I am not suggesting that we should do that; I am just saying that it is frustrating. It would be good to have the data to analyse and to work out what has and has not been effective. I was just curious, but I will not explore that line of questioning any further.

Alexander Stewart (Mid Scotland and Fife) (Con): We have touched on the role of the political parties in trying to educate the electorate on the STV system. I think that most political parties probably spend more time trying to educate postal voters than those who turn up on the day. Have you looked at other countries to see whether political parties there have toolkits for getting support?

Andy O'Neill: We have not done any formal work. Some parties struggled with vote management strategies in 2012 but think that they did it better in 2017. There are very few instances of countries using STV. If you asked an academic, they would say that the best vote management strategies take place in Northern Ireland. If you have been to Northern Ireland, you will have seen A-boards outside polling stations that say, "Vote 1, 2, 3"; somewhere else in the constituency it will be "3, 2, 1", and so on. That is consistent. Northern Ireland has had STV for more than 40 years and people are used to it. There is a particular set of political circumstances in Northern Ireland that may impact on that.

That is why we talk about parties reviewing their strategies. We looked at leaflets, which we all get. Some of them were very good. However, I know how STV works so I kind of knew what they meant; perhaps the ordinary voter did not. That is

our thinking on this. We have used STV for only 10 or 11 years, which effectively means that we have had three goes—unless there has been a by-election in that time—so it is not embedded. Everyone knows how to vote under first past the post. STV is slightly different, and you see that with double Xs and 3s in three boxes and all that sort of stuff. I think that we are still all on a learning curve, and part of the job is to try to improve people's understanding of how to vote.

I refer to a point that Sarah Mackie made earlier. A lot of this is worth doing nearer the time of the election rather than a long time before, because frankly people are not interested until it is front of mind.

Alexander Stewart: I know that the knowledge base of polling staff and the training that they receive has progressed some distance in the short space of that 11 years, but there are still some barriers there. You say that you have identified certain constituencies and certain wards that are much more susceptible to voter confusion. You may have to manage polling stations in those areas differently to ensure that people feel much more comfortable. There is no doubt that there is confusion.

Andy O'Neill: The fortunate situation in Scotland is that we have the Electoral Management Board, which the rest of the UK does not have. There are certain multi-member wards where, if you get a number of nominations, you can throw resource at that. The EMB can co-ordinate among the 32 local authorities so that that is not forgotten about. Before we came into existence, there were lots of things about elections that people wanted to improve, but they forgot about them because they went off to do their day job in the council. The EMB helps by having a much more operational role, because we are much more about performance standards and regulation. As long as we do not forget what needs to improve, next time around we can ensure that certain areas have the right number of information officers, delivering the right bits of information.

We have past experience of pop-ups, which explained how to vote and so on. At the end of the day, though, it is down to the presiding officer and the poll clerk. Once the deputy RO and the RO have sent people out to be trained, it is about delivery. We have people going around checking on what is happening on the day, but you really are relying on the people who you have got in the church hall or wherever.

Alexander Stewart: You have talked about having 30-second or 90-second adverts as part of your public awareness campaigns. That is a very limited time in which to educate or get a message out. How do you see that developing for the next

election? How will you process the information in that short space of time?

Andy O'Neill: Sarah Mackie will add more detail, but television tends to be much more about registration or flagging the information leaflet that we have sent to all households. That does not happen in other parts of the UK, but because of the different electoral systems here, we do that. We are also moving much more away from paper to doing things online. That is Sarah Mackie's world, so I will be quiet.

Sarah Mackie: One of the things that we did this year, which worked really well with our younger audience, was an animation on social media of an STV count. One of the things about understanding how to fill in your ballot paper correctly is understanding what will happen to your ballot paper afterwards. In 2007, when STV was first introduced, we tested out information that would explain transfers and things like that. The general population—particularly the older population—said, "This is too complicated. I'm not voting." In our main message, therefore, we went back to saying, "This is really simple. It's 1, 2, 3", and so on. However, the animations on STV that we did for younger voters worked really well. What we found was that the younger voters did not pick up the leaflet that we sent to every household— that tended to be read by the older voter. The younger voter was much more likely to see the animation.

The answer is that there is no one-size-fits-all solution. Citizens Advice Scotland has announced this morning that certain groups in certain communities still have no access to the internet, so we cannot go down the fully digital route. We have to use all the different mediums that are available to us.

The Convener: Time is almost upon us, so we will close this agenda item shortly. Before that, is there anything else that you would like to put on the record? Do you have any further observations or comments?

Dame Susan Bruce: I thank the committee for the opportunity to discuss our report and note that the electoral community in Scotland—the ROs, the EROs, the parties themselves and the commission—has an opportunity to talk together often. We speak to the political parties panel, we have an advisory group in Scotland and we have an opportunity to work up and send out consistent messages about raising awareness and the integrity of the poll and so on. All of that has helped us to get to this place. None of us is complacent about that though, and we need to keep going, particularly on the voter engagement and awareness elements. We are grateful to the committee for the opportunity to speak about the report.

The Convener: We are grateful to you and your team for coming along to give evidence on your report. On behalf of the committee, I should point out that our specific duties are in relation to local government elections. However, our committee is called the Local Government and Communities Committee, and all communities have to engage with elections, irrespective of the tier of government. Although we do not want to see mission drift, we want to ensure that communities are best served by elections and the election process. The committee will no doubt discuss how we can add value and positive, constructive scrutiny to that process, not just in the run-up to the 2022 local government elections but in elections more generally. Thank you very much for helping us to get to grips with that.

10:58

Meeting suspended.

11:00

On resuming—

Subordinate Legislation

Representation of the People (Scotland) (Amendment) Regulations 2018 [Draft]

The Convener: Agenda item 2 is subordinate legislation. The committee will take evidence on a draft affirmative Scottish statutory instrument. I welcome Joe FitzPatrick, Minister for Parliamentary Business, who is accompanied by the Scottish Government officials Roddy Angus, elections policy adviser, and Rebecca Whyte, elections team leader.

The instrument was laid under the affirmative procedure, which means that the Parliament must approve it before the provisions can come into force. Following this evidence session, the committee will be invited under the next agenda item to consider a motion to recommend approval of the instrument.

I invite the minister to make a short opening statement.

The Minister for Parliamentary Business (Joe FitzPatrick): Good morning, and thank you for the opportunity to set out the Government's position on the regulations. Their main purpose is to make registering to vote anonymously at devolved elections in Scotland easier. The regulations will also strengthen the integrity of the electoral register and improve the registration system for electors.

As you know, although the Scottish Parliament now has responsibility for local and Scottish Parliament elections, the UK Government remains responsible for UK Parliament elections in Scotland. That means that electoral registration in Scotland is a shared responsibility. Due to that joint responsibility, similar changes are also being proposed for UK parliamentary elections in Scotland. In fact, I understand that the UK Government's regulations will be debated in the House of Commons this afternoon.

Anonymous registration was first introduced in 2006 and is designed to protect those whose safety would be at risk if their name or address appeared on the electoral register. When applying, an applicant must provide evidence that demonstrates that their safety would be at risk. The evidence that can be accepted, which is set out in legislation, is a live court order, an injunction or interdict from a prescribed list or a signed statement certifying that the applicant's safety is at risk, which is known as an attestation. An attestation can be made only by members of the professions that are listed in the legislation as

qualifying officers. Those include a police superintendent or a director of social services. The regulations that are before the committee propose to expand the list of those who can attest applications.

The regulations also add additional court orders that can be used as evidence to support an application. The two orders that are being added—domestic violence protection orders and female genital mutilation orders—are not orders that are issued by Scottish courts, but they are included so that they can still be used to support an anonymous registration application if someone subsequently moves to Scotland. Similar domestic abuse interdicts under Scottish legislation were added to the list of relevant court orders by the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013.

Further changes are likely to be brought forward as we implement the Domestic Abuse (Scotland) Bill, which was passed last week, and in the light of our on-going consultation and the detailed policy paper on anonymous electoral registration. On that point, I urge anyone with an interest in anonymous voting to share their knowledge with us to help shape future changes. The consultation on electoral reform, which closes on 12 March, and the detailed paper on anonymous electoral registration can be accessed on the Government's website, at www.gov.scot.

The other changes that the regulations make aim to improve the electoral registration process for voters and make it easier and more effective for electoral registration officers to administer. The changes add statements to the registration application form to alert the applicant that they may have to provide evidence of their nationality and that a failure to provide a previous address may delay their application. In addition, we propose to allow registration officers to use information from additional sources to support a decision to remove a deceased elector from the electoral register. That will reduce the need for a registration officer to contact a deceased elector's relatives and will help to avoid unnecessary distress to relatives.

The final proposed changes streamline and simplify the correspondence that electoral registration officers are required to send to electors. The changes are designed to reduce the cost of the registration system and provide greater discretion to electoral registration officers to tailor their approach based on the needs of electors.

I hope that the committee will agree that the regulations will make it easier to register anonymously and will improve the registration process for the public and administrators. I hope

that that is a useful summary. I am happy to answer any questions.

The Convener: Thank you. Given that the Domestic Abuse (Scotland) Bill was passed last week and that we had a debate yesterday afternoon on the centenary of some women in society getting the franchise and the struggles around that, the timing of the instrument is not lost on the committee—it is certainly timely and important.

I have some housekeeping announcements before we move to questions. For anybody who may be watching this and who is not used to parliamentary processes, this agenda item—item 2—is a question and answer session, which officials can take part in. There is a formal debate at agenda item 3 but, in my experience, these things tend to blend into one. I just point that out for anyone who is watching, so that they understand our processes.

Are there any questions for the minister and his team?

Andy Wightman: What prompted the changes? Where did the idea for making the changes come from?

Joe FitzPatrick: We already planned to introduce changes around anonymous registration through our consultation, which is on-going, and there is a detailed paper on that. Prior to our having the powers, the UK Government consulted on making these particular changes. Given that registration is a shared responsibility, I felt that it was important that we make the changes now. That is not to say that we will not make further changes. Indeed, that is very likely, which is why we have a continuing consultation, but if we did not make these changes now, someone would potentially have to register separately to be on the anonymous register for Scottish and local government elections and the Westminster elections. It is about doing what is best for the voter.

Andy Wightman: I presume that the UK Government is supportive of the measures. Has it raised any concerns from a UK parliamentary elections point of view?

Joe FitzPatrick: No. It is a shared agenda. I will go back to my colleagues in the UK Government and other Administrations across the UK if there are ideas that come out of our consultation, because clearly it would be better for anyone who needs to be anonymously registered to have one anonymous registration that covers all elections in Scotland. If we want to make further changes here, our approach will be to try to ensure that they are replicated by the UK Parliament so that those who are anonymously registered in Scotland

are covered for the Westminster Parliament elections as well.

Andy Wightman: That would be for any changes to the qualifications following your consultation, but does the UK Government have any problems with the current measures? I think that it had only 12 responses to its consultation.

Joe FitzPatrick: That is probably because they are pragmatic and sensible things to do. There is pretty well universal agreement, so we are working together on the issue.

Monica Lennon: How will the Government work with the Electoral Commission to ensure that people are aware of their rights? I am thinking particularly of survivors of gender-based violence and about the role of Women's Aid and other refuges. How will people get the right information? We heard in the previous evidence session that people's awareness of their rights is often a barrier.

Joe FitzPatrick: That is a really good point, which is why I encourage anyone who has knowledge of these matters to get involved in the consultation and specifically the detailed policy paper on anonymous registration, because we want to hear what more we can do. People having the right to do something is one thing, but it is equally important that they know that they have that right. We will work not just with the Electoral Commission but with groups such as Women's Aid.

Jenny Gilruth: I have a question about general practitioners' charges. I assume that only a minority of GPs will charge for their services, but the charge would be in the range of £30 to £63. Is there a way to stop that?

Joe FitzPatrick: The number of GPs who are likely to be asked is slim. I would hope that a GP with knowledge of the individual would realise that it was not appropriate to charge them.

Jenny Gilruth: Is there a way for us to ensure that GPs do not do that, because it just does not seem right?

Joe FitzPatrick: I think that the only way that it could be done would be as part of the GP contract. We will need to monitor the issue. It just does not feel right, which I guess is why you are asking the question, and I would hope that most GPs would have the same view.

The Convener: In relation to the relevant professional or officer who can give the attestation that a person is at risk, more local police officers will be able to do that. Some people report domestic violence and abuse to the police but then, for whatever reason, such as vulnerabilities, the case is never progressed to prosecution and conviction. Am I correct in thinking that that

information and intelligence that police officers have can be used to complete the form without a court conviction having been secured?

Joe FitzPatrick: Yes—that is true. I ask Roddy Angus to go into a bit more detail on that.

Roddy Angus (Scottish Government): Even if the police have not convicted but they have circumstantial evidence that points towards somebody being at risk of abuse, they can sign an attestation. If the police feel that it is best for the individual to have their identity and location kept secret because they are at risk of abuse, they can sign the attestation. There does not have to be a court conviction to enable them to do that.

The Convener: It is important to ensure that everyone understands that message. I know from individual casework in my constituency that it is really important for people to know that. I suspected that that would be the answer, but I just wanted to get that on the record.

Is the granting of anonymity so that the address does not feature on the register for one election only or for all elections? Is it for one year or five years? How is that issue managed?

Roddy Angus: At the moment, people have to apply only once to be put on the anonymous register for the UK Parliament and local government elections. The reason why we are making the changes in the Scottish Parliament while our colleagues down south are doing that in the UK Parliament is to keep that the same. Otherwise, people would have to apply twice and there would be different rules.

At the moment, an anonymous application lasts for only one year and people have to reapply annually. The reason for that is that someone can remain anonymous only as long as there is a risk to them of abuse. If that risk has diminished and is no longer relevant, their name and address go back on the register. If an individual feels at risk, they could carry that on either through the attestation route or court orders, if they thought that that was necessary.

The Convener: I want to explore that a little bit further. Just hypothecating, if a vulnerable individual in really challenging circumstances wishes to exercise the right to vote and gets that attestation, which lasts for one year, will they be pre-warned by an official that their name will go public again? That could traumatise an individual.

Joe FitzPatrick: That is not the way that it happens.

Roddy Angus: My understanding is that, before the year runs out, they get a letter from the electoral registration officer warning them that their anonymous registration is about to run out. There is a reminder.

Joe FitzPatrick: One of the things that we can look at in the consultation is whether there is a better way of doing that to make the process more seamless for the person who has applied for anonymous registration.

I ask Rebecca Whyte to give some details of the consultation.

Rebecca Whyte (Scottish Government): Our consultation includes additional suggestions on extending the anonymous registration scheme. The time limit or the expiry date of an attestation and anonymous registration is one area where responses from those who work in this sector or have an interest in it would be welcome. We can definitely look at whether the 12-month sell-by date is the most appropriate thing in all circumstances.

11:15

Joe FitzPatrick: Obviously, there is the detailed paper, and we are working with a number of groups that have a particular interest in the area to ensure that any further changes that we decide to make in Scotland are as appropriate as possible.

The Convener: That is helpful, not for the purposes of the instrument that we are considering, which is very clear in what it does, but for the purposes of the on-going consultation. The Government will definitely have to return to that.

Graham Simpson: If someone who is anonymous gets a letter reminding them that they need to renew the registration, do they have to go through the same process all over again, or do they just have to return the letter ticking a box?

Roddy Angus: It is the same process again. Basically, they have to prove that there is a continuing need for the anonymity.

Joe FitzPatrick: You are highlighting an area where we can potentially make further changes to improve the system, but today's instrument is about ensuring that we have a system in place that provides the best possible protection for the individuals.

The Convener: I have other observations that I would like to make but, technically, we are supposed to have a debate after the questioning, so I will sit tight until we get to that formal debate. We will have an opportunity to put one or two remarks on the record when we get to the debate, but do members have any more questions for the minister and his team?

Monica Lennon: Yes. I just want to reinforce the point that Jenny Gilruth made. If the application is to be a recurring event, the GP is the most accessible person, so there could be a recurring charge. I would be keen for that to be looked into, perhaps with the Cabinet Secretary for Health and Sport, because that would be a significant barrier to people.

Joe FitzPatrick: That is a reasonable point.

The Convener: There are no more questions. That was a helpful question and answer session. The debate that we will come to in a second—I hope that it will be short—might help to inform some of the Government's thinking on the on-going consultation.

We now move to agenda item 3, which is still subordinate legislation. The committee will formally consider motion S5M-10205, to recommend approval of the draft regulations. Only the minister and members may speak in the debate so, unfortunately, the officials cannot take part. I invite the minister to speak to and move motion S5M-10205.

Joe FitzPatrick: I thank the committee for its questions. As always, they have been helpful and they will help us in any future changes that we decide to make. The committee will notice that a number of the areas that you have previously looked at now appear in our consultation as matters that we are considering how to take forward.

I move,

That the Local Government and Communities Committee recommends that the Representation of the People (Scotland) (Amendment) Regulations 2018 [Draft] be approved.

The Convener: I have a few observations and then I will bring in my colleagues if they have anything to add.

We were right to explore the period for which anonymity lasts. When it gets towards the end of that year, what happens if the person does not respond to the letter that they are sent? I am not always good at responding to letters that come through my letterbox, let alone something that I might want to block out of my mind because of pain, turmoil, stress and traumatisation. What does the electoral registration officer do if the person does not reply to the letter? I am not asking you to answer that question, but careful thought needs to be given to the transition, if the period is not to be extended beyond one year. We need to consider what that looks like and any unintended consequences if vulnerable individuals do not reply or do not engage with that. On that annual need to reapply, anyone who has looked at post-traumatic stress disorder will know that retraumatisation can be very real. The health and emotional needs of the individual have to be taken into account when looking at the arrangements for that.

However, I am conscious that that is not what we are considering today. The regulations are a good solid measure that we should all sign up to. I just wanted to put those observations on the record for the consultation.

As none of my colleagues wants to add anything in the formal debate, I invite the minister to sum up and to respond to the debate.

Joe FitzPatrick: Thanks again for your feedback, particularly the point about what happens after 12 months. We have a note of that and we will ensure that it features strongly when we get feedback from organisations that have an interest and registration officers about changes that we can make in future.

The Convener: The question is, that motion S5M-10205, in the name of the minister, be agreed to.

Motion agreed to,

That the Local Government and Communities Committee recommends that the Representation of the People (Scotland) (Amendment) Regulations 2018 [Draft] be approved.

The Convener: The committee will report on the instrument shortly. That is an administrative exercise, but I have to inform people on the record that we will do that.

I thank the minister and the officials for coming. I suspend the meeting briefly before we move on to agenda item 4.

11:20

Meeting suspended.

11:24

On resuming—

Planning (Scotland) Bill: Stage 1

The Convener: Under agenda item 4, which is the Planning (Scotland) Bill, committee members will report back on the community engagement events that took place as a result of our call for evidence. The consultation on the bill closed recently, but we are continuing community outreach to get as many views on the bill as possible.

I invite our committee members who were out and about talking to communities over the past few days to report back formally to the committee. We will go to Andy Wightman first.

Andy Wightman: Thank you very much, convener. I went to the Isle of Skye with Jane Williams, who is the clerk to the committee, and Alan Rehfisch, who is from parliamentary research. We met 13 people on Monday evening, including five community councillors and seven representatives from community groups. I want to thank them for coming. In a rural area such as Skye, they had to travel some distance to get to the meeting. It was a very useful meeting, and I am grateful to those people for committing their time and sharing their perspectives on the planning system.

We had a fairly wide-ranging discussion, and I will highlight four critical themes on which we reached a broad consensus by the end. The first is the proposed local place plans. Representatives had concerns about resourcing of the plans, about whether there will be templates that could be used, and about training for people who will be expected to draw up the plans, who will come from either community councils or community bodies that are recognised under the Community Empowerment (Scotland) Act 2015. Most of those people will be volunteers and not used to participating in the planning system at this level.

There was broad consensus that, if these local place plans are to be meaningful and if the time required and asked of people who are, in essence, volunteers is to be given, then the plans' status should be reasonably strong. There was broad agreement that local planning authorities should be required to do more than just have regard to local place plans.

There was a broad welcome for the concept if plans are going to be well-resourced and if they are to become a meaningful part of the planning system. That is a fair summary of where people were at.

Another concern was around delivery. It is important to point out in this context that we went

to a rural area. In a rural area such as Skye, a lot of people are not so much concerned about controlling or inhibiting development as people in urban areas can be; they want stuff to happen. They want housing for people in relatively isolated and small communities. Their frustrations were more around the fact that although there can be a local development plan, it might not be implemented. For example, land can be made available where the landowner wants it, rather than where the plan says. There are broader contextual issues around crofting tenure et cetera.

There was a concern around not only the ability to make a good plan, but the ability to get it implemented, in relation to getting hold of the land and doing the stuff that people have agreed that they want to do.

The question of third party right of appeal came up, and it is fair to say there were mixed views on that. There was not a great deal of enthusiasm for it, and there was not a great deal of opposition. That probably reflected the fact, again, the representatives were from groups who wanted stuff to happen—that was their principal concern.

I will not go any further than that. Those were probably the dominant themes that we had teased out by the end of our meeting. We took a full note of what was said, and a draft of that will be sent to participants for their comment. As I understand it, we will be publishing a note of the whole meeting.

I thank again everyone who turned out. It was a very useful initiative as part of our scrutiny of the bill.

Monica Lennon: I was part of the delegation to Motherwell, which was not exactly a tour for me, as it was just 10 minutes along the road. We had a very good turnout. The discussion with the chief planner, John McNairney from the Scottish Government, warmed people up and got people thinking about the bill's purpose and what it could achieve. It is fair to say that, in the room, there were various degrees of knowledge about the bill and the planning process. We had a mixture of people there. They were not all from community councils, but the experience of community councils came across quite strongly.

11:30

A consistent theme from all the speakers who took part was that they want to have influence. They want to be part of decision making, and they see the importance of planning, not just in the immediate term. They see the importance of decisions on individual applications and the direction of travel of development plans, as those things can shape their community for some time to come. There were people there who had had experience of applications for things such as

incinerators that did not respect a community council boundary. There were people from right across Lanarkshire who had been working together across local authority boundaries, so that was an interesting dynamic.

The chief planner explained local place plans and took some questions on them. On the one hand, people felt that they sounded quite positive, as they would bring some additionality, but on the other hand people were not sure how they fitted with development plans. People understood that we have a plan-led system and they understood the desire to keep the integrity of the plan-led system, but they were not sure why, if the development plan was working well, people would try to change it. The chief planner talked about how that might be an indication that the development plan, which as we know will move from a five-year cycle to a 10-year cycle, was in need of a refresh. However, people were wondering about how local place plans would be managed if a number of them came forward. Who is the community? In places where there is not a community council, who could initiate a local place plan? As Andy Wightman touched on, how will they be resourced and, ultimately, what weight will be attached to them? Local place plans will not be formally adopted, but be part of the development plan.

People were interested. They were asking how local place plans fit with community empowerment and locality plans. It was felt that they would be another layer of planning that perhaps is not required.

The chief planner talked about the performance of planning and how we can speed up the process and have more people involved, but there was a feeling that there were not that many measures to look at outcomes and quality of place. There was a lot of talk about the quality of housing, but I think that when people were talking about quality of place, they were meaning the quality of their environment more generally.

There were mixed views on appeals and equalising the appeal process. The Government has made the point that it wants to improve the system at the beginning. People were familiar with the pre-application consultation process and the jargon around front loading. They were giving examples of instances in which they had gone along to meetings in a community centre on a Saturday morning and given input, ideas and feedback, but when a formal application came in, their input was not really reflected. They felt that although they were taking part, they were not an equal partner at that stage.

There was a bit of frustration that, in a plan-led system, if the developer is trying to get something that is contrary to the plan, they have the

opportunity to appeal, whereas the community does not have that appeal option. That is not covered in the bill, but it is something that people clearly want to talk about.

People recognise that the planning system is very enabling. The system that we have is very pro-development; it is not anti-development. People did not see the planning system as a barrier to getting houses built and getting infrastructure in place, per se. They were talking about issues such as finance and infrastructure, not being able to get to their GP, and the local schools being at capacity. They felt that there were other barriers in terms of infrastructure and amenities that made it difficult to make development viable, and felt that perhaps it was that, rather than a lack of planning consent or encouragement in the planning process, that was stopping house builders from going forward.

It was a really good exercise. Obviously, a lot more than that was covered. Graham Simpson and I were in different groups, so perhaps Graham would want to add to that.

Graham Simpson: We covered much the same themes. Around my table there was a good mix of people from community councils and community groups. There was somebody from Lanarkshire Deaf Club, a chap representing one of the ethnic minority groups and someone from Motherwell Football Club Community Trust. It was quite a good mix. We covered the same themes: concerns about lack of community engagement and how, in the eyes of the people in my group, the bill does not improve that, and concerns about the local place plans. As Monica Lennon said—Andy Wightman also made this point—people fear that local place plans will not have enough teeth. If people go to all the trouble of preparing one and the council only has to have regard to it, it can then put it on the shelf and pretty much ignore it. There was concern about that.

There were strong feelings in my group regarding a third party right of appeal, which people want. They have a very strong feeling that the current system is weighted one way. That reflects the experiences of the people on my table.

Participants to whom I spoke were concerned about simplified development zones and worried that they could give carte blanche to developers. That could be a good thing or a bad thing, but there was certainly a concern around that. Those are three themes I picked up on.

Monica Lennon: Simplified development zones were also raised in my group, and people felt a little bit surprised that they would roll back planning controls.

The other point that I did not mention—I do not think that Graham Simpson did either—was

resources. People felt that the issue is not just the workload that planners have, but that there is pressure in local government in terms of the input from the roads department, environmental protection and so on. There was a sense that in some areas there has been a reduction in the number of local offices that someone can visit: there is now only one office for South Lanarkshire and North Lanarkshire. There was a feeling that it is a wee bit harder to get information.

There was a bit of discussion about planning fees. Is the system properly resourced? Should planning fees be higher? There was no settled view on that.

The Convener: I thank members for that. I had the privilege of going to Stonehaven and attending a meeting at Mackie academy with 12 people from the community. They were predominantly from community councils, but there were also representatives from development trusts in the third sector, and one local business person. I thank the parliamentary team who attended and resourced the meeting, and members of the bill team, who were meant just to give a brief overview of the legislation but stayed for the whole two-hours-plus event. Most of all, though, I thank the attendees from across the area who came along to give their views. I will try to summarise their thoughts.

We started off with a discussion about local place plans and, it is fair to say, the associated concerns and opportunities, which are two sides of the same coin. For example, those present were keen to know what we mean by a community in relation to local place plans. How do we define a community? Will the consultation be representative of the community? Will all parts of the community be engaged with the consultation? One person's example was that you could consult 25 per cent of the entire community, but if they are all over 45 you would not have engaged with younger people in the community. How do you make sure, when you are doing a community consultation to develop a local place plan, that you are shaping the local place plan on behalf of the community? Some people are concerned that there is a danger that that might not happen, although that is not a barrier.

Another theme that came up, which has already been mentioned, was how a local authority will take account of or give regard to a local place plan in a meaningful way once it has been developed. In other words, although people did not expect the council to say, "This local place plan is now our local development plan", they felt that there should be some connection between the local place plan and the council's development plan to show how one has impacted on and helped to shape the

other. That is a reasonable thing to put on the record.

That brought us to local development plans more generally. There was a feeling that local authorities perhaps do not cover themselves in glory at the moment in how they consult and engage with communities on local development plans. People were really keen to ensure that if we are going to review local development plans every 10 years rather than every five, communities are properly and actively engaged, not just in local place plans but in local development plans. There was some brief chat about how community planning would fit within that process, too.

When we asked people what they wanted from the planning process, the word transparency came up quite a lot. People did not always say exactly where they wanted the transparency, but it came up as a general theme in relation to the planning and development process. A couple of people were interested in whether delegated powers—that is, planning approval by officials—would be used and whether that might affect the democratic link between councillors voting on a planning committee and communities. There was some talk about that.

There was also some talk about planning applications more generally. People welcomed the front loading of consultation—the pre-application consultation—but asked what that will look like and whether it will be meaningful or a tick-box exercise. Who decides whether that process has been meaningful or whether it has been a tick-box exercise? Who monitors performance around that?

Simplified planning zones came up. I think that there was concern about the terminology. Does it mean that developers can just pitch up and do what they like? When simplified planning zones were teased out a bit, people thought they might be in favour of them as long as the community has an input into shaping where they might be, what they might look like and what their purpose would be. There were concerns that they should not just be a green light for development and that, rather than a developer-led process, simplified planning zones should be more about co-production on the part of the community, the local authority and developers.

Finally, there was some general chat about the proposed changes to section 75 of the Town and Country Planning (Scotland) Act 1997 and planning gain, moneys and how well they are or are not used at present. There was some discussion about the power in the bill to make regulations to introduce an infrastructure levy and some nervousness about whether the levy would be overly burdensome on developers, although others would say that we need the levy for sustainable development. I just wanted to give a balanced view of what we heard, because not all 13 people in a room will necessarily agree with each other, and nor should they.

I think that I have probably teased out most of the themes. I thank everyone who took the time to attend not only the meeting that I held but meetings across the country that were attended by other members. Not all members were able to attend the meetings. Would anyone else like to make a brief—I stress brief—comment?

Andy Wightman: It is just to supplement what I said following other members' contributions. Two other issues were raised. They will come out in our summary, but I think that they were quite important. First, we had a representative from the local access panel who was very clear about improvements that need to be made in the planning system around access for disabled people. She gave some quite powerful testimony about the difficulties.

The second issue related to simplified planning zones. We had two people at our meeting who had been working up schemes for affordable housing at the north and south ends of Skye. Housing associations, local people and tenants were on board and the land and money had all been sorted, but when it went through the formal planning procedure, there were objections from statutory consultees. Simplified planning zones are potentially quite an interesting vehicle in such circumstances. Because people are new to the idea, simplified planning zones initially appear to be quite an attractive option. People see them as a means by which a lot of that stuff could get sorted out up front—as soon as a planning application has been agreed they are free to do what they want. The affordable housing people at the meeting thought that the council would insist on design standards of street lighting that are appropriate only for urban areas. They do not want such lighting—they like dark skies and the dark light effect. The same applies to standards of roads. They do not need tarmac—gravel is perfectly sufficient. They saw simplified planning zones as a potential mechanism for overcoming those frustrations.

The Convener: That is very interesting, and it is now on the record, even though a formal note will be produced of each of the meetings. That probably disposes of what we want to put on the record in relation to agenda item 4. I thank members for participating in that discussion.

11:45

Meeting continued in private until 12:52.

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