

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 7 November 2007

Session 3

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

8th Meeting 2007, Session 3

CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

DEPUTY CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

COMMITTEE MEMBERS

*Alasdair Allan (Western Isles) (SNP)

*Bob Doris (Glasgow) (SNP)

*Patricia Ferguson (Glasgow Maryhill) (Lab)

*Johann Lamont (Glasgow Pollok) (Lab)

*David McLetchie (Edinburgh Pentlands) (Con)

*Jim Tolson (Dunfermline West) (LD)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Rhoda Grant (Highlands and Islands) (Lab)

Tricia Marwick (Central Fife) (SNP)

Margaret Mitchell (Central Scotland) (Con)

*attended

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Jane-Claire Judson

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 6

Scottish Parliament

Local Government and Communities Committee

Wednesday 7 November 2007

[THE CONVENER opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Duncan McNeil): Good morning. Welcome to the Local Government and Communities Committee.

Item 1 is consideration of whether to take item 4, on the proposed Glasgow Commonwealth games bill, in private. As members may know, the successful bidder for the games will be announced in Sri Lanka on 9 November. Should Glasgow be successful, the Scottish Government will introduce the bill later that day. It is anticipated that the bill will be referred to this committee. Item 4 will enable the committee to plan ahead for any work that may arise from the bill. I invite members to agree to take the item in private.

Members indicated agreement.

Subordinate Legislation

Housing (Scotland) Act 2006 (Consequential Amendments) Order 2007 (SSI 2007/475)

10:00

The Convener: Item 2 is consideration of a negative instrument—the Housing (Scotland) Act 2006 (Consequential Amendments) Order 2007 (SSI 2007/475). The Subordinate Legislation Committee has not drawn the Parliament's attention to the instrument on any of the grounds that are within its remit. No member has raised points on the instrument, and no motion to annul has been lodged. Do members confirm that the committee has nothing to report on the instrument?

Members indicated agreement.

“Scottish elections 2007”

10:01

The Convener: We move to item 3, which is on the Electoral Commission's report “Scottish elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007”. Following discussions, I will invite the committee to agree to consider the report, in so far as it relates to the local government element of our remit; to invite Mr Ron Gould CM to give evidence to the committee on the report; to invite representatives of the Electoral Commission to give evidence to the committee on the report; and to consider whether we wish to seek an amendment to the committee's remit to enable us to examine the administration of the Scottish parliamentary elections.

Jim Tolson (Dunfermline West) (LD): I am happy with that.

David McLetchie (Edinburgh Pentlands) (Con): Of the four recommendations that we are invited to consider, I agree with numbers 1, 2 and 3: we should consider the report and invite Mr Gould and representatives of the Electoral Commission to appear before us, once the commission has responded to the Gould report. It would be premature for us to invite the commission to give evidence to us before its response has been published.

I would prefer us to defer making a decision on the last recommendation—that we seek an amendment to our remit to encompass the future administration of Scottish parliamentary elections—until Her Majesty's Government at Westminster has made a statement on how it proposes to take the issue forward. At the moment, it is a reserved rather than a devolved matter. Quite significant changes might flow from the Gould recommendations in that context.

I understand that Her Majesty's Government may respond formally to the Gould report before the end of the year, but I have been given no more precise information on that. We may want to try to ascertain when the response will appear. However, it would be premature for us to seek an amendment to our remit until we have the totality of both the Electoral Commission's response and Her Majesty's Government's response, so that we can see the implications not just for the dual administration of elections but for the Scotland Act 1998. I am not necessarily against the committee's seeking an amendment to its remit at the end of the day, should that be appropriate, but we should ca cannie until we have seen the responses. Once we have them—perhaps at the turn of the year—we can take the issue forward.

The Convener: Is it not the case that a Westminster committee has already begun to consider the matter?

Martin Verity (Clerk): Yes—the Scottish Affairs Committee has begun to do so.

Kenneth Gibson (Cunninghame North) (SNP): I agree with David McLetchie. We should also caannie on the timing of our invitation to Mr Gould. I understand that the First Minister has made it clear that he wants to have a full parliamentary debate on the issue. Perhaps we should wait until after that for Mr Gould to come before the committee. We should invite the minister Douglas Alexander to come along as well, given his responsibility for May's debacle. I understand that my colleague Alasdair Allan has corresponded with you on that matter, convener.

The timing of the debate is with the Parliamentary Bureau at the moment, and it is likely that it will be held sooner rather than later. Once we have had a full debate, this committee will be in a clearer position to decide what its remit should be. The Parliament may even decide to establish an ad hoc committee of representatives from all the committees to examine the parliamentary aspects of the issue. In the meantime, there is no reason why we cannot consider the local government aspect.

Johann Lamont (Glasgow Pollok) (Lab): I am bemused by the notion that we cannot interrogate or discuss the issues surrounding Ron Gould's report until we have had a parliamentary debate. We are talking about things being premature, but we want the debate in the Parliament to be informed by some of the reflections in this committee. However, I agree with David McLetchie on the last point—the issue of our remit should follow what we learn from the discussions, rather than the other way round.

There is political noise surrounding the issue. It seems odd to me that the First Minister has sought to get everybody to agree to all of the recommendations in a report that the vast majority of us will not have had the chance to read by the time that he would like everybody to agree. It would be useful for the committee to take a measured approach and—as has been suggested—to get Mr Gould and the Electoral Commission to come along, so that we can reflect on what they say to us. We can develop some kind of strategy from that.

As I said, there is the issue of political noise, but the big issues that we should all be concerned about are the credibility and authority of the electoral process in the eyes of the people who had a bad deal out of it—the voters. We should agree the first three recommendations and take Mr McLetchie's position on the last one.

Alasdair Allan (Western Isles) (SNP): Although the Parliament would want to be informed by the committees, to some extent the same applies the other way round. There is a much wider interest in the issue than the legitimate interest that this committee has. I am sympathetic to the view that has been expressed by a number of members that we should wait for the debate to come before Parliament, since that is an increasingly live prospect and we should be informed by it. It is worth putting on the record that if we, or any committee of the Parliament, are at some stage going to interrogate—to use the bellicose language of Johann Lamont—or even interview people, that must include the people who were responsible for administering the election.

Johann Lamont: I said that we can interrogate the report.

Bob Doris (Glasgow) (SNP): Recommendation 4 invites us to consider whether we wish to seek to amend the committee's remit. The suggestion has been made that we should put that on hold, so that we can have a full debate in Parliament first, but it would be good to allow the Parliamentary Bureau to discuss the matter without the committee directing it in any fashion. Recommendation 4 follows on from the first three recommendations, so if an ad hoc committee of the Parliament were to consider the totality of the Scottish elections experience in the Gould report, we could end up with Mr Gould being invited twice and our work being duplicated. Even getting Mr Gould in front of the committee at the moment would be a bit premature.

I am open-minded on getting Mr Gould and, indeed, Douglas Alexander to the committee. However, there is still to be a full debate before Parliament, and the Parliamentary Bureau needs to form its own opinion on the issue free from any committee recommendations. If one committee is to examine the totality of the situation, it would be premature to get anyone in front of a committee until the Parliament and the Parliamentary Bureau have examined the issue in more detail.

The Convener: We will go round the table and give everybody an opportunity to contribute.

Patricia Ferguson (Glasgow Maryhill) (Lab): I am a bit concerned about some of the ideas that are being proposed. The Parliamentary Bureau organises the Parliament's business; it does not tell any committee what it should or should not consider. It allocates work to committees as appropriate, but that allocation is based on each committee's remit. David McLetchie is right that we should defer consideration of the fourth recommendation until after we have done more work on the overall issue.

I think that we should undertake the work and that the first three recommendations are entirely appropriate. My strong view is that the Parliament is always guided by a committee's views on work that falls within its remit. More broadly, the Parliament would wish to be informed by the committee's considered reflections after taking evidence on the matters that are outlined in the first three recommendations in the convener's paper.

It is all very well to bandy about the names of politicians whom we might want to interview—I understand why some members want to do that—but the Gould report indicates that more than one politician might have had a role in the outcome of the elections in May.

We need to consider the subject in its entirety and to examine what is put before us. At some point, we may wish to take on board the fourth recommendation, but the first three recommendations are valid at this time.

Jim Tolson: Like some members, I am loth to change the committee's remit in the short term—that would be premature. I concur with the consensus about accepting the first three recommendations and not progressing the fourth recommendation. It is better that the committee has an open and frank debate as soon as is reasonably practicable, so that we can speak to all the people involved and try to find a solution and get to the bottom of the problems, so that the situation does not happen again.

Johann Lamont: For the avoidance of doubt, I say that Mr Allan must have lived a sheltered life if he thinks that the language that I used was bellicose. Maybe I did not make myself clear enough: I intended to say that we should interrogate the report, because it raises many issues that Mr Gould could illuminate. Even in the noise about the report, assertions have been made about it and about Mr Gould's authority, which we would want to start with to give us a proper understanding of what the report says and what it highlights. From that, we could draw conclusions about how to proceed. I have no intention of giving Mr Gould or anybody else a particularly hard time.

David McLetchie: I will add only two points. We should not rerun the inquiry. We have a set of recommendations in the Gould report that we must consider and implement. I do not wish to revisit much of the report, because we could become bogged down in it for hours and that would not take us much further forward.

The local government aspects certainly fall within the committee's remit. The report recommends separating the Scottish Parliament elections from the local government elections,

which I suspect would involve extending or reducing the term that recently elected councillors would serve. It would only be fair to them, to the communities to which they have made and will make commitments, and to all other aspects of their lives to know as soon as possible how that recommendation would be implemented. That would have implications for 1,000 or more people in public service. I would like us to crack on with that aspect, which falls clearly within our remit, and to leave the parliamentary aspects until we have fuller responses from Her Majesty's Government, the Electoral Commission and others.

10:15

The Convener: I will focus on the consensus about what the committee should do—I am surprised about the original point that we would rush to a debate. It would be worth while for the committee to take evidence on the Electoral Commission's report. The Electoral Commission has still to report on its election results analysis and, I understand, on the public opinion research, which is important, because the debate is not about what politicians think of one another but about how we ensure future trust in our electoral system. I hope that we can cut through the sharp, hard politics in committee, as often happens in the Scottish Parliament, and focus on what will improve the situation for the future. That is my ambition as the committee convener. It is entirely appropriate that this committee should consider the situation.

Further reports on the views of monitors and others who were at polling stations and on the electoral registration officers, and the evaluation of the commission's support for election staff, are yet to be published by the Electoral Commission. Our timetable recognises those points in trying to determine the availability of those who are involved—including Mr Gould—and when they will conclude their work. The clerks have done a good job of securing Mr Gould, who will not be available for some months if we do not get him now. His availability has influenced our timetable. I would have preferred to take evidence from him on another day, but after phone calls to Canada it was clear that, given his commitments, that would not be possible.

We can discuss calling further witnesses once we hear from Mr Gould on the record. Members from all parties will have a good opportunity to interview those witnesses and to question the conclusions in the report. We have focused on certain areas today—I take it that there is a consensus round the table to invite Mr Ron Gould to give evidence.

Bob Doris: I appreciate your point about the timescale. If we wait eight weeks before trying to get hold of Mr Gould, it could be another three or four months before he is available—we must act now to ensure that we get the man's time, because he is very busy.

I would like to know about the protocol for inviting witnesses to this or any other committee. I am aware that the convener suggested Mr Gould's name in the chamber. I am fairly relaxed about that, because I am sure that, as the committee's convener, you were just being proactive in your approach to our workload. However, I would like to ensure that as a committee we collectively formulate a list of witnesses rather than do so in the chamber independently of the committee.

The Convener: Two reports have been published and if, when we take evidence from witnesses, the question of whether to extend our remit arises, that will obviously influence who else we invite.

We should keep an eye on what comes out of the Scottish Affairs Committee in London. We want to be in the best position to deal with the reports and the information in them. Obviously, we will decide whether and when to call Alex Salmond, Douglas Alexander or whoever to give evidence as a committee.

I note Mr McLetchie's remark—this is not about the inquiry into the elections. The Government made a statement to Parliament that it accepts Mr Gould's report and recommendations in full. That will influence the way in which we interview him and the information that we will seek.

Kenneth Gibson: Just to clarify, we are agreeing to decouple consideration of the local government elections from that of the parliamentary elections for the time being, at least until such time—

The Convener: We have not got to that point yet. I am working through—

Kenneth Gibson: I thought that we were concluding that that was where we were heading.

The convener and I had a private discussion about how we would interview Mr Gould. I want to know a wee bit more about the mechanism. Will the meeting be face to face in the committee or, as I think you suggested, convener, will it have to be done by videolink, because of the cost? I think that you quoted a cost of about £2,000 to get Mr Gould here.

I declare an interest, in that my mother and wife are both councillors on Glasgow City Council. I agree with David McLetchie that we must look into the practicalities of decoupling the local government elections from the Scottish Parliament ones. David McLetchie made the important point

that if the elections are to be in separate years, we need to consider whether the local government elections will be a year before or a year after the next Scottish Parliament elections. We must be able to inform our 1,222 councillors exactly what we are going to do at the earliest possible opportunity.

The Convener: Thanks for putting it on the record that you and I had a discussion about inviting Mr Gould. The issue is not simply the cost, although it is a factor. Technology allows the committee to use a videolink, as other committees have done. The clerks have been active and have ensured that Mr Gould is comfortable with the venue in Ottawa. The time difference will affect the committee's timetable on the day of the meeting. We believe that we can set up a good link that will allow us all to ask whatever questions we wish to ask about Mr Gould's report. We are moving to put the meeting on the timetable. I think that there is consensus that we should invite Mr Ron Gould to give evidence on his report. Are we agreed on that?

Members indicated agreement.

Bob Doris: Will the evidence be on the totality of the report or on the report as it impacts on the local government elections? I think that the deputy convener asked about that.

The Convener: We are jumping ahead now but, given the emerging consensus, I do not think that we will ask to widen our remit at this point. The meeting will certainly present a challenge, which was one reason why I thought that we should consider broadening the remit. Given that the two elections were held on the same day, it will be difficult to prevent the questions from bleeding over into issues about the Scottish Parliament elections. We will need to have tight discipline with regard to Mr Gould's report, given that we do not have agreement to broaden the committee's remit.

Kenneth Gibson: We can ask about issues such as how holding the Parliament elections on the same day impacted on turnout for the local government elections, but we do not want to go into anything on the Scottish Parliament ballot papers. We can deal with the local government issues without having too much bleed-over into the issues of the Scottish Parliament elections.

The Convener: It will be difficult for us on the day, given that some of the issues bleed over. Mr Gould is keen to give evidence on his report, which is good.

Johann Lamont: For clarification, convener, would you prefer us to have a broader remit that would allow us to examine the crossover between the two elections? You are saying that we will consider Mr Gould's report, but that we will be unable to consider the impact of having one ballot

paper for the Scottish Parliament elections. That was not the way that I read the committee's paper. The fact that there were a number of ballot papers on the day seemed to add to the challenges for voters. I will take your advice on the implications of the final recommendation in the paper.

The Convener: We will work through the recommendations and focus on some of the issues when we get there. We have agreed to invite Mr Gould to give evidence. Is there also agreement to invite representatives of the Electoral Commission to give evidence on the report, bearing in mind David McLetchie's point that the commission's work is on-going and it intends to produce further publications on the issue? When we have those publications, we will have the fullest of information, which will be of interest to people across the board.

The final point is whether we wish to seek an amendment to our remit. We do not have consensus on that. At least from the first cut, it seems that we probably do not want to seek to widen the committee's remit. As I alluded to, that will place restrictions on us in relation to the questions that we will be able to ask Mr Gould—Johann Lamont mentioned that, too. Are there any comments or questions on that?

Kenneth Gibson: I agree with your comments, convener. We can always move on subsequently, but at this stage we must stick to our local government remit.

David McLetchie: I agree.

Alasdair Allan: I agree.

Bob Doris: Agreed.

Jim Tolson: I agree.

Johann Lamont: We have the communities remit, too, part of which is about the rights of individuals in communities. It would be reasonable to examine the impact of one election on the other in considering the report, without changing our remit. We have some flexibility.

The Convener: There is much in the report that relates to the communities remit, such as the points about translation and publications. Another issue is the predominance of Polish information over information in Urdu in some areas. Those are interesting aspects. The meeting will be a challenge for me as convener, because there is certainly bleed-over. However, I am sure that, with members' co-operation, we will get there.

Bob Doris: Convener, I understand your and Johann Lamont's frustrations, but the sort of muddle that we are in will always ensue if Scotland's Parliament does not control Scotland's elections. As long as control of some of Scotland's elections is reserved to Westminster and the

committee can look only partially at elections in Scotland, we will always get that bleeding and overlap. It is with lament that I put on record my view that Scotland should control all its elections.

The Convener: That is why I am a bit surprised that today, having been given the opportunity to address changing the committee's remit and to consider the issue as a parliamentary committee, we have decided not to do so, although we may come back to that. I am content with the consensus.

Patricia Ferguson: It might be helpful if we inform the Parliamentary Bureau of the inquiry that we are going to undertake and that our consideration of the Scottish Parliament elections is pending and we might wish to return to it at a later date.

The Convener: Okay. I thank members for their co-operation. We have considered the item with the maximum possible degree of consensus and co-operation.

We now move into private session to consider agenda item 4.

10:27

Meeting continued in private until 10:49.

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