LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 25 March 2009

Session 3

£5.00

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
9th Meeting 2009, Session 3

CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

DEPUTY CONVENER

*Alasdair Allan (Western Isles) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow) (SNP)
*Patricia Ferguson (Glasgow Maryhill) (Lab)
*David McLetchie (Edinburgh Pentlands) (Con)
*Mary Mulligan (Linlithgow) (Lab)
*Jim Tolson (Dunfermline West) (LD)
*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)
Paul Martin (Glasgow Springburn) (Lab)
Alison McInnes (North East Scotland) (LD)
Margaret Mitchell (Central Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Tom Aitchison (Society of Local Authority Chief Executives and Senior Managers)
Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland)
Andy O'Neill (Electoral Commission)
William Pollock (Association of Electoral Administrators)
Dave Watson (Unison)

CLERK TO THE COMMITTEE

Susan Duffy

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 5

Scottish Parliament

Local Government and Communities Committee

Wednesday 25 March 2009

[THE CONVENER *opened the meeting at 10:00*]

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the ninth meeting in 2009 of the Local Government and Communities Committee. I ask members and the public to turn off all mobile phones and BlackBerrys.

Under item 1, I welcome our first panel: Tom Aitchison, chief executive of the City of Edinburgh Council, of the Society of Local Authority Chief Executives and Senior Managers; Andy O'Neill, head of office at the Electoral Commission; William Pollock, chairman of the Association of Electoral Administrators; and Gordon Blair, chief legal officer of West Lothian Council, of the Society of Local Authority Lawyers and Administrators in Scotland.

I propose to go directly to questions, but if anyone wishes to make a short introductory statement I will allow that.

Tom Aitchison (Society of Local Authority Chief Executives and Senior Managers): We are content to go straight to questions, convener.

The Convener: Great. Thank you.

Alasdair Allan (Western Isles) (SNP): David McLetchie and I have been muscling each other out of the way to ask this first question. I realise that Fairshare is not represented on the panel, but we were all intrigued to see from its submission that there was an election under the single transferable vote system in Scotland in 1928. Anyone who could enlighten us on that would gain a lot of brownie points.

Tom Aitchison: Was that a rhetorical question?

Andy O'Neill (Electoral Commission): It was the Scottish Education Board elections.

Alasdair Allan: That is interesting to know.

My real question is about the release of information. In the written submissions that we have received, there is an on-going debate about the size of locality on which electoral information should be released after elections. In other words, should the electoral data be released at ward level

or a level below that? Do the witnesses have any views on that?

Tom Aitchison: We discussed that downstairs while we were waiting to join you. We all understand the importance of the secrecy of the ballot, so there has to be an accumulation of votes to avoid any individual being identified. This might sound like a slightly random comment, but we were thinking of using the figure of 1,000 voters. If you allow for a turnout of around 40 per cent, you would be talking about fewer than 500 voters. In rural parts of Scotland in particular, the numbers of voters going through individual polling places are relatively small.

I do not think that we can give you a definitive answer to the question this morning, but we can certainly get back to you with additional evidence if that is helpful. I presume that, in due course, all the detail on that will go into the regulations that support the bill. We acknowledge that the question is perfectly proper and valid and that the level that is set has to be assessed against the experience in different parts of Scotland.

Alasdair Allan: Am I right in thinking that, when information was released after the Scottish Parliament elections, a smaller threshold was used? What level did districts have to be merged to before information could be released?

Andy O'Neill: The figure is 200 votes. I have a prompt at the back—my colleague is sitting behind me.

The Electoral Commission supports the release of post-election data—we understand that the parties find it helpful and that it oils the wheels of democracy—but we would be concerned about the loss of the secrecy of the ballot and about any personal information being released. Votes for the Scottish Parliament have to be parcelled up to 200 votes. It seems appropriate to use the same figure for local government elections.

The Convener: Is a different number used for local government elections as against the Scottish Parliament elections?

Andy O'Neill: One assumes that that will be set out in the regulations supporting the bill. Tom Aitchison makes the point that there are ballot boxes, particularly in rural areas, with only one or two votes. In the recent Glenrothes by-election, I saw a ballot box with one vote. The secrecy of that person's vote could be endangered if that information was released, because someone could go to the marked register and discover whose vote it was. It is crucial that votes are parcelled to a level at which there is anonymity.

Jim Tolson (Dunfermline West) (LD): A lot of the discussion this morning will focus on decoupling. I do not want to go into the details of

that, but there seems to be broad consensus in both the written evidence and the political representation in the Parliament that we should go ahead with decoupling. We will later take evidence from Unison, which has raised an interesting point on which I would like to hear your views. The bill does not contain an option for reducing the minimum voting age to 16, although many of us think that it would be beneficial to add such a provision to the bill. What are your views on including a provision in the bill to reduce the minimum voting age to 16?

Tom Aitchison: The various professional associations in local government have tried to stay away from the rights and wrongs of giving people the vote at 16. If the Parliament is determined to reduce the voting age to 16, it is our job to ensure that the policy is administered properly.

We are aware that the health board election pilots will take the voting age down to 16, which is perhaps the start of a trend. For us, it is a matter of ensuring that, both from an electoral registration point of view and a returning officer's point of view, the elections are administered properly, efficiently and effectively. If the Parliament decides to reduce the voting age, we will do our level best to make it work for you.

William Pollock (Association of Electoral Administrators): We have supported the reduction of the voting age to 16, but we are concerned that, if parliamentary general elections were held on the same day as local government elections, 16 and 17-year-olds would be eligible to vote in one election but not the other. That would lead to confusion and bewilderment for the electors, which is something that we have been striving to avoid over the past few years. There is a danger that, unless the voting age is 16 for all the elections, people could get muddled up if local authority elections are held on the same day as parliamentary elections.

Tom Aitchison: There is also a mathematical point to be made. If those aged between 16 and 18 do not vote in the same numbers as the rest of the population, the overall turnout percentage will be reduced even if more people vote. That is a matter for you parliamentarians, rather than us professionals, to consider.

Andy O'Neill: The Electoral Commission considers that the franchise age of voting is a matter for politicians and legislatures, not us, to comment on. Nonetheless, if you reduced the voting age, we would be able to comment on how the policy was implemented.

Jim Tolson: I appreciate those comments and return briefly to Mr Pollock's point about the need to reduce the voting age across the board. We have systems that cause confusion and, rightly or

wrongly, there are differences in the electoral systems—we do not use the same one across the board in Scotland, and there are also the United Kingdom and European elections to throw into the pot. Therefore, I appreciate your point although I might not agree with it. I think that we should reduce the voting age. Mr Aitchison mentioned the trials that are being run for health board elections, and it will be interesting to see how useful they are.

The Convener: Is anyone of the view that we can amend the bill to reduce the voting age to 16? That was part of Mr Tolson's question.

Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland): The voting age takes us back to the issue of who is on the electoral register, which is part of the franchise. From memory, I think that the matter is reserved to Westminster. Health board elections are a different matter, as health is a devolved issue and the elections are not covered by the franchise. However, the power to reduce the voting age to 16 for local authority or, indeed, Westminster elections is reserved. To minimise confusion, it would be better to have the same franchise for the same type of elections across the board.

Tom Aitchison: I was going to make that point. The four professional associations have argued long and hard for consistency in elections in the UK and in Scotland, and I have heard the same point through the Scottish Parliament political parties panel. We have quite a diverse system at present.

I hope that, the more we can make changes that are consistent with one direction of travel, the closer we will get to the point at which there is less confusion and ambiguity, and a broadly similar set of principles and practicalities for local government, the Scottish Parliament, the UK elections and any other elections—for example to health boards. It is a complex landscape, and it causes difficulties for our staff if they have to adjust to different times for different elections, particularly when there is the possibility of two different types of election on the same day. This is just a plea for consistency in future.

The Convener: I do not know whether anyone wants to comment about the capacity of political parties and perpetual elections. Elections are, in the main, a voluntary pastime and rely on voluntary contributions. Has any thought been given to how the political parties can sustain that?

Tom Aitchison: Exactly that point has emerged in my discussions both in Edinburgh and around Scotland. I suppose that it depends on the prospects of the political parties at different times in the electoral cycle, but by and large they are

dependent on volunteers. If there is a heavy programme of one, two or three elections in a one or two-year period, it puts a lot of strain on the party's volunteers and, I guess, on its finances. With the exception of Westminster, the timing of most elections is predictable. It is the Westminster election that can come at fairly short notice and raise issues for political parties throughout the UK.

The Convener: I introduced the issue of capacity because I think that the minister's view is that it is the responsibility of the parties to engage on turnout. I would have thought that it is not just a concern for the political parties as capacity is linked. Does anyone else have a comment on capacity?

Gordon Blair: Turnout is primarily an issue for the political parties and candidates. The rest of us can assist, but the major responsibility for turnout rests with the democratic process and political engagement. If you are asking whether decoupling will affect the capacity of administrators, I can say that it is probably better from a logistics point of view if there is an election once a year that people can gear up for. The combined elections in 2007 resulted in confusion in Mount Everest terms as opposed to just Mont Blanc or Ben Nevis terms. The logistics are more manageable with decoupled elections, and I would say that capacity is not an issue for administrators.

Andy O'Neill: From the Electoral Commission's perspective, we accept that it is for politicians to drive the turnout and make themselves interesting so that people come out and vote. We spend a lot of time on public awareness campaigns and ensuring that people are on the register and know the date of the election and how to fill in the ballot paper. That assists the political parties in getting people out on the day.

It is interesting that you are talking about the capacity of political parties. I would turn it around and talk about putting the voter first, in that decoupling the Scottish Parliament and local government elections will allow us and others— much more than was the case in 2007—to increase awareness of how to fill in the ballot paper and to explain more simply how to vote under the additional member system for the Scottish Parliament and STV for local government. From the voter's perspective, decoupling the Scottish Parliament and local government elections would be a good thing.

The Convener: But we have the European election this year, followed by the UK election, the Scottish Parliament election and the local government election—all virtually year after year after year. Is turnout for those elections not a concern because political parties will sort that out?

Andy O'Neill: Obviously, we do not know when the UK election will take place—we never know— but we have studied the dates of the fixed-term elections. The first occasion on which we will have two elections in one year is 2019, when we will have the European and Scottish parliamentary elections, and the next time is 2024, when the European and local government elections will be on the same day.

The Convener: You have such faith in politicians and political parties. We will sort it out: Gordon Brown phoned me last night, and we were chatting about the issue as he knew about this morning's committee. [*Laughter.*]

10:15

Patricia Ferguson (Glasgow Maryhill) (Lab): I return to the data that will be available after the election. If you bring the data down to polling station level, depending on numbers, will it be necessary to have an e-counting system?

William Pollock: Yes.

Gordon Blair: Yes.

Tom Aitchison: The working assumption for future local government elections under STV is that they will be e-counted. If I may digress from the question slightly, the next local government elections—in three years' time—will coincide with the Greater London Authority elections. The capacity of e-counting suppliers across the UK to deal with both elections may be an issue, so the sooner we start planning the Scottish local government elections, the better.

We have already started to do preliminary work, and the working assumption for the future is that the elections will be e-counted. Decoupling helps with that in many respects, because it means that we will not have to grapple with Scottish Parliament and local government elections on the same day or night. Members have already taken decisions nationally about the future design of the ballot paper, and the announcements that have been made to date should help the conduct of the local government elections in three years' time.

Patricia Ferguson: Presumably, an additional cost is associated with e-counting. Is work being done to calculate that cost?

Tom Aitchison: There are two issues. First, I cannot give you a precise figure, but there will be an additional cost from decoupling because we will lose some economies of scale. Some work has been done on that, and the cost of an e-counting election is substantial compared with that of a traditional election. Secondly, in due course a big decision will have to be made about who will pay the bill. Will it be paid by Scottish Government colleagues, or will local councils be expected to

pay it? We have had a preliminary discussion on the matter with civil servants. No decision has been made, but there is recognition at professional civil service level that there will have to be at least some sharing of costs in the future. The exact composition of the division has not yet been determined.

Patricia Ferguson: By the time of the elections, it will be five years since people last voted in a local government election. At the previous elections in 2007, the system was new and there was confusion. I realise that it is early days for planning, but at the previous elections information officers were provided at polling stations, which was understandable. The measure was of mixed benefit—in some areas it seemed to work well but in others it did not—and much depended on the amount of time that was available for preparation and the number of things that happened on the day. Given the changes and how much time will have passed between elections, will you consider providing information officers at the next local government elections?

Tom Aitchison: I will make a couple of observations before handing over to colleagues. We are discussing with colleagues across Scotland whether information officers will be provided at the European elections. There may be some at the busiest stations in certain parts of the country, but it is unlikely that there will be many and the general expectation is that they will not be necessary. However, I suspect that information officers will be required for the local government elections in three years' time.

That takes me back to the issue of cost. I have made this argument locally and nationally for a number of years, so I may as well make it again: we believe that there is a high degree of cross-subsidisation on elections. I did some work on the issue in Edinburgh two or three years ago, and we reckoned that the local authority was spending a couple of hundred thousand pounds to support work on parliamentary elections. You may say that that is fine, but we need to be open and transparent about it whenever we can.

I ask members to cast their minds back to 2007. Who could forget 2007? I have scars on my back from those elections. The public found it easier to deal with the local government ballot paper than with the parliamentary ballot paper. A number of by-elections have taken place since then, including one here in Edinburgh, which went smoothly. A combination of measures is required: as one or two members have suggested, we need to raise public awareness as much as possible in advance to help voters understand how the system works; and, as you indicated in your question, we must provide assistance at the polling place via information officers. If we get all

of that right, the elections should be fairly smooth and well conducted.

Patricia Ferguson: But that takes us back to the issue of cost. It is fairly obvious that e-counting will be needed. Presumably, any by-election that is held in the period between the bill being passed and the next local government elections will be manually counted, so information at polling station level will not be available.

Tom Aitchison: I cannot recall the number of by-elections that have taken place since 2007— Andy O'Neill, sitting on my left, tells me that it is about 15. About two thirds of those were conducted electronically, and one third manually, so there has been a mixed pattern to date.

You make an interesting point about the information that will be released between now and when the legislation kicks in. The election that I conducted in Edinburgh last autumn was intensively scrutinised, and all those present felt that they had sufficient information from observing the election on the day in addition to post-election information. We can take that issue away and give it some more thought.

The Convener: We will pause at that point—the induction loop is being checked.

That seems to have helped with the sound. I ask Patricia Ferguson to continue.

Patricia Ferguson: I will continue unless the witnesses want to add anything else—I was only going to thank them for their contribution.

Gordon Blair: I want to emphasise that it is only through an e-count that the information can be distilled down to the level of each individual polling place—that cannot be done through a manual count. It is currently at the discretion of the returning officer whether there is an e-count or a manual count, but you are saying that, if the bill is passed and requires that we drill down the information to that level, even the by-elections will need to be e-counted. That is the reality in practical terms, which we have perhaps not fully realised until now.

Patricia Ferguson: That is what I was checking.

The Convener: It is worth pointing out that the committee had some questions about how smooth the local government voting system was. We attempted to get further information on that, but we could not get it. We were concerned that in certain areas of Scotland there was a big difference in participation between the Scottish parliamentary elections and the local elections.

David McLetchie (Edinburgh Pentlands) (Con): It is interesting to observe how opinions change on decoupling. Mr Tolson spoke earlier about the political consensus in favour of

decoupling, which has existed only post-2007, following the publication of the Gould report and the experience of the joint elections.

For the eight years prior to that, the idea of decoupling was fiercely resisted by the previous Scottish Executive and was a matter of political controversy, despite the fact that it had been recommended by the three independent commissions that were chaired by Mr Kerley, Sir Neil McIntosh and Sir John Arbuthnott. Did any of the bodies that you represent have a stated public opinion on the decoupling issue pre-2007?

Tom Aitchison: It is fair to say that returning officers and chief executives were split right down the middle. Half of us thought that a local government election halfway through the Scottish Parliament's session would enable a focus on local government issues. Others feared that that might lead to a low turnout, which might create a concern over the validity of local government elections, and argued that having the elections on the same day as the Scottish Parliament elections would encourage turnout. That would also allow a focus on local government issues, but there would still be a risk that the focus was on Scotland-wide or UK-wide issues. Between the mid-1990s and 2007, SOLACE debated the issue and, every time that we had a show of hands, the split was roughly 50:50.

David McLetchie: Has the position of SOLACE changed as a result of the Gould experience?

Tom Aitchison: Oh, yes.

David McLetchie: Does that mean that you are no longer as concerned about turnout as previously?

Tom Aitchison: It is a question of balance. From the way that I read the tea leaves in Parliament, I can see that nobody wants to go through the situation that occurred in 2007 ever again. As a result of a risk assessment, the weight of the argument is now in favour of moving to a mid-term point. However, there is still a risk that there will be a low turnout and a concern that there might not be a genuine focus on local government issues because the election might be captured by Scottish or UK issues if, for example, people want to register a protest vote against the incumbent Government.

David McLetchie: I am all in favour of protest votes against incumbent Governments, of course.

Tom Aitchison: I thought that you might say that.

Andy O'Neill: Prior to May 2007, the Electoral Commission did not have a position on whether the elections should be decoupled—we were working in the reality that existed at that time. In the period following the elections, we accepted Gould's recommendation in November 2007 that the local government and Scottish parliamentary elections should be decoupled.

We do not accept decoupling for all elections as a principle. We have called on Governments throughout the UK to carry out major research on the effects on the voter of coupling elections—and there are dozens of variants of coupling across the UK. That research has not yet been undertaken, but we are still pushing for it.

Mr McLetchie pointed out that McIntosh, Arbuthnott and Kerley all supported decoupling in various forms. The commission used to have an electoral commissioner called Sir Neil McIntosh, so we can possibly claim some credit in that sense.

Gordon Blair: SOLAR has been in favour of decoupling for a long time, even before the 2007 elections. I think that, given what the voter faced in those elections, decoupling is now even more supportable.

The question of turnout is not best addressed simply by combining the elections as turnout is influenced by many other factors. Personally, and speaking on behalf of SOLAR, I do not think that voter fatigue has much substance in reality.

David McLetchie: I agree that the issue of voter fatigue is overstated. However, I think that there is a genuine concern about turnout.

That brings me to the issue of information, with regard to informing people about what councils do and the important role that councils play, as well as informing them about how to vote in an STV election.

Who do you think should have the responsibility for communicating information about how to vote and raising awareness of the importance of councils and council elections? Looking ahead to 2012, should the public information campaigns around those areas be taken forward?

William Pollock: The local authority can publicise its own elections and highlight the areas of responsibility for which it is accountable. As has been mentioned elsewhere, that element sometimes got lost when the local government elections were combined with the Scottish Parliament elections. I realise that I might not have a sympathetic audience for this point, but I think that, often, the Parliament's issues superseded those of the local authorities in those elections. It is much easier to concentrate on what the local authority does, how important it is to take part in the elections and how the voting process works if there is a stand-alone election.

10:30

Andy O'Neill: With regard to the Scottish Parliament elections, the Electoral Commission has a duty to undertake public awareness information campaigns. The situation is not quite the same with regard to Scottish local government elections, as we do not formally exist in that context. That said, under the Political Parties, Elections and Referendums Act 2000—the act that set up the Electoral Commission—the Scottish Government is allowed to seek our assistance in that context, which it has done in relation to the previous two elections. Also, as Billy Pollock said, local authorities have a power to promote participation in elections, which we assist them with.

The European elections that are coming up this June are a good parallel. We will run a national campaign that will encourage people to register and will be targeted at underregistered groups. Later stages of the campaign will focus on how to fill in the ballot paper, which is a particularly important element, given what happened in 2007. At a level below that, we are working with the councils to run campaigns in local media. I think that we can build on that model for the 2012 elections.

Gordon Blair: Nationally, the responsibility lies with the Electoral Commission.

Andy O'Neill: But not for local government elections.

Gordon Blair: Not for local government elections, but that is easily cured.

Andy O'Neill: Yes.

Gordon Blair: The jurisdiction can be extended informally to cover council elections in Scotland. However, returning officers should also work to promote awareness, and councils have a duty to provide resources in that regard. The net result of that is that each council has to have a promotion campaign. As Mr O'Neill said, those campaigns will start with the approaching European elections. In 2012, we will all have local campaigns that can dovetail into any national campaign that is run by the Electoral Commission. That is enforced—actually, I will not use that word, as Mr O'Neill does not agree with its use. Performance standards rest with returning officers, and one such standard involves public awareness. That will be audited and reported on by the Electoral Commission after the elections.

We are moving towards a situation wherein returning officers and councils promote awareness, encourage voters to vote and inform them about the mechanics of how to cast their votes.

David McLetchie: I must admit that I am slightly concerned to hear that there will be 32 different promotional campaigns, although I note what you said about those dovetailing into the national campaign and so on. Most successful public campaigns in Scotland have a common brand and theme across the country, which involves a common message, common television commercials and radio advertisements and common promotional material in local newspapers. Rather than having 32 local promotional campaigns, would it not be better to have a Scotland-wide promotional campaign that says what the councils do—as far as I am aware, all councils have the same functions—and how the local government voting system works? Would it not be better if the Scottish Government and the Electoral Commission—or whoever—could take charge of the matter and lay out a plan of action leading up to 2012? Why do we need 32 campaigns?

Andy O'Neill: You make a valid point. If you look at what we did in 2007 around the vote Scotland campaign, much of what you are talking about was achieved. Along with the Scottish Government, we ran the national campaign and the local authorities bought into that campaign and could download the branding and so on from closed parts of the Electoral Commission's website. That ensured that there was a commonality between the national television adverts and local events that were held in supermarkets and so on.

It is important that councils and returning officers undertake things locally because they are involved with their local areas and we are not. We can easily do the national stuff, but it is crucial that we use all the avenues that are available, and councils are well placed to do that locally.

Tom Aitchison: If we are promoting belief in local democracy at local government level, why would the Scottish Government have the main responsibility for driving the programme forward? That seems slightly odd to me. Each council should be left to work on the programme through the Convention of Scottish Local Authorities or the Electoral Commission. I take Mr McLetchie's point about the commonality of some of the messages, but what my council may want to say locally in Edinburgh about encouraging people to vote would perhaps be an entirely different message from that in Orkney, the Western Isles or Dumfries and Galloway, for example.

David McLetchie: Why would it be different? Can you give an example of what the City of Edinburgh Council would say to encourage people in Edinburgh to vote as opposed to what Shetland Islands Council would say in that regard to people in Shetland?

Tom Aitchison: If you go back a half-step, you will acknowledge that there has been a lot of discussion over many years, much of it academic, about the underrepresentation of certain parts of the community because people will not register to vote. Generally, there is a correlation between that and the extent of poverty in a community. We can get into interesting areas of debate here. For example, how legitimate is it to target resources at getting more people in underrepresented areas to register to vote as opposed to encouraging the general franchise? Step one is being on the voting register in the first place, and step two is the commonality of all councils having, by and large, the same range of functions. However, beyond that, I believe that there is still a local dimension whereby it is important to allow a returning officer at least some discretion to use a set of messages or techniques that are commensurate with the locality in which they live and work.

David McLetchie: I have no problem with having a localised approach to encouraging registration in areas in which registration rates are relatively low. However, I come back to my point that all councils exercise the same functions and are elected on the same day. It is an election day for Scotland's councils—plural. It strikes me that, because we have a common voting system and councils have common functions, we should promote that.

I want to move on from that issue, but you might not think that my idea is a good one. Bearing in mind what has been said about resource implications and the potential cost to local authorities of the bill, and assuming that it would be competent for the bill to do this—we can check that—would it be helpful if the bill placed some duty or responsibility on the Scottish Government to provide information for campaigns, such as we have discussed? That would mean that there was a clear line of responsibility for co-ordinating efforts to provide information about voting and the functions of councils—it would perhaps be more helpful if that was done from the standpoint of councils—and therefore a national budget for doing that kind of work.

Tom Aitchison: Certainly, as I said earlier, there has been concern for a long time about the resources that are available for election administration in Scotland. From memory, I think that, when the new provisions were introduced in 2007, the allocation for me to promote public awareness in Edinburgh was £15,000. We do not need a long discussion about whether that sum will go far in a city with a population of half a million.

I would strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout. We are all aware of the choppy waters that we are now in—and heading further into day by day—regarding the future of local government finance or public finance generally in Scotland. However, the public awareness issue is important because it is about democracy and getting people out to use their vote. If you can use your good offices to encourage more resources to be made available, that would undoubtedly be welcomed by the professional associations in Scotland.

Gordon Blair: On the bill's technicalities, it would be worth considering widening the Electoral Commission's role to include dealing with council elections in Scotland. That would close the gap and enable the commission to have authority over, and use its resources for, council elections in Scotland as well, rather than the Scottish Government having a duty in that respect. Such a duty is not placed on the Westminster Government. If the Electoral Commission covered council elections in Scotland, we would then have consistency and an authoritative national message on council elections from the commission. Each local council area could lend support to the message and disperse it, as appropriate to local needs.

Andy O'Neill: Gordon Blair is right that the Political Parties, Elections and Referendums Act 2000, which set us up, requires us to undertake public information campaigns for all parliamentary elections in Scotland, but that we do not have a similar duty in relation to Scottish local government elections. However, the 2000 act makes provision for Scottish ministers to make an order to make us the Electoral Commission for Scottish local government. If that happened, we would undertake an independent public information campaign.

David McLetchie: But that power has not been exercised.

Andy O'Neill: To date, it has not been exercised.

William Pollock: The AEA identified that anomaly and asked for it to be resolved so that the Electoral Commission can have a proper remit for Scottish local government elections rather than having that as an add-on responsibility, which is what it is at present.

David McLetchie: When you talk about an order, you are saying that the Scottish ministers— or would it have to be UK ministers?—could lay an order before the UK Parliament.

Andy O'Neill: Scottish ministers could make an order and lay it before the Scottish Parliament.

David McLetchie: And that would give you that responsibility for public information.

Andy O'Neill: Yes.

The Convener: That would do on an all-of-Scotland basis, but how would we address the pick-and-mix approach among local authorities? One local authority might take the issue seriously but another might take it less seriously, and councils might not have the money to spend. Is there a minimum standard?

Andy O'Neill: I think that local authority colleagues have a responsibility to undertake promotional work under the Local Electoral Administration and Registration Services (Scotland) Act 2006. Nationally, we have produced a suite of options; we have also produced activities that they can undertake in the coming weeks. That includes things such as, believe it or not, a very large map of Europe and an 8ft blow-up X, which can be used for local media activities. They will know what to do with those things—we could not possibly know that.

The vote Scotland campaign in 2007 cost approximately £2 million. Local authorities are never going to have that amount of money to pump into a public awareness campaign. Nevertheless, we would be reluctant to see public information being run solely from the centre. It is important that people in the locality are involved in that.

The Convener: I am not suggesting that it should be run from the centre; I am trying to establish the baseline for local authorities. They have a power to engage in that, but they do not have an obligation to carry out any of that work. I am thinking of the information that we have available to us now. In my constituency, 11 per cent of ballot forms were spoiled. It is an issue for you, for the local authority and for us all to engage those people in the political process and in elections. What will your work and the work of the local authorities do to target that sort of problem? How will the money flow? How will the Government ensure that there are additional funds to target that significant problem? Indeed, how will it recognise it as a significant problem and ensure that local government uses the powers that it has? What is there to ensure that all that happens?

Gordon Blair: The council has a duty to support the returning officer in carrying out their duty to encourage participation in the electoral process. That duty is wide enough to cover the points that you have made. In the first two years after the Electoral Administration Act 2006, which was passed at Westminster, came into force, funding was ring fenced for precisely that area, and that funding is now built into the local government

settlement. Therefore, money is made available to councils to deal with the issue.

On the question of consistency in what is happening on the ground across Scotland, there are two points to make about how effectively that money is spent and what it is spent on. First, one of the seven statutory performance standards that the Electoral Commission will now report on covers that area. Secondly, in preparation for elections, the interim electoral management board will, no doubt, pending any parliamentary decision on a chief returning officer for Scotland, develop an informal role in encouraging all local authorities to promote key messages and in co-ordinating that work. Tom Aitchison will be able to say more about that.

The Convener: Who monitors and evaluates that work? Who measures its outcomes? Who can push best practice?

Andy O'Neill: The Electoral Commission does that, under the performance standards regime. Gordon Blair is correct in saying that public information is covered in one of the standards. However, I should point out that the performance standards are only for parliamentary elections in Scotland. Local government elections are not covered by the performance standards regime. The local government work would have to be brought into the orbit of the current standards.

10:45

The Convener: Do you have an audit of all the best-performing and worst-performing areas, and information about where best practice takes place and where you would encourage better practice?

Andy O'Neill: The performance standards were published 10 days ago, so we are at the very beginning of the process. Our first report on the activities of the returning officers will be included in the statutory report on this June's European elections, which will be published in October this year.

The Convener: Okay. We may want to consider that information before we speak to the minister.

Mary Mulligan (Linlithgow) (Lab): We have talked about the costs of democracy and of promoting people's participation in the process, but I want to look at the other side of the costs—the administrative costs. I think that Mr Aitchison referred to the burdens on local authorities. I want to be clear about whether costs will increase or decrease as a result of decoupling the elections and where the burdens might fall, whatever the arrangement is.

William Pollock: It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be

achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.

Mary Mulligan: What does that additional burden mean in real terms? How much are we talking about?

Tom Aitchison: I mentioned the biggest single cost in response to Patricia Ferguson's question about meeting the costs of e-counting. Those costs are substantial for Scotland as a whole and for individual councils. We should seek early clarification on that. Our view is the same as Billy Pollock's view: there will be additional costs. I cannot give a precise figure at this point, but we could certainly try to do further research on the matter and supply that to the committee if that would help.

Gordon Blair: I think that costs will vary from council to council—the figures will depend on the costs of hiring premises. Some councils have to use large premises because their electorate is large. If the elections are decoupled, large premises are hired for the occasion and there is e-counting, the whole lot will fall on the council.

Tom Aitchison: I return to what has been said. Two or three different factors are in play, such as the costs arising from the decoupling itself and the issue of who will meet the costs of e-counting. Andy O'Neill has reminded me about absent voter identifiers, which have a technological dimension and a cost. Perhaps we need to do some more research on the matter, but we have a figure.

Andy O'Neill: The figure is from the financial memorandum to the bill.

Tom Aitchison: There is the possibility of an additional cost of £5 million.

Gordon Blair: I understand that the £5 million excludes the cost of e-counting.

Mary Mulligan: What was the figure for e-counting in 2007? Can we get it at some stage?

Tom Aitchison: It is on the record, but I do not have it in my head.

Mary Mulligan: I am not trying to trip anyone up. If we are to proceed with the bill as it currently stands, we need to do so with our eyes open and ensure that if we choose to decouple the elections, the process is fully resourced. It is clear that if there is an additional burden, it will need to fall somewhere, and we will need to ensure that money is provided to facilitate the change. This is your opportunity to tell us what the costs might be. We can then consider those as we examine the bill further.

Tom Aitchison: We can certainly send the clerk a note within days on the factual position from the 2007 elections if that would help the committee.

The Convener: The explanatory notes to the bill state:

"Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m."

I do not know whether that was the total cost, a contribution or additional money.

Andy O'Neill: That was not the total cost. From memory, the total cost was around £10 million.

Gordon Blair: From memory, I think that you will find that the Scottish Government and the Scotland Office shared the cost of e-counting, so, in effect, that doubles the figure that the convener just mentioned.

Mary Mulligan: We have a note on that, but it is also useful to have your take on it. Any further information with which you can provide the committee would be useful.

The bill is about decoupling the Scottish Parliament and local government elections. However, you have acknowledged that there is a risk that those elections will run into other elections, which can have an impact on turnout. Within living memory, there were occasions when Westminster held two elections in a year and in the 1990s, there were occasions when it held elections quite close to local authority elections. Have you assessed the risks presented by that and how they would be managed, given that we would be using two different electoral systems, or do you think that we will just approach such situations as they arise?

Tom Aitchison: In the past—and certainly in the post-2007 era—returning officers and electoral administrators have tried hard to carry out risk assessments. I rather scared my colleagues in Scotland recently by saying that we cannot entirely rule out the possibility of a Westminster election in June this year. The Prime Minister might phone the convener tomorrow to confirm the date of the election. I have said to colleagues in the past few months that we must think about the implications of that in making our project plans at individual local authority level and for Scotland as a whole. For example, the boundaries are different and we must think about how we will do the European elections in comparison with how we will do Westminster elections. The issues of postal voting, additional voter identifiers and public awareness all kick in.

The Westminster situation is always the hardest to deal with, because things could happen almost overnight. Something dramatic could happen in Parliament, and the PM could go to the Queen and Parliament would be dissolved. All we can do is ensure that our colleagues are aware of that, think about it in advance and carry out some contingency and risk planning. If that happens, the

machine has to kick in and we have to make it work.

Mary Mulligan: Have you identified anything specific that would need to happen?

Tom Aitchison: Are you talking about the possibility of a Westminster election running into a local government election?

Mary Mulligan: Yes.

Tom Aitchison: I do not think that we have got beyond the generality of principles and broad planning, as opposed to the specific issues that might arise in such a situation.

William Pollock: One concern that we have is that in 2012 the first Thursday in May might be designated local authority elections day, but the Prime Minister of the day might decide to hold the general election two weeks before that date or two weeks after it. The elections would not be in sync but would overlap. A lot of work would have to be done to ensure that everything that had to happen happened. That would not be a desirable situation from the point of view of the elector. However, that would have to be addressed nearer the time.

Mary Mulligan: I was suggesting that a Westminster election and local authority elections might be run on the same day, but, in fact, it would be equally difficult if one election was held two weeks before the other.

William Pollock: Yes. A Government could lose a vote of confidence unexpectedly and a Prime Minister could suddenly go to the country. The dates for the two elections might not gel as we would hope.

Mary Mulligan: You are giving that some consideration.

William Pollock: Yes.

John Wilson (Central Scotland) (SNP): I want to follow up the questions on the costs of decoupling. One of the reports that we have shows the fees for the 2007 elections as £2.1 million. That is broken down to give us a figure of £660,000 for clerks. However, there is no further breakdown of the figures to show the cost of information officers. In previous discussions in this committee and elsewhere, we have discussed the role and use of information officers during the 2007 election and whether there were too many or too few at the polling stations. It would be useful to know whether the panel members think that we would need as many information officers—or, indeed, any information officers—if we decoupled the elections.

In the May 2007 elections, it was clear that people understood the local government ballot papers. It was only when they came to the Scottish Parliament ballot papers that there was a great deal of confusion, which led to 11 per cent of the papers being spoiled, as the convener said.

Andy O'Neill: From the Electoral Commission's point of view, the role of information officers is an interesting one that the electoral management board will have to consider between now and the next election, which we assume will be in 2012. Mr Wilson mentioned the local government ballot papers, which had a lower invalid rate, if we can call it that. We all saw the ballot papers at the count centre. A number of them contained single Xs. They were never totalled up, but we in the profession were left thinking that a job remained to be done in explaining to people how to fill in the papers. We think that information officers will still be necessary, because in some areas people struggle with the idea of using preferentialism as opposed to a single X.

Mr Wilson is right about information officers. I was out and about in Edinburgh, Glasgow and other places on election day, and I saw some wonderful information officers. However, I also saw some who were less wonderful. Selection and training are important, and the Electoral Commission will want to work with returning officers to improve training in particular.

William Pollock: I think that my colleagues would wish the retention of the opportunity to consider having information officers. On the issue that Andy O'Neill has just touched on, I think that it was inevitable that the first-time venture in 2007 was not going to be perfect. We acknowledge that, but it worked much better than might have been expected, given the short time that we had to appoint and train information officers. Where the system worked well, it was well received; where it did not work well, there was negative feedback. We can work on that. However, in larger polling stations, there is still a place for information officers. We would like to have a system built in to ensure that that is possible in 2012.

Gordon Blair: There is a role for an information officer in all polling stations, but the question whether you can have separate information officers is a question of logistics. As Billy Pollock suggested, the bigger stations will need information officers in 2012. Andy O'Neill is absolutely right: the most important issues will be how well we train those officers and, on the day, how well they do the job, depending on whether they have listened to the training and taken it on board. We will be working on that between now and 2012. For any election, we have to improve the information that is given to voters.

We have to minimise the number of rejected votes. There are some interesting rejected ballot papers from council by-elections; they are being considered as part of an effort to create clear advice for returning officers and their staff as to

what is a good paper and what is a bad paper. That advice could be used in turn to train information officers or polling staff on how papers should be filled in. For example, the officers might say, "Don't put a 5 in column 5 for a candidate, and nothing else, because your vote may not be counted. If you don't want to vote for anyone else, make sure you put a 1 in and nothing else." That is the kind of advice that people need, and there will be ways and means of providing it.

Tom Aitchison: It seems to me to be a simple truism that, if we take the Gould principle of putting the voter at the heart of all that we do, ergo, we will try to provide an information officer with as much information as possible to help the voter. Resources and money will be required; there will be the cost of employing and training people. I encourage committee members to acknowledge the financial underpinning of the bill and of election management generally.

11:00

John Wilson: In May 2007, we presented the electorate with three different voting systems on the same day. If we decouple the elections, people will be presented with at most two different ballot papers—unless there is a Westminster election on the same day as the Scottish Parliament election. I hope that we have all learned from what happened in 2007, and that we will know how to get the message over to the electorate before they go to the polling station, so that people are clear about how to cast their vote.

I want to go back to the point that was made earlier about people refusing to register to vote. My understanding was that every resident in an area has to go on the electoral register, and I am quite surprised to hear not only that people are refusing to register but that the percentage of those people is increasing. How can we resolve the problem? Percentage turnouts are based on the number of people who are registered to vote, but the 3, 4 or 5 per cent of people who have not even registered will simply not be counted at all. As a result, the low levels of turnout and therefore the number of people not participating in the electoral system might be greater than we first thought.

Tom Aitchison: Much of this tracks back to the time of the poll tax, when people were disinclined to put their names on official forms in case they were pursued for non-payment. At that time, the numbers on the electoral register certainly dipped from what they had been.

Although there has been a long, slow recovery since then, a section of society is still proving very difficult to reach and we are finding it hard to encourage those people to register year after year.

None of us is an electoral registration officer per se, but we work very closely with our ERO colleagues, who are very frustrated with the situation and have tried hard and used all kinds of different techniques to encourage people to register.

You are quite correct to say that the arithmetic for the turnout figure is based on the electoral register. The fact is that a section of people is being missed out. I remember the images from last year's American presidential election of people queueing up to register to vote and then queueing up to vote. I would like to think that something like that or what happened in South Africa could happen in our country, with people taking a keen interest in being on the register and wanting to exercise their democratic right to vote.

William Pollock: There are two points to make in response to that question. First, under the current system of householder registration, a householder might well omit younger or more transient household members through neglect rather than through any intentional refusal to register. Secondly, the Westminster Government has announced its wish to move to the kind of individual registration system that Northern Ireland has, which means that registering will become an individual's personal responsibility. Given that registration will be optional for the first five years until 2015, such a move will obviously not address the problem by 2012, but it will go some way to moving the focus on to the individual and making registration his or her own personal responsibility.

Gordon Blair: As a result of performance standards that are already in force, electoral registration officers have to consider best practice and take certain expected steps to maximise registration in their area. They will have target groups, such as young voters and ethnic minority groups, that they will be expected to reach and they will be reported on in that respect by the Electoral Commission.

In my area, there has been a drive to maximise registration among 18 to 25-year-olds. As Billy Pollock said, the figures, which have just come back, showed that 200 people who would have been eligible to vote on 4 June were not included in the householder return. However, because one of the services in my council and the ERO went round all the secondary schools, just over 200 people have been picked up who would not otherwise have been registered. That is just a snapshot, but it is that sort of approach that EROs and returning officers are beginning to take to maximise registration.

Andy O'Neill: There are two aspects to your question. As far as people who refuse to register are concerned, I point out that it is an offence not to provide information to electoral registration

officers, so those people can be pursued through the courts.

However, providing public information on electoral registration is a reserved matter, so the Electoral Commission is involved in all elections in that regard. We have spent a lot of time on campaigns targeting the unregistered who, as Gordon Blair said, tend to be students, home movers, people in the private rented sector and soldiers. Indeed, we and electoral registration officers work with the Ministry of Defence and suchlike to target the underregistered, and that work will kick off again on 17 April for the European elections.

Bob Doris (Glasgow) (SNP): I have listened to the discussion with interest. The idea of individual registration, rather than household registration, has been suggested. I take on board the point that there may be omissions when household forms are returned to local offices. However, if we move to individual registration, is there not a danger that some of the people whom householders currently put on the electoral register may not bother to register? Has a scoping exercise been conducted to establish whether one approach is better than the other? Do we not need a combination of both?

Andy O'Neill: For some years, the Electoral Commission has argued for individual electoral registration. We believe that voting is a right and that people have a right to be registered. The current system of head of household registration belongs in the 19th century. Studies of the experience in Northern Ireland, which has individual electoral registration, indicate that there was a dip initially, but the system is considered to have worked. We can implement the lessons from Northern Ireland once the Political Parties and Elections Bill has been passed at Westminster. We are confident that individual electoral registration will work when it is introduced in six years' time.

Bob Doris: Would it be duplication to give the householder the right to continue to register all those in the family household? I am thinking specifically of students, who may be registered in more than one location. If they do not register to vote when they go away from home to a university or college of further education or when they get their first job away from home, the householder can register them at their home address. Is it possible to knit together the two systems? Does it have to be either/or?

Andy O'Neill: It may be possible to knit the systems together. The Political Parties and Elections Bill is currently in the House of Lords, but we do not yet have the amendments that are to be tabled. The system may be set up as you suggest. There will certainly be a period during which individual registration will be voluntary and

will be run in tandem with the current system. We can take up the matter outwith the meeting.

The Convener: Thank you for the helpful evidence that you have given this morning. We hope to take up some of your questions with others who may be able to help you with the financial issues that you have raised.

I welcome Dave Watson, the Scottish policy organiser for Unison, and invite him to make some brief introductory remarks before we move to questions.

Dave Watson (Unison): Our written submission to the committee makes clear that Unison is a long-standing supporter of decoupling—we supported the previous proposal for a non-Executive bill on the issue. We are the main local government trade union and represent the staff who are responsible for electoral administration. We have long supported decoupling because we believe that local government requires greater focus. We reached the view that local government was losing out as a consequence of the Scottish Parliament and local government elections being held on the same day. That was our primary reason for supporting previous efforts to change the system. We welcome the bill in its current form.

Alasdair Allan: Gould and many others have commented on what they see as the fragmented nature of the administration of aspects of elections in Scotland. Can you comment on that issue from the point of view of staff who have been involved in administering elections in the past?

Dave Watson: We conducted a fairly detailed survey of a range of members and their representatives who are involved in the administration of elections. Those who took part felt that there was no focus but, to be honest, the driver was policy. People felt that local government was squeezed out of the election process and that local issues were little debated. Local government staff felt that services did not have the focus that was needed. Election campaigns have become increasingly personalised and tend to have a more presidential style, which marginalises local government even more. That is why we strongly supported the earlier proposals to decouple the elections.

Alasdair Allan: Was that reason a stronger motive for decoupling than simply making life easier administratively?

Dave Watson: As we represent the staff who administer the system, we must take that into account. However, changing for that reason would be the tail wagging the dog. The view of our members who administer elections is not dissimilar to that of more senior colleagues who are responsible for that: it is their job to do what

the democratic structures require, and they will do that. If we can make that a little easier and spread out the work, that is welcome, but that is not the primary driver for decoupling.

Patricia Ferguson: One submission that we received suggests a problem with the date of elections. Legislation stipulates that elections must be held on the first Thursday in May, so the count and all the rest of the work often run into a bank holiday weekend. Have Unison members raised that problem? Are they concerned about the impact that counts—particularly if they are like the one that we had last time around—have on their working, family and social lives?

Dave Watson: The issue has been raised. Staff who are involved in elections recognise that they are pretty disruptive. Elections do not happen every month. When I gave evidence on the issue to another body, it was suggested that working in electoral administration is a nice job, because those who do so must be twiddling their thumbs between elections, as not much is going on. My members' response to that suggestion would not be printable. An awful lot of things—not just electoral registration—go on between elections. People forget that the staff who work on electoral registration have other administrative functions in local authorities, which plug any gaps.

Anything that would spread the workload would be welcome. To be honest, we would all feel that it would be nice not to mess up the bank holiday weekend, but staff recognise that running an election sometimes involves working 24-hour days—it is a period of intense work. They recognise that that is part of the job of working in electoral administration.

Patricia Ferguson: We discussed the information officer's role at the previous election. Have Unison members—particularly those who worked in polling stations—given feedback on how they interacted with information officers? Do your members have a view on the information officer's role?

Dave Watson: The views were mixed. Members think that the role is a good idea but that some areas did not have enough joined-up training. Information officers had training that was not always carried over to staff in polling stations. An information officer can be placed in a polling station, but the public will still ask the polling clerk, "What do I do now?" Polling staff still advised the public, even when information officers were present.

Given the new system, it was important to have better training. Comments were made about training for officers, but it was certainly important for clerks to have more detailed training, particularly on the range of questions, as the

system was being used for the first time. Many polling staff have worked on elections for years—members will all recognise some of the people who work on elections time and again. However, when systems change, detailed training is needed, as it is for new staff.

Not all election staff are from local government—they come from all sorts of backgrounds—so they might not have become familiar in the run-up to the elections with the training and the new systems that were being introduced. The feedback was that training should be better and that roles should be clear. Some clerks were not clear about how far they could go. The matter is delicate—people ask all sorts of questions, such as, "I want to vote for Mrs Smith—how do I do that?" Clerks tread a fine line in helping someone to vote and are concerned to avoid crossing that line.

11:15

Patricia Ferguson: Unison's written submission talks about the cost of elections and the implications of that cost having to be borne by local government. You will have heard the earlier witnesses agree to supply the committee with information about that. Has Unison done any work on the cost of elections? Would you like to add to what you say on that in your written submission?

Dave Watson: No, we have not done any number crunching on the additional costs. Certainly, there are additional costs and the financial memorandum sets out some ballpark figures for the costs that decoupling will incur. What has not been picked up in the financial memorandum or in the evidence that you have heard this morning is that there are other costs to the permanent staff who work in the area. We think that it is a good idea to spread the elections out, but you must recognise that that in itself will have a cost, as other things that might be done in electoral registration departments will not get done there and will have to go elsewhere. There is a workload issue that will have to be managed by staff in other departments. There will probably need to be some reorganisation of the functions of the electoral registration department, as electoral registration staff will spend more time, spread out over the years, working in those areas.

It is difficult to put a cost on that, as every local authority does things slightly differently. The additional functions that are carried out by electoral registration staff are not the same in every authority. Therefore, it is difficult to say which of those functions might move, where they might go and what the cost of that would be. The cost would not be great but, in the current financial climate in local government, which colleagues have talked about, any additional financial burden

will be difficult to meet. We do not know the numbers, but we know that there are going to be cutbacks in local government over the coming years and we do not want additional burdens from central Government that are not funded.

Patricia Ferguson: I entirely accept that decoupling will help to spread the load over a longer timeframe. Nevertheless, although there will be a core of staff within the electoral registration department, their number is often augmented by staff from other departments in the weeks preceding the election and, possibly, even thereafter. Given that an election will now be held almost yearly, I wonder whether, as the burden changes and is spread out, those people in other departments, who will be called on more regularly, are going to be resourced or whether local authorities will need funding to establish electoral registration departments that can carry out their role without needing to be augmented by staff from other areas.

Dave Watson: In our view, the way to do it would be to ensure that electoral registration departments have the strength and function, which might be supplemented on that basis, and to plug any gaps when there is not a large amount of electoral registration work to be done with other projects and work that might not be so urgent.

As Billy Pollock hinted earlier, electoral registration staff are passionate about getting people registered, and that is the main function of an electoral registration department. Our members believe passionately in democracy and local government, which work only if people are registered. They would like to spend more time getting out into communities, talking to community groups and getting people registered, but some of that work inevitably gets put to one side when they have to concentrate on the essentials of organising for an election, undertaking training and understanding the new systems. In those circumstances, registration work is inevitably put on the back burner, although we think that that function needs to be strengthened.

Jim Tolson: I am grateful to Unison for submitting a written submission. I would like to pick up on a couple of points that are made on the final page of that submission. Patricia Ferguson has touched on the workload of the Unison staff. Your submission states that you believe that decoupling would increase their workload. However, we saw the increased workload that they had to deal with in the various election counts that we attended on 3 and 4 May 2007. I am sure that we all remember the images of people with their heads in their hands in the early hours of the morning, coping with the stress of the count. Surely decoupling would result in a lighter workload for each election rather than the increased workload that you talk about in your written submission.

Dave Watson: You are absolutely right—it was a stressful event for everyone concerned, but it was a concentrated workload at the time. We are not saying that decoupling should not happen because of that, but it is inevitable that if elections are going to be run every year, which is the way in which we are heading, there will be that workload. At the moment, we have a year in which there are no elections. Decoupling does not spread out the workload to the extent that it will be reduced. There are departments that might be unable to carry out registration work or other functions because they are having to organise the elections. Decoupling means more work, but I am in no way suggesting that that is a reason for the committee not to support the bill. In our view, it is a price well worth paying to strengthen the focus on local government—decoupling is good for that reason. We make the point that our members make about workload. We want the plans to be funded, but no one is suggesting that that would be the tail wagging the dog. Although we think that you should bear in mind the additional costs and the workload issues, it should not be a reason for not decoupling.

Jim Tolson: Thanks for that answer. Not surprisingly, the second point that I want to put to you is a point that I touched on earlier, on reducing the voting age to 16. Although I am in favour of that, according to the previous panel and colleagues, that may be a reserved issue. However, in your evidence, you point out a franchise exemption in schedule 5 to the Scotland Act 1998. I must admit that that act is not my bedtime reading. I would be grateful if you would clarify for the committee whether you feel that an exemption could still be in place or whether is it a reserved matter.

Dave Watson: Unfortunately, sad lawyers such as me tend to have to pore over the Scotland Act 1998 and its schedules, particularly for the Calman commission. Our policy position is that we have always been in favour of extending the franchise to 16 and 17-year-olds. We sponsored Bill Butler's earlier bill on health board elections. With his support, we built into the bill the issue of 16 and 17-year-olds. It was a great opportunity.

The franchise is an exemption under schedule 5 to the act. In about 2002, when we first asked the question, the answer from officials in the Scottish Executive was ambivalent. Later on, the law officers said to the minister—I forget which one—that in their view the voting age was a reserved matter because it is to do with the franchise and is covered by the Representation of the People Acts 1983 and 1985, which is another exemption in that part of schedule 5.

The issue is not black and white. I do not know whether the current law officers have reached a different view—you might want to ask them—but the last opinion that I received from the law officers was that, in their view, the voting age was a reserved matter and that therefore we could not change it, even for local government. It is one of the anomalies in the act—the Scottish Parliament runs local government elections, but there are bits of it that it cannot change. That does not seem very sensible to us. We made the point to the Calman commission that that is an area that is probably due for some reform.

Jim Tolson: That comprehensive answer was very helpful and has saved me some bedtime reading of schedule 5.

Mary Mulligan: On the issue of reducing the voting age, you will have had the opportunity to hear the earlier panel's concerns about confusion. What would be your response to that?

Dave Watson: The confusion would be resolved if all elections were open to 16 and 17-year-olds. With the Health Boards (Membership and Elections) (Scotland) Bill, the Parliament has made a bold and correct move. We ought to consider every opportunity to change the voting age. Given the range of different elections, though, the reality is that it does not work that way—that Parliaments will work together and make the changes, nice though that might be. Our members always like consistency. They would like one set of rules for everything. That would be great, but life ain't like that. You only have to look at the history of electoral reform in this country, which has always been incremental. Votes for 16 and 17-year-olds will be an incremental move. I think that we will get there, but it will take us a fair way to get there through different Parliaments.

Mary Mulligan: Do you foresee that the fact the process is incremental and there is uncertainty about the stage at which people are eligible to vote will cause confusion?

Dave Watson: Yes, there will be some confusion. Some of those points have been made in relation to the Health Boards (Membership and Elections) (Scotland) Bill, in evidence from electoral registration staff. There will be some difficulties when we have the two-stage process, particularly if elections are held on the same day, which is an obvious area of confusion.

To be honest, however, the confusion will not be that great. We currently have the star system on the electoral registers for those who are coming up to 18, and it seems perfectly reasonable that we could adapt that system to ensure that any confusion is minimised.

Alasdair Allan: You talked about how the franchise is reserved, and you are concerned to ensure that there is a level of consistency between council and Scottish Parliament elections. In your view, would that be aided if legislative competence for arranging parliamentary elections was devolved to this Parliament?

Dave Watson: Yes. I was asked that question in giving oral and written evidence to the Calman commission. Our view is that it should be devolved—Unison's position on the devolution of a number of functions is well known. The principle of subsidiarity should be used: we should start from the assumption that this Parliament should deal with matters unless there is a very good reason for them to be dealt with at a higher level. The subsidiarity principle also works the other way, in that more functions should move from central Government to local government. We have argued that point consistently, and it runs all the way through our submission.

John Wilson: Based on some of the evidence that we have heard today, and the number crunching that I have done with regard to the years in which elections could be held, if the UK Government decides to hold an election in May 2010—the convener may have some inside information on that—an incoming Westminster Government could hold office until May 2015. That would bring UK elections into conflict with Scottish Parliament elections in 2015.

What is Unison's, or your own, view on elections being decoupled completely? One issue that has come up this morning is that we are potentially at the mercy of the actions of a Westminster Government once we have decoupled local government and Scottish Parliament elections—another electoral system could kick in and upset the apple cart, causing confusion in relation to the issues that arose from the May 2007 elections.

Dave Watson: Even without decoupling, the same objection that we have to Scottish Parliament elections being held on the same day as local government elections would apply if there was a general election. The difficulty is that there is nothing that we can do about that unless Westminster moves towards fixed terms, for which there is not much political support—I do not think that that will happen in practice. The reality is that we will just have to live with that situation—it may happen on the odd occasion. We can, however, do something about the Scottish Parliament and local government elections, and our view is that we should focus on what we can do.

That is why we were not too hung up about the timing of the elections, because we recognised that a number of circumstances might knock out that timing. We originally favoured option 3 on the timing issue, because it offered the one-year-after option. We were concerned about the mid-term protest vote argument, which could take the focus

away. After we reached that view, however, we had a third debate as a result of the Calman commission, and we received a lot of representations from our members who work in electoral administration. They said that it would be more sensible to go for the mid-point, because that would give more time to plan and to make the necessary changes.

The view was expressed that all the timescales could be knocked out by general elections or even extraordinary Scottish Parliament elections. Those events are unlikely, but there is always a what-if element, because they might happen. Our view is that we should tackle the issues on which we can do something. The Parliament can tackle those issues, and it should do so. If other places do something different, and the benefits that the bill aims to bring about do not materialise, there is nothing we can do about that—we will just have to live with it.

11:30

John Wilson: As a trade union that is actively involved in the local government arena and which has run campaigns on particular issues to coincide with elections, would Unison be of the mind that such decoupling would make it easier for the union and for other organisations to get over points of view about any dissatisfaction at either local government level or Scottish Parliament level?

Dave Watson: Clearly, as one of the relatively few organisations that are registered with the Electoral Commission as a third party in elections, we do a lot of campaigning around all elections. Our problem is that putting resources, effort and time into a local government campaign that will, frankly, just be swamped by the more presidential-style debate that happens in Scottish Parliament elections is possibly a waste of resources. Obviously, if we had separate local government elections, we could focus attention on the key local government issues that our members feel passionately about. Those issues would then feature in our campaigning and public information work.

The Convener: Those are what-if questions, as you say. We are sacrificing turnout for focus, but we have all acknowledged in today's discussion that we cannot control that focus. In the new situation—in which local government sees itself as a partner of Government such that it has no control over the raising of any of its own finances—what is the point of all this?

Dave Watson: As you know, we are in favour of local government having control over much more of its finances. We are not in favour of ring fencing. Essentially, the council tax currently involves the ring fencing of money and leaves

local authorities without that control. We are also in favour of returning business rates to local authorities and of giving local authorities the ability to raise even more of their income. In our view, more than 50 per cent should be raised at local level. We argue that that would be a good thing. However, such matters are a political decision rather than a constitutional issue—there is always a risk that people will mix up the two issues.

In essence, having separate elections would put a greater focus on local government. Clearly, other changes are needed too, but having separate elections would enable that debate to take place. We need a structure in place that would allow local government to make its case more clearly without being swamped by the Scottish Parliament elections or any other parliamentary elections.

The Convener: Do you agree that there should be parity of esteem between the different levels of government?

Dave Watson: We agree with parity of esteem and we believe in having a strengthened constitutional position for local government within the current constitutional arrangements. We have argued for that point for many years. We do not necessarily see local government as a broad partner with central Government, because we think that tension between the two can sometimes be a good thing. We are not hung up on that point either. Again, such tension can help to bring focus on the functions of local government.

The Convener: Are those functions and the standing of local government—its parity with central Government—helped or hindered by a 23 per cent turnout?

Dave Watson: Low turnouts do not help. In our submission, we accept that all the evidence suggests that turnout would be lower. However, a higher turnout that is due to the parliamentary elections, frankly, just masks the problem. All of us—civic society, politicians, political parties and local authorities—need to focus on the reasons for the low turnout by doing much more work to make people want to turn out in local elections. As the previous witnesses said, one could not fail to be impressed by the queues of people waiting to vote in the presidential election in America, which is a country that traditionally has low registration rates. We need to focus on raising people's interest in local government—a big job, which will not be easy—but it should be possible to do that by focusing people's minds on local government issues during the elections and over a longer period.

The Convener: Should we revisit the issue if the turnout is disastrous?

Dave Watson: No, I do not think that we can revisit the issue. Running both elections at the

same time might give us a higher turnout on paper but would not achieve the objective. Again, that would just mask the reality that people were not putting the right focus on local government. In essence, we would need to consider why people did not turn out and redouble our efforts to motivate the electorate to focus on local government issues.

The Convener: So we would just need someone to blame.

Dave Watson: It is not a matter of blaming people—we need to look at what works. Holding the elections on different days is not the reason for the failure of campaigns and other work to improve turnout. If turnout does not improve, it will be because all of us have not managed to motivate people to vote.

The Convener: So the issue is simply motivation.

Dave Watson: It is about motivation and relevance—people seeing the importance of local services to them. We conduct various information campaigns and are planning others to give people an understanding of what local government does for them. You will see some of those in the months to come. We have examined the interesting campaigning work that some of our colleagues in Australia, New Zealand, America and Canada have done to flag up the role of public services, especially local public services. We have spoken to them about how effective that work has been in their areas and will try to roll out some of it here. That can be done, and we will try it. Let us see whether it works.

The Convener: Is there a higher turnout among Unison members than among any other group?

Dave Watson: I have no idea. We hope so.

The Convener: You spend all that money on political campaigns, but you do not know whether turnout is higher among your members.

Dave Watson: We certainly do a lot of work on the issue. It is impossible for someone to open a Unison journal without being urged to vote and to play their role in the local government function. We do not know whether that works, as there is no marker for Unison members on the ballot paper; even with increased voter information, we will never know whether turnout is higher among our members. The academic work that has been done on the issue suggests that turnout is higher among those who work in local government, but that is only sampling—there are no hard data to back it up. The answer to your question is probably yes, but I cannot prove that.

The Convener: As you heard, we spoke earlier about the capacity of local government to administer elections. We have not spoken about voluntary activity, of which there is little mention. We are the privileged ones who are paid for our political involvement at this time, but we are all supported by people who do not get paid. We need to sustain them through the process. Do you agree that we need to consider what can be done to sustain the work of all political parties? It is not good enough for us to say to people that they need to do more. The voter may not get weary, but holding elections year after year places considerable demands on those who are involved in voluntary activity.

Dave Watson: Staff in the area might be tempted to see producing additional voter information, for example, as a burden on registration staff, requiring them to churn out another pile of statistics, but that was not their response. Unison members told me to be sure to point out the additional cost and effort of producing the information. However, we recognise that political parties are a key part of the process and that they are made up mostly of volunteers, who do most of the work. If the provision of additional information stimulates greater activity and more campaigning and work on the doorstep, it will raise the profile and improve the functioning of local government, which is good. As others have indicated, provided that voter secrecy is maintained, our members should provide the political parties with the maximum amount of information, to help them to do their work.

That position is consistent with the line that we have taken on freedom of information. We have argued consistently for freedom of information laws that are stronger even than the current Scottish legislation. We argue that freedom of information provisions should be better than those that are proposed in the Scottish Government's current consultation on the issue. That reflects the view of our members, for whom freedom of information is a burden, as it requires them to do more work, but who regard it is a right and proper function in a democratic structure. If we believe in democracy for public services, rather than their being run in a market setting, we must support it. Democracy costs, but it is a price worth paying to ensure that there is a focus on local services.

The Convener: Thank you for your attendance and your helpful evidence.

Subordinate Legislation

Registration Services (Fees, etc) (Scotland) Amendment Regulations 2009 (SSI 2009/64)

Registration of Births, Deaths and Marriages (Fees) (Scotland) Order 2009 (SSI 2009/65)

Non-Domestic Rating (Payment of Interest) (Scotland) Amendment Regulations 2009 (SSI 2009/76)

11:39

The Convener: Agenda item 2 is consideration of three Scottish statutory instruments under the negative procedure.

Members have received copies of the SSIs and have raised no concerns. Do members agree that the committee does not wish to make any recommendation to the Parliament in relation to the instruments?

Members *indicated agreement.*

11:40

Meeting continued in private until 13:05.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

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The deadline for corrections to this edition is:

Friday 3 April 2009