

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 1 April 2009

Session 3

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

10th 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:

Bruce Crawford (Minister for Parliamentary Business)

Stephen Sadler (Scottish Government Constitution, Law and Courts Directorate)

CLERK TO THE COMMITTEE

Susan Duffy

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 4

Scottish Parliament

Local Government and Communities Committee

Wednesday 1 April 2009

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

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the 10th meeting in 2009 of the Local Government and Communities Committee. As usual, I ask members and the public to turn off their mobile phones and BlackBerrys.

Agenda item 1 is stage 1 of the Scottish Local Government (Elections) Bill. I welcome the Minister for Parliamentary Business, Bruce Crawford MSP; Stephen Sadler, who is head of the Scottish Government's elections and local governance team; and Andy Sinclair, who is a senior policy officer in the referendum and elections division of the Scottish Government.

I invite the minister to make some opening remarks before we move to questions.

The Minister for Parliamentary Business (Bruce Crawford): Thank you very much, convener. I am grateful to be in front of the committee to discuss such an important issue.

The committee published its comprehensive report on the 2007 elections in June 2008. At that time, I was pleased to put on the record my thanks for its detailed consideration of the important issues that arose from the elections in 2007. The report was debated in the Parliament in October 2008; there was widespread agreement on the many issues that were raised and the proposed solutions. The committee endorsed Ron Gould's recommendation that local government elections in Scotland be decoupled from Scottish Parliament elections. It also recommended that we make post-election voting information available at polling-station level. I am pleased to say that, if it is passed, the Scottish Local Government (Elections) Bill will give effect to those recommendations.

The Government's consultation paper on decoupling the elections was issued in March 2008. Responses showed overwhelming support for our plan to separate the elections. There was equally strong support for our preferred option of

moving the local government elections to the mid-point in the Scottish Parliament session.

We want to decouple the elections, as Mr Gould recommended. That should help to begin the process of reducing the voter confusion that we witnessed in the combined elections in 2007. Decoupling will also give local government its rightful place. The view that we should do more to recognise the democratic role of locally elected leaders and put local government at the centre of governance in Scotland is widely supported. By moving to separate national and local elections, we intend to strengthen the democratic mandate of local government. Running the two elections at the same time inevitably means that less attention is given to the local government elections. The media and the public invariably focus on national issues rather than on local candidates and local concerns. Important local issues are not given the consideration that they deserve, and local campaigns are, unfortunately, sometimes left in the shadow of the parliamentary candidates and parties. As Unison said in its written evidence to the committee:

"Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people".

We know that there is strong support for decoupling, but we also know that decoupling will bring turnout challenges. Committee members have previously suggested that we need to focus on voter engagement and public information. I agree and look forward to working with the committee on those important issues. We need to encourage greater public participation across the board, and we specifically need to raise the profile of local government issues and candidates and find ways of enhancing voter interest in and understanding of the democratic process. If we get things right, the increases in voter turnout that we are all looking for could follow.

Public information campaigns for elections should cover two bases. We should look to voter education to tell people about the election date, explain the election's aims and motivate individuals to register to vote and take part in the election. We also need voter information to explain the voting methods that are to be used. It is crucial that we find ways to identify harder-to-reach groups and better ways of engaging with them. Groups that are less motivated to vote and are less likely to be bothered about voting deserve to be included in the democratic process. The Government does not have all the answers, but we have time before the next local government elections to consider how we can achieve those aims, and I would be happy to discuss with the committee and others how we can do so.

The bill will also give ministers the power to make regulations to allow voting information in local government elections to be analysed in greater detail. Currently, after a result has been declared, the returning officer is required to publish certain information at ward level, including the number of votes cast and transferred at the various stages of the process. The introduction of the single transferable vote system and electronic counting give us access to far more voter information than we used to have. Candidates and parties can use the information to analyse where their votes come from, plan future strategy and focus efforts on increasing turnout. The proposed new regulations will make more detail available at polling-station level. The additional polling-station level data, which will include the number of votes cast and transferred, should increase confidence in the electoral system and the method of counting.

The secrecy of the ballot remains the underlying principle. The level of information and aggregation that will be in place will ensure that secrecy is maintained. Provision is made in the bill to ensure that ministers cannot introduce arrangements that would reveal the manner in which an individual voted.

The bill will implement a key recommendation of the Gould report. It can be argued that local government is the level of government that most impacts on ordinary people's day-to-day lives. Local government services are vital. Decoupling will present us all with the challenge of increasing turnout in local elections, but the work will be worth it. The Government believes that local elections should be prominent, that they should be held separately from other elections, and that they should focus on local issues such as schools and services and not be overshadowed by the theatre of national politics. I hope that the committee will support the bill when it makes its report.

Alasdair Allan (Western Isles) (SNP): An issue that Gould raised, to which the Government responded, was the fragmented nature of elections in Scotland. Will the measures that you outlined address that issue?

Bruce Crawford: They will begin to address it, although they are not the whole solution. Gould identified many issues, which involved 32 local authorities, 15 electoral registration officers, three Government departments and at least 18 pieces of legislation, so there is a fair job of consolidation to be done.

The Government always argued that it would be more appropriate for the Scottish Parliament to be responsible for administering elections, and the Parliament accepted that. Such an approach would have brought everything under one roof, and we would have made a better fist of it.

However, we must deal with what we have and move on as positively as we can.

The Gould report introduced the concept of a chief returning officer. We are engaged in discussions on the issue with the interim elections management board for Scotland and we are prepared to discuss whether the title of CRO should itself live on or whether the proposed role should live on in another shape, for example in the person of the convener of the interim elections management board. Issues to do with the ballot paper and other administrative issues also need to be considered and we will consult on such matters in the summer. The bill is part of the package but is not the whole answer.

Alasdair Allan: Gould talked about the extent of voter confusion. What role do you envisage for the Electoral Commission in educating voters before the next elections?

Bruce Crawford: The Electoral Commission is about to undertake detailed work on the ballot paper in Scotland. In the summer, we will also undertake work on the structure of ballot papers. The commission has an important role in that regard.

When the committee took evidence during its inquiry into the 2007 elections, it discussed whether the commission should have a formal, contractual role and whether the Government should place a legislative responsibility on the commission. The Political Parties, Elections and Referendums Act 2000 provides that the Scottish ministers may extend the commission's formal remit to include carrying out tasks for the Scottish local government elections.

During the 2007 elections, the then Scottish Executive spent £1.25 million on the centrally based VoteScotland campaign, which was run primarily by the Electoral Commission. There was, therefore, a central campaign the last time round, in which the Executive quite rightly involved itself, and which was able to be delivered without a legislative framework in place.

I am happy to examine the issue and to consider whether we should give the Electoral Commission a formal basis in statute in Scotland, which would need to be done through either an act or regulation. However, we should not legislate just for the sake of it if the arrangement can be made informally, as it has been, or through a contract with the commission. I am happy to take further evidence from the committee on whether the arrangement can be strengthened.

The Convener: I recollect that the Electoral Commission witnesses who appeared before the committee seemed to be saying that the commission had a role in the Scottish Parliament elections and in the United Kingdom elections, but

that it had no similar role in local government elections, and it was therefore necessary to extend its role.

Bruce Crawford: The commission has no statutory role in local government elections.

The Convener: But it has a statutory role in the Scottish Parliament elections.

Bruce Crawford: It has such a role in the Scottish Parliament elections and in other elections in the UK, because it is a UK-based body. The PPERA, when it was introduced in 2000, did not extend the commission's powers to Scottish local government elections.

The Convener: Was the £1.2 million that was spent on the VoteScotland campaign allocated for the Scottish Parliament elections?

Bruce Crawford: It was for both elections—it was a combined effort and a combined election.

The Convener: Would there be a financial implication for the Scottish Government if the commission's involvement was put on a statutory footing? Would additional funding be necessary?

Bruce Crawford: There is already a financial implication for the Scottish Government. As I explained, the Scottish Executive committed £1.25 million during the 2007 elections to help fund the surrounding publicity campaign. I cannot imagine that, in 2012, the Scottish Government will not want to be involved in providing expenditure from a central base for education and raising awareness.

I do not think that putting the Electoral Commission's involvement on to a statutory footing would in itself create a requirement for additional resources. It was what we asked the commission to do during the 2007 elections that created such a requirement in that case. Have I got that right?

Stephen Sadler (Scottish Government Constitution, Law and Courts Directorate): Under the current arrangements, the Scottish ministers can ask the Electoral Commission to carry out functions on an agreement basis, but the commission does not have a statutory duty to do that. The information campaign in 2007 came about at the Scottish Executive's request.

The Convener: I am confused. We are talking about decoupling. It is our responsibility to fund and promote the Scottish Parliament elections, and in 2007 there was, as a consequence of that, some benefit for the local government elections. We are concerned that if we split the elections, the money will not be available for local government elections, and the campaigning, the potential turnout and everything else will therefore not be the same. If the elections are split, the activity

around the Scottish Parliament elections will disappear from local government elections—there seemed to be a worry among the witnesses last week about what would be put in its place.

Bruce Crawford: I understand the reason for your question. The Scottish Parliament elections are, of course, the responsibility of the Scotland Office, and the expenditure that would be committed for that purpose would come from there. I am saying that the £1.25 million that was spent on the local government and Scottish Parliament elections last time round came from the Executive specifically for that purpose. I am not saying that we will spend to that level—indeed, I am not saying what amount we will spend on the election campaigns—but there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012.

The Convener: Does anyone else have a question on that specific point?

10:15

David McLetchie (Edinburgh Pentlands) (Con): I will follow that line of questioning. One theme is the responsibility for public information campaigns to increase awareness and, as a secondary aspect, to ensure that people know how to cast their vote properly under an STV system once we have got them to the polling station. Last week, we heard evidence from Tom Aitchison—the City of Edinburgh Council's chief executive—that funding for his council's public awareness campaign for the previous election was £15,000. If one extrapolates that, approximately, across the 32 authorities, relative to their size, it is difficult to see that local authorities in Scotland spent more than £200,000 or £300,000 to encourage participation in the election. That sum of money seems inadequate to achieve our objectives and meet the challenge that you were right to identify of increasing turnout at stand-alone local authority elections. Do you have a view on that?

Bruce Crawford: I will talk about the principles first. It is important that local authorities are involved in how we encourage people to turn up to vote and inform them about the voting process, because local authorities know their areas best. Particular parts of Scotland have particular challenges, so it is appropriate that local authorities should commit expenditure to that purpose. It is also important to have a national message or brand—whatever we want to call it—to encourage people to turn up to vote.

We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections. The Government will certainly make a commitment to expenditure on public

information, but I cannot say at this stage what the expenditure level will be, because it will be subject to the next spending review.

David McLetchie: We established that the 32 local authorities had a responsibility to promote information and awareness about what councils do and to encourage people to vote, and that the Electoral Commission was invited by the Scottish Government to supplement that effort nationally. Would it be better to fix the responsibility for a national information campaign on the role of councils and how to vote in STV elections on a body such as the Electoral Commission and to co-ordinate all the local efforts through that? I am concerned about the fractured responsibilities among the Scottish Government, the Electoral Commission and the 32 local authorities. You said that the Electoral Commission is doing work on ballot papers, as is the Scottish Government. The arrangement is fragmented. Unless we sort it out, will we replicate some of the errors that Gould identified in his report?

Bruce Crawford: You could be exactly right. However, the Electoral Commission is considering advice on ballot papers for the whole UK—for UK elections, Scottish Parliament elections and European Parliament elections; it is not concentrating just on local government elections. Our consultation will focus on local government elections.

As for fragmentation, the key proposal that Gould made was on the establishment of a chief returning officer, who would have powers to direct returning officers throughout Scotland and who would be involved in awareness-raising campaigns and in the structure and delivery of elections.

I am pleased by the development of the interim election management board for Scotland, which involves electoral management experts and the Electoral Commission. Scotland now has an organisation that can pull together all the threads that are required and understand the tensions and constraints. I hope that we will deliver elections much more successfully through the interim election management board, which is an important development for electoral processes. The board will be the driving force to ensure that the message is not so much unified—that is the wrong word—as more consistent, and that processes are more consistent in relation to not only awareness raising and education, but the detail of the delivery of elections.

Patricia Ferguson (Glasgow Maryhill) (Lab): Good morning, minister. The Scottish Local Government (Elections) Bill outlines a move towards the availability of information at polling-station level. Will that require e-counting?

Bruce Crawford: Polling-station level information could still be produced without e-counting, but it might be difficult. At its previous evidence session, the committee heard from one witness that it would not be possible, but we are trying to get to the bottom of how accurate that evidence was.

The STV system will certainly require the advent of e-counting. The system is complicated, and e-counting will be an absolute prerequisite if we are to continue with it.

Patricia Ferguson: When we discussed the issue last week, the general feeling among witnesses was that e-counting would be necessary. Another issue that we discussed was the interim period between now and the next round of local government elections. What will happen in by-elections? As you know, some recent by-elections have been STV and some have been first-past-the-post. Between the passing of the bill and the first round of elections in 2012, will e-counting have to be introduced for any by-elections?

Bruce Crawford: No. Because of what happened in 2007, the e-counting process will require a fairly lengthy time for testing, assurance building and confidence raising. We will need at least 15 to 18 months of testing before we will be absolutely confident that we can tick all the boxes for the system.

A meeting was held yesterday between officials and members of the interim election management board. A procurement process will have to be gone through, and that was discussed at the meeting. The procurement process and the tender process will begin in the summer, once all the specifications have been worked out. A tender document should be issued some time towards the end of the year, so we will begin to receive information by early 2010.

It will be difficult to insist that e-counting should be used for every by-election. Of the 15 by-elections since 2007, I think that two thirds have been e-counted—but forgive me if that figure is not quite correct. I am not aware of any problems arising either through e-counting or through the manual process, except in one by-election, in which a particular issue arose. We will require further discussions with electoral administrators on how much information can be released. That information cannot be released until the bill has been passed, and cannot be available until 2012, when the next elections take place. However, when the bill takes effect, information all the way back to 2007 will be opened up.

Patricia Ferguson: If I understand you correctly, during the interim period information at

polling-station level will have to be available at by-elections.

Bruce Crawford: I do not think that that will be the case.

Stephen Sadler: We will have to discuss commencement arrangements with local authorities. At the moment, the returning officer has discretion over whether he or she counts electronically or manually.

As the minister says, our aim in procuring a new e-counting system is to have it in place for the 2012 local government elections. Interim arrangements will have to be agreed with returning officers.

Patricia Ferguson: Last week's witnesses pointed out that the local government elections in 2012 will be on the same day as the elections to the Greater London Authority, which will also use e-counting. Concerns were raised about the ability to procure the right equipment in time. I presume that the Government is aware of such concerns and that that is why it is considering the issues early.

Bruce Crawford: We are well aware of the concerns and of the resource implications. We have to be ready for 2012, and you are right—that is why we are starting as early as we can. We need to ensure that we have all the ducks in a row so that we can have a successful election. We acknowledge the challenges, but we are confident that we can overcome them.

The Convener: I have a question about the procurement process. The committee has discussed with you the company that carried out the e-count in the previous Scottish parliamentary elections and its refusal to come before the Parliament. Will that company be involved in the procurement process?

Bruce Crawford: That depends on whether it submits a tender. I do not want to get into the details of which companies might be involved in the tendering process. I do not want to put myself in jeopardy by colouring that process before it starts. Stephen, am I right in that regard?

Stephen Sadler: It would be difficult to preclude any company from bidding in a competitive tendering process. However, in drawing up the specification and criteria, we will consider carefully the sort of things that we want the successful contractor to deliver.

The Convener: That is what I was aiming at. As I recall, the minister took on board the committee's views and said that he would keep them under consideration. The committee has strong views on that company. However, we obviously do not want to threaten the process.

Bob Doris (Glasgow) (SNP): My question perhaps reiterates the convener's point, and it might have been answered by Stephen Sadler. When the Government draws up the criteria for the tenders, can it write into the provisional contract a requirement that the successful company must come before a parliamentary committee to answer reasonable questions that it might have, accepting the requirements of commercial confidentiality?

Bruce Crawford: I need to be careful about what I say. The criteria that are drawn up with regard to any contract in which the Government is involved need to be robust and defensible. Any criteria that we use in the tendering process will need to satisfy the fit-for-purpose requirement. I know the committee's views on the matter and I will ensure that, when we draw up the tender document, we do so in a way that means that we get the best possible company to deliver the outcomes that we require.

Bob Doris: You probably cannot answer my next question either, but I want to put it on the record. Will there be penalty clauses if the successful company does not meet certain benchmarks? Might that involve working constructively with the Parliament on post-election scrutiny?

Bruce Crawford: The Government is involved in a normal contract tendering process. We will deploy that as required.

Jim Tolson (Dunfermline West) (LD): The minister confirmed that the move to e-counting for local government elections is pretty much essential. I agree with that, given the complexity of an STV count. However, leaving aside Patricia Ferguson's point about the conflict with the Greater London Authority elections, I am concerned about the potential additional cost of the hire or purchase of equipment. We have conflicting figures on that, so I seek clarity from the Government. For example, it has been suggested that the cost could be circa £5 million, which could go down to £4.5 million if we reduced the number of polling stations, although that might have other implications. Can we have clarity from the Scottish Government about the potential costs to the public purse of e-counting in a decoupled election?

Bruce Crawford: There will not necessarily be additional costs. The costs had to be borne previously in the combined elections. Delivering those larger combined elections required many more scanners, more technical equipment and more personnel. In itself, the use of e-counting will not give rise to additional costs. However, the available figures, which are pretty robust, show that the previous local government and Scottish parliamentary elections, which were funded jointly by the Scottish Executive and the Scotland Office, cost about £8.5 million. Of that, the Scottish

Executive provided £4.8 million, of which, as I said, £1.25 million was for developing, testing and training.

10:30

At this stage, we cannot know for sure what final cost the tender process will deliver. We can go on previous expenditure and make assumptions on the likely impact of having less equipment and fewer polling officers. I think that the costs will be lower, but we can never be sure of the exact costs until the tender process is complete. In the current economic environment and the difficult trading conditions for many people, we may find that costs are driven down even further. We will not know that until we have been through the tender process.

Jim Tolson: I appreciate that. I think that I have the same figures that you have given, which were put forward in evidence last week. A figure of circa £8.5 million was given as a potential cost, not the £5 million that is given in other papers from the Scottish Parliament information centre.

You said that less equipment would be required. At the last elections, we had polls on the same day with the first count being held in the evening and early hours of the morning and the local authority count being held on the following afternoon. The same machines were used for both counts. Surely the only way in which to reduce the number of counting machines is to reduce the number of polling stations. The public would be concerned if that were to be the case, as many people would have to travel further to get to a polling station. That is of particular concern for those who are elderly or infirm.

Bruce Crawford: I am not aware of where that suggestion has come from or in which ether it developed. I am not aware of any such suggestion.

Jim Tolson: You can confirm that the Government has no plans to reduce the number of polling stations.

Bruce Crawford: I am sure that, as a former councillor, you are aware that local authority returning officers, not the Government, are responsible for the location and number of polling stations. I am not aware of any drive in that direction.

Jim Tolson: That is helpful. There are intimations in papers that we have seen that a cost saving of £500,000 could be made by reducing the number of polling stations. We would be concerned if cost savings were driving the process at the expense of quality.

Bruce Crawford: You may have had evidence in that regard, but that is new to me. I will bring in

Stephen Sadler to address the question on equipment.

Stephen Sadler: Before I do so, I can answer the question on the potential cost saving of £500,000. The figure may have come from the financial memorandum, which estimates that the overall additional cost of decoupling will be between £4.5 million and £5 million. Returning officers suggested to us that, if we run a single local government election in 2012, it might be possible to have fewer polling stations within polling places. Technically and legally, two rooms that are set aside within a building that is used as a polling place, such as a school or a local community building, may be called polling stations. There is no question of asking people to travel a greater distance. The same building will be used, but perhaps only one room will be used instead of two, and the potential management savings arise from that.

Bruce Crawford: But no suggestion has been made at any stage that the number of polling places needs to be reduced.

Jim Tolson: That clarification is welcome.

The Convener: You would create savings in terms of the fees that are paid to run polling stations. Fewer people would be paid to take our votes.

Bruce Crawford: That is certainly an expectation.

I turn to the question of expenditure. Obviously, the Government is committed to ensuring that the e-counting system works. We will need to await the outcome of the tendering process before we know the final cost. We will then enter into discussion with the local authorities on what element Government and local government will pay. Given my knowledge of the discussions so far, I see no reason why the process will be anything other than constructive.

The Convener: What assurance can you give that the negotiation on overall costs will have no unintended consequences? I assume that local authorities will pay a significant part of the costs—more than they paid at the last elections. If so, local authorities will need to make savings either through more efficient management or by other means.

Bruce Crawford: What I am saying clearly is that the Government is committed to funding e-counting. We then need to have a discussion with the local authorities on what that means for them, including on the amount in their baseline budgets for the delivery of the elections. That discussion needs to be had. We will not know the specifics of the costs until we have gone through the tender process and the final tender price is in front of us.

It is difficult for me to say more than that. We are committed to delivering the elections and to ensuring that they are properly resourced.

The Convener: Do you know how much has already been spent from baseline budgets—presumably, for the European elections? Last week, we heard that the money is not ring fenced but is included in baseline budgets.

Bruce Crawford: Following discussions with the electoral management board for Scotland and the Convention of Scottish Local Authorities, it has been agreed that there is about £1.9 million in existing local authority baselines to pay for elections. Obviously, we are aware of that. When we find out the final tender cost, we will know what the starting point is.

The Convener: If local authority A decides that it can make savings—not by reducing the number of polling stations but by providing fewer advice and support workers in and around them—what will happen to the money that it does not spend on elections? Can it reallocate the savings to other parts of its budget? Can it spend the money down the road on a community hall or other facilities?

Bruce Crawford: I am not aware of the budget for elections ever having been ring fenced, either by this Government or by previous Governments.

The Convener: In evidence that we took last week, reference was made to ring fencing of elections budgets.

Bruce Crawford: I do not think that they were.

The Convener: We can check the *Official Report* of the meeting.

Bruce Crawford: I will check the matter. If I am wrong, I will write to the committee to say so.

The Convener: A witness raised the issue at last week's meeting.

John Wilson (Central Scotland) (SNP): You said that 15 by-elections have been held since May 2007. The fact that the technology and counting systems that were operated in 2007 were new to us may have led to many of the problems that arose. Are you aware of any advances that have taken place in the use of e-counting technology? In 2007, the technology was fairly new and was quite costly to operate. Are there indications from the procurement process that costs may be reduced by advances in technology?

Bruce Crawford: Advances in technology could be a double-edged sword. Advances that cut the production costs of the company concerned are welcome, as they will probably cut overall costs, but advances that involve a leap forward—the introduction of new technology to improve the process—could put up costs. That is why the

tender process is vital to establishing the final costs.

We have fairly strong evidence of the success of the electronic voting system that was used in the GLA elections. The number of spoiled ballot papers in those elections was no greater than would have been expected in normal circumstances. In fact, the percentage of rejected ballot papers in the local government elections in Scotland was only 1.83 per cent. In Northern Ireland, the rejection rate was 2.1 per cent. Last time around, performance on rejected ballot papers was much better in the local government elections than in the Scottish Parliament elections.

David McLetchie: Perhaps we should put on record that the number of spoiled ballot papers in the last local government elections was three times the number in first-past-the-post elections. Clearly, the introduction of the STV system had a significant effect on the compilation of papers and the number of valid votes.

Bruce Crawford: Yes—the figure is higher.

David McLetchie: It is three times higher.

Bruce Crawford: Yes—I was making a comparison with other areas that have STV elections. The percentage of spoiled ballot papers in the STV elections that were held in Scotland, using electronic counting, was 1.83 per cent, whereas in Northern Ireland it was 2.1 per cent. If I recall correctly, the figure for the GLA elections was of the same order. I understand your point, but I was making a comparison with other systems.

David McLetchie: Other STV systems, you mean. We need to debunk the myth that the STV election in 2007 was somehow a great success as far as spoilt ballot papers are concerned. It most certainly was not in comparison with what went before.

Bruce Crawford: You have successfully debunked it, Mr McLetchie.

The Convener: The evidence that we received last week suggested that more work has to be done. For example, Andy O'Neill from the Electoral Commission talked about people at polling stations seeing STV ballot papers going through with only one X on them. The committee tried to investigate some of those papers but, as the minister will recall, we were unable to do so. We take our job seriously and will debunk comments not just from you, minister—although I am sure you did not intend this—

Bruce Crawford: Thank you.

The Convener:—but from others who want to pretend that everything went smoothly when in

fact there were, as the committee has discovered, questions to answer.

Mary Mulligan (Linlithgow) (Lab): In response to previous questions, you said that you will know more about costs once you have issued tenders. What is your proposed timetable for that?

Bruce Crawford: Officials and the interim electoral management board for Scotland are discussing the specifications, which will be drawn up over the summer. The tender documents will be issued before the end of the year and by spring or summer next year we will be in a position to provide the exact costs and announce the successful tender. Thereafter, we will have 15 to 18 months to test the system and ensure that it is as robust as possible. I feel that that 15 to 18-month period in which we test the system to destruction will be vital in getting us down to the kinds of figures that I hope will make Mr McLetchie smile.

Mary Mulligan: I am not sure that we will ever get there.

Bruce Crawford: And I include STV in that.

Mary Mulligan: We will definitely never get there.

As my colleagues' questions have made clear, we are concerned about how the decoupled election will be funded, even though we accept that, if we buy into decoupling, it will cost additional money. Last week's witnesses seemed to suggest that they had struggled in the past and would feel more vulnerable if they had to fund themselves, so your comments about discussing the costs with them have been helpful. Are you able to say a little more about how those costs might be overcome to an extent that might reassure our previous witnesses?

Bruce Crawford: All I can do is repeat as strongly as I can that the Government is committed to the successful delivery of the e-counting system. We will enter into discussions with local authorities, given that there will be something in their baseline. Unlike with issues such as education and awareness raising, I can probably go a bit further with e-counting and say that, once we have the tender information, I will try to ensure that we nail down as soon as possible the costs that will be allocated to Government and to local government and try to pre-commit the money before we get into the next spending review. I understand the necessity for assurance in this area, and I hope that those comments help.

Mary Mulligan: That is helpful.

In your opening remarks, you talked about encouraging voter registration and participation. In that respect, last week's witnesses felt that the numbers not just for turnout but for registration

were still low. What support has the Scottish Government been giving to electoral registration officers to increase the number of people who are registered?

Bruce Crawford: I will need to ask Stephen Sadler what we have done previously on registration.

Stephen Sadler: Registration is reserved.

Bruce Crawford: Right enough—I had forgotten that. That is a nice easy get-out for me. *[Laughter.]* Of course, I wish it were not.

Mary Mulligan: The Scottish Government has had no involvement in that.

Bruce Crawford: Through the electoral management board, we will try to put in our tuppenceworth about registration to ensure that we get as many people as possible registered. I hope that any awareness campaigns that we run will focus on registration, getting the vote out and explaining to people exactly what the technicalities are of voting. Obviously, we will have to ensure that all that works in synergy. I wish that I had control over registration, Mrs Mulligan.

10:45

The Convener: Do local authorities have statutory responsibilities in that regard?

Bruce Crawford: Through the UK Government.

The Convener: There might have been some confusion about that. Last week, Gordon Blair, of the Society of Local Authority Lawyers and Administrators in Scotland, said:

"That duty is wide enough to cover that 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."—*[Official Report, Local Government and Communities Committee, 25 March 2009; c 1867.]*

I assume that the only money that local government has for that comes directly from the Scottish Government. Although that money was ring fenced previously, it is no longer ring fenced and is now all wrapped up in the local government settlement.

Bruce Crawford: Mary Mulligan's point was slightly different—it was about encouraging people to register. It is true that councils get their cash support directly from central Government, but I do not know off the top of my head whether it is ring fenced; we will need to check that and then write to tell you.

The Convener: We ask you to do that, but my point was that, for councils to meet their statutory obligation, it is not as simple as saying that

registration is reserved. The money that councils need to pick up registration, target voting and turnout comes from the Scottish Government—councils have a statutory responsibility that they can fulfil only if the money is allocated to them.

Bruce Crawford: I am happy to write to confirm whether that money is ring fenced; I just do not know the answer off the top of my head.

Mary Mulligan: I would appreciate clarification on that point because, if the responsibility comes from one body and the finance comes from another, you can understand why there is some confusion. I look forward to your correspondence.

Bruce Crawford: I understand fully the confusion. In my reply to the convener, perhaps I will let you know about how the confusion can be sorted.

Mary Mulligan: I suspect that I know already.

John Wilson: Would it be appropriate to issue guidance or incorporate rules in the bill to set out what type of information should be provided after elections by the returning officers? There is some confusion about that at present. We know from the 2007 election that different rules seemed to be applied by different returning officers.

Bruce Crawford: The bill will provide for the release of more detailed information, including the number of preferences cast and votes transferred between candidates at each stage. As I said earlier, having that information at a local level should allow our political parties to be much more involved in voter turnout activity.

One of the points that were made last week was about whether a voter could be identified. When we draw up the regulations and guidance, providing for a threshold of around 200 votes will be the appropriate way to deal with the matter. That will ensure that, in rural communities where there are fewer than 200 ballot papers in a box, the information cannot be made available and the rights of the individual and the secrecy of the ballot are protected. Otherwise, we might find ourselves in some difficulty. That provision will not be in the bill but in regulations and guidance that will follow. Any regulations that emerge will have to be considered by the committee.

John Wilson: The figure of 200 was the one that the Electoral Commission gave us last week. Below that, it becomes possible to extrapolate who voted which way, and people can be easily identified, which takes away from the secrecy of the ballot. This might come down to particular polling stations at by-elections with low turnouts, but would the minister still insist on having the threshold of 200, to ensure that by-elections that take place after the bill goes through, particularly

where there is a low turnout, do not provide an opportunity to draw out who has voted which way?

Bruce Crawford: This is a balancing act, which we must get right. We need to provide as much information as we can. We will be able to do that to a level that has never been achieved in Scotland before. On the other hand, there are the rights of the individual and the secrecy of the ballot. As far as I am concerned, the one thing that people want to be absolutely assured of regarding the democratic process—when politicians knock on their doors or at any other stage—is that their vote will be secret, and that that secrecy will be maintained. If we get below the level of 200, it starts to put that secrecy in jeopardy. That is why the Electoral Commission has pegged that level—it is to ensure that people are protected.

I recall that, in days gone by, when small ballot boxes were used in the area that I represented as a councillor, the Conservatives, for instance, would have a considerable vote—long gone are those days—and the votes that were cast for the Scottish National Party in that particular box at that time were scant. In those circumstances, the individuals who cast their vote for the Scottish National Party would be in danger of being known. People would have been knocking on doors and asking who the residents were voting for, and there is potential for some of the secrecy to be lost in such circumstances. We should not lose that element of the secrecy of the ballot.

The Convener: We are all agreed about the direction of travel on decoupling the elections, but there are persistent concerns about how that will affect turnout and about the objective being blown off course by national events, a general election or a protest vote at any time in the future, which could undermine the measures, as well as about political parties' capacity to sustain election campaigns year after year.

You said that you would be happy to work with the committee. I am not asking you to commit to anything now, but the committee has expressed an interest in the past in working with the Scottish Government and other interested parties to establish where best practice lies and to ensure that we deliver our objectives in the bill and maintain turnout and the integrity of local government. I do not know whether officials can speak to officials about how best to do that and who could be involved, but we would be interested to consider examples from other countries, which might do things better and which might offer us a focus on how elections are carried out in local government and other areas of government. I will leave that with you for your response.

Bruce Crawford: I am more than happy to be involved in that discussion with the committee on an on-going basis. Some of the material that you

have produced in your report is very useful in that regard—and I do not think that the issues to do with turnout would be any different.

It fascinates me that, in 1974, we got a turnout of over 50 per cent in the district and regional elections, which is higher than what we got for the combined unitary authority and Scottish parliamentary elections in 2003. Why was that? What were the conditions then that made the difference? What were the politics that were going on? Was something different happening then? Was the campaigning to get people out to vote different? Was the standing of local government higher? There are many questions there.

Can we be more imaginative in how we get information across by way of publicity? Would the trade unions, for instance, be prepared to send notices round all their members to encourage them to go out and vote? Can we put up screensavers on all public servants' desks to say "Go and vote today" or "It's voting day"?

There are lots of things that we have to think about. I am not saying that we should definitely do all those things, but we have to use our imagination more. We should discuss any ideas that we put in the pot that are robust enough to stand examination. I am more than happy for officials to talk to one another in the first instance and to come back to give further evidence on this issue.

The Convener: I thank the minister and his colleagues for their evidence this morning, which was very helpful.

Decision on Taking Business in Private

10:55

The Convener: Under item 2, I seek members' agreement that we will consider our draft report on the Scottish Local Government (Elections) Bill in private in future meetings. Is that agreed?

Members *indicated agreement.*

Proposed Control of Dogs (Scotland) Bill

10:55

The Convener: Under item 3, do members agree that no further consultation is required on the proposed control of dogs (Scotland) bill?

Members *indicated agreement.*

Subordinate Legislation

Local Government Pension Scheme Amendment (Scotland) Regulations 2009 (SSI 2009/93)

10:56

The Convener: Do members agree that they do not wish to make any recommendations to Parliament on the regulations? Members have a copy of the regulations. There are no concerns from members at this stage.

David McLetchie: There are.

The Convener: There are now; there were no concerns before the meeting started. I remind members that it would be helpful to the clerks and me to get advance notice of concerns, although I have no objection to Mr McLetchie raising concerns now.

David McLetchie: I just have an observation about the regulations. They make no fewer than 13 drafting corrections to the various instruments that collectively comprise the local government pension scheme. That is partly due to the vigilance of the Subordinate Legislation Committee, which identified and commented on some of the drafting errors when the original Scottish statutory instruments were laid.

It strikes me that, although such pension schemes are extraordinarily complex, it shows quite a high failure rate to have 13 errors and to have to introduce another set of regulations at the last minute—especially bearing in mind that the scheme comes into effect today. That raises the question whether the Scottish Government has enough staff on the job putting together these complex schemes to ensure that they are correctly drafted at the outset. There just seems to be a very high number of errors. All the regulations are to correct errors; there is no new provision of any substance in them. They are errors, pure and simple—and there are 13 of them.

The Convener: We can note that and make our concerns known. We can write to the Scottish Government.

Mary Mulligan: Perhaps drafters do not get as much practice drafting legislation any more, which might lead to such problems.

John Wilson: It might be a result of fatigue from the previous session.

The Convener: Are there any other questions?

Members *indicated disagreement.*

**Representation of the People (Absent
Voting at Local Government Elections)
(Scotland) Amendment Order 2009
(SSI 2009/94)**

The Convener: Do members agree that they do not wish to make any recommendations to the Parliament on the order?

Members *indicated agreement.*

The Convener: I do not think that I got such agreement on the Local Government Pension Scheme Amendment (Scotland) Regulations 2009. I shall take it that I got agreement, along with the comments that were made.

**Planning etc (Scotland) Act 2006 (Saving
and Transitional Provisions) Order 2009
(SSI 2009/101)**

The Convener: Do members agree that they do not wish to make any recommendations to the Parliament on the order?

Members *indicated agreement.*

The Convener: Thank you all for your attendance. Enjoy the Easter break. I know that you will all be hard at work.

Meeting closed at 10:59.

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