LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 16 December 2003
(*Afternoon*)

Session 2

£5.00

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE
12th Meeting 2003, Session 2

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

*Mr Andrew Welsh (Angus) (SNP)

COMMITTEE MEMBERS

*Dr Sylvia Jackson (Stirling) (Lab)
*Mr Bruce McFee (West of Scotland) (SNP)
*Michael McMahon (Hamilton North and Bellshill) (Lab)
*Paul Martin (Glasgow Springburn) (Lab)
*David Mundell (South of Scotland) (Con)
*Tommy Sheridan (Glasgow) (SSP)
*Iain Smith (North East Fife) (LD)

COMMITTEE SUBSTITUTES

Bill Butler (Glasgow Anniesland) (Lab)
Colin Fox (Lothians) (SSP)
Mr Kenny MacAskill (Lothians) (SNP)
Mr Brian Monteith (Mid Scotland and Fife) (Con)
John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Bob Benson (Disability Rights Commission)
Rona Fitzgerald (Equal Opportunities Commission)
Simon Jaquet (YouthLink Scotland)
Sir Neil McIntosh (Electoral Commission)
Douglas Murray (Association of Scottish Community Councils)
Andy O'Neill (Electoral Commission)
Euan Page (Disability Rights Commission)
The Rev Andrew Scobie (Association of Scottish Community Councils)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Euan Donald

LOCATION

Signet Library

Scottish Parliament

Local Government and Transport Committee

Tuesday 16 December 2003

(*Afternoon*)

[THE CONVENER *opened the meeting at 14:05*]

Item in Private

The Convener (Bristow Muldoon): I welcome members of the committee to the 12th meeting in this session of the Local Government and Transport Committee. I hope that members of the public will be here in due course.

Before we move to the main item on the agenda, which is to take evidence on the Local Governance (Scotland) Bill, do members agree to take in private agenda item 3, which concerns the possible contents of the committee's report to the Communities Committee on the Antisocial Behaviour etc (Scotland) Bill?

Tommy Sheridan (Glasgow) (SSP): No.

The Convener: Tommy Sheridan does not agree that the committee should take in private item 3, so I propose that we go straight to—

Mr Bruce McFee (West of Scotland) (SNP): Could members say why they think that agenda item 3 should be taken in private or in public?

The Convener: I am happy to say why it should be taken in private. We must consider evidence and give guidance to the clerks on the possible contents of a report, which will be subject to debate at subsequent meetings. There could be a confused picture if various versions of parliamentary reports become available before final reports, which would not be good practice in respect of scrutinising bills. On that basis, I recommend that the standing practice of parliamentary committees be followed and that the possible contents of the report be considered in private.

Tommy Sheridan might want to say why he would like the item to be taken in public.

Tommy Sheridan: Sure. In line with the consultative steering group's principles, it has always been emphasised that discussions should be as transparent and open as possible and that a committee's going into private session should be an exception rather than a general rule. On this occasion, the qualification for going into private session has not been satisfied. We are mature and adult enough to know exactly what will be discussed—as the convener explained, we will discuss the possible contents of a first draft report that will return for more knockabout and more discussion. We will then reach a consensus or perhaps disagreement on the report.

I do not accept that such deliberations should be in private—they should be in public. We do not have anything to fear. I might say something today and change my mind about it in January; another member might do the same. We should not be frightened about that—people change their minds all the time about complex issues. The item should be taken in public.

The Convener: The question is, do members agree to take agenda item 3 in private?

Members: No.

The Convener: There will be a division.

FOR

Jackson, Dr Sylvia (Stirling) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mundell, David (South of Scotland) (Con)
Smith, Iain (North East Fife) (LD)
Welsh, Mr Andrew (Angus) (SNP)

AGAINST

McFee, Mr Bruce (West of Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)

The Convener: The result of the division is: For 7, Against 2, Abstentions 0. The proposal is agreed to.

Local Governance (Scotland) Bill: Stage 1

14:08

The Convener: Agenda item 2 is continuation of our evidence taking at stage 1 of the Local Governance (Scotland) Bill. I welcome our first panel of witnesses: Bob Benson and Euan Page are from the Disability Rights Commission and Rona Fitzgerald is from the Equal Opportunities Commission. I invite the witnesses to make opening remarks before we ask questions.

Bob Benson (Disability Rights Commission): The Disability Rights Commission welcomes the opportunity to comment on the general principles of the Local Governance (Scotland) Bill. Previous Scottish Parliament legislation—the Local Government in Scotland Act 2003 and the Public Appointments and Public Bodies etc (Scotland) Act 2003—has introduced provisions that have had a positive impact on the position of disabled people in public life and on ensuring that local government in Scotland places equality at the heart of its work. The Disability Rights Commission was pleased to work with the Scottish Executive and the Convention of Scottish Local Authorities in drawing up some of the guidance that followed the Local Government in Scotland Act 2003 and is planning a series of events in 2004 to publicise councils' new equality duties and to advise them on what those duties will mean for service provision, community planning and best value, among other things.

The DRC also worked closely with the Electoral Commission on disabled people's access to the electoral process in the run-up to the Scottish Parliament and local government elections earlier this year. We are delighted to note that the Electoral Commission's report on the 2003 elections suggests that they were the most accessible to date. Of course, much still remains to be done.

The DRC feels that many of the provisions in the bill complement the earlier developments that I have mentioned and could have a positive impact on the number of disabled councillors in Scotland, thereby ensuring that council chambers throughout the country better reflect the communities that they serve. As we outlined in our written submission to the committee, we are not aware of any evidence from the United Kingdom or overseas that suggests that any one voting system has a marked effect on the number of elected representatives with a disability in local government. Therefore, we do not have a position on the bill's provisions to introduce a single transferable vote system for council elections in Scotland.

We will make three points on the bill. Although we welcome the bill's provisions on councillors' remuneration, due attention must be paid to the issues around benefits. For disabled people who receive benefits, concerns over how payment will affect their benefits should not act as an unintentional disincentive to standing for election as councillors. No one should find themselves worse off or caught in bureaucratic wrangling simply because they wish to serve their communities, but our initial inquiries suggest that no formal procedures are in place to address the question of disabled councillors and benefits. That matter should be treated as a priority for the councillors' remuneration progress group and the widening access to council membership progress group.

The bill represents a logical extension of the principles that underpin the Local Government in Scotland Act 2003, specifically that act's equality duty, in the light of which councils should be taking steps to ensure not only that they fulfil their duties under the Disability Discrimination Act 1995, but that they apply the principles of equality to all aspects of their work. Many of those steps will be of benefit to disabled councillors, as well as to members of the public. It is vital not only that more disabled people are able to become councillors, but that they are able to represent their wards effectively once they are elected.

Our final point regards existing and future duties under reserved disability discrimination legislation. At present, councils have a duty to ensure that they do not discriminate in the provision of goods and services and, from October 2004, they must make reasonable physical adjustments to their premises. Those duties will have a positive impact on disabled councillors as well as members of the public. However, it is also worth highlighting the fact that the draft Disability Discrimination Bill, which the Department for Work and Pensions published earlier this month, proposes to extend the Disability Discrimination Act 1995 to councillors, who are not currently covered. The DRC feels that it would be a welcome step if the Local Governance (Scotland) Bill encouraged councils to apply the 1995 act to councillors voluntarily, following the precedent that has been set in the public appointments system. That would have the welcome effect of ensuring that Scotland leads the way in Great Britain in anticipating the new duties under the draft Disability Discrimination Bill.

14:15

Rona Fitzgerald (Equal Opportunities Commission): Thank you for the invitation to give

evidence. As I outlined in my written evidence, the only way in which we will get more women involved in local government is through men and women working together. Selection procedures are important in that regard, because, although much academic evidence exists on how a single transferable voting system can benefit women, they cannot be elected unless they are selected.

An important instrument for us is the Sex Discrimination (Election Candidates) Act 2002. That act was slightly controversial at the time, but most parties supported it because they recognised that an electoral system that gives greater choice to the electorate, combined with selection that allows greater choice, is what helps to increase the participation of women in particular. That is consistent with the mainstreaming strategy. Mainstreaming is about building equality in, not building it on. We need to be proactive.

As I have said, the evidence is convincing. I have been reading a chapter by Pippa Norris, who is now at Harvard University. She has written a lot about British politics, women in politics, women's representation and electoral systems. Her analysis shows that proportionality benefits women. However, as I say, women have to be selected before they can be elected.

I support what Bob Benson said about remuneration. In a mainstreaming approach, it is important to build equality in. Before a piece of legislation is enacted, we must anticipate what the barriers to people will be. An important consideration will be the level of remuneration—in particular, for people who might be disadvantaged by changing their status in the labour market. Current evidence shows that people with a disability would be more vulnerable in that respect, but other groups such as lone parents might also be adversely affected. The working group on remuneration should be given terms of reference and asked specifically to consider the impact the level of remuneration might have on a number of groups.

Michael McMahon (Hamilton North and Bellshill) (Lab): I have a question for Bob Benson. I want to investigate further your concerns over how benefits considerations might prevent disabled people from becoming councillors. Many such issues are reserved to Westminster, so how would this bill be able to affect the fact that, if benefits are withdrawn, people might be dissuaded from standing for election in the first place?

Bob Benson: Before going into that, I want to draw two points to members' attention. In the 2003 council elections, 15.5 per cent of candidates had a disability. That figure is roughly in line with the population as a whole. However, the figure dropped to 8.7 per cent for the candidates who were actually elected as councillors. Clearly, issues arise over how many of those candidates were able to get elected. What other considerations came into play? Furthermore, some 46.3 per cent of councillors are aged 55 or over, and we know that disability increases with age.

We know from our research in Scotland that two thirds of disabled people live in households with an income of less than £10,000 a year. Members should think about what percentage of the population that is. We are talking about many thousands of disabled people who would have major difficulty in embarking on the process of becoming councillors because of the benefits issue and the incomes that they are allowed. In effect, that means that we tend to have better-off councillors.

My colleague Mr Page has more information on some of those figures, which members might find helpful.

Euan Page (Disability Rights Commission): Our initial findings—although I must stress that they are only initial findings and that benefits fall outwith the locus of the commission—are that councillors' expenses would not impact on a disabled councillor's benefit claims, if they were receiving benefit, but that councillors' allowances would.

The question is really whether, once allowances, future remuneration or working hours cross a certain threshold, that will impact on the stipulations surrounding a person's benefits. We are anxious to ensure that enough flexibility is built into the remuneration system and that the eventualities have been fully thought through. As Michael McMahon rightly says, benefits are a matter for the Westminster Government and cannot be influenced directly by the Scottish Parliament. However, we would like due consideration to be given to questions of remuneration by the working groups that are considering the matter. Thought must be given to introducing appropriate flexibility into the system to ensure that nobody will, inadvertently, be worse off as a result of standing for election to local government.

Michael McMahon: Is there not an inherent danger that we might create two tiers of local councillors because local councillors who are able bodied might receive remuneration packages that are different from those of councillors who have a registered disability? Might that inadvertently send out a bad signal?

Bob Benson: The matter is about levelling out and ensuring equity of access, rather than about giving preferential treatment to disabled people at the expense of non-disabled people. We realise

that, for some disabled people, adjustments will be required and we ask for a range of reasonable adjustments to be provided for in the bill. We accept the principle that we must raise the level of access to work so that people can take on board tasks on an equal basis.

Iain Smith (North East Fife) (LD): I have a couple of questions for Rona Fitzgerald on gender balance. I fully accept that women are significantly under-represented in local government, but I would like to know what work the Equal Opportunities Commission has done on whether the situation is a result of selection procedures—as seems to be suggested in the commission's submission—or whether other factors are the underlying problem, such as the number of women who come forward as potential candidates for local government. Do selection procedures discourage women from coming forward as potential candidates? I accept many of Rona Fitzgerald's conclusions about the selection procedures for candidates for Westminster and the Scottish Parliament, but I am not convinced that those conclusions apply to local government elections, given that most parties struggle to find people of any gender for those elections. The issue might be about how to encourage more women to come forward. What has the commission done to consider those issues?

Rona Fitzgerald: We have done a study on overall participation in elections, which considered issues such as selection procedures. The Fawcett Society has recently done a study on parties' selection procedures, which showed that they can militate against women coming through as candidates. As my submission mentions, research suggests that people are often afraid of losing the man—that happens in selection procedures and in elections. We must consider why women who are active in local partnerships and at community level do not seem to take the next step towards participation in local government elections.

Some of the international studies that I have considered, including some from other European Union countries, reveal that parties are proactive and try to encourage people to participate. One difficulty is that local government is considered differently in different states. For example, there are issues about its importance and whether it is about local issues or Government formation—which obviously it is not. People rank participation and decide where they feel that they can be most effective in producing policy.

Our research shows that selection procedures are crucial. Mechanisms that are used to encourage people into parties include making people feel welcome, mentoring systems and real capacity building. The Swiss have done a lot to involve people—particularly young people—to try

to bring people up to speed on issues, to give them a forum for discussion, to promote them, to give them confidence and to show what it might be like to be part of, for instance, a local authority. Sometimes, if people do not know what working in a sector will be like, it is more difficult for them to see it as somewhere that they might like to work.

Some of the work to increase participation is down to political parties. Parties must appear more open and welcoming and must genuinely be available to a range of people who want to participate. I became involved in politics in a minor way as a young person, so I know that politics can be intimidating for people who are not part of a political elite or a party group. In general, parties' ability to attract people—young people and young women in particular—is in a bit of a crisis, because parties do not seem relevant to how people live their lives. I am thankful that that is a matter for parties and not for the Equal Opportunities Commission.

Iain Smith: We are all looking for ideas.

David Mundell (South of Scotland) (Con): I have a couple of questions for Bob Benson and Rona Fitzgerald. I should declare that I am a member of the Society of Writers to Her Majesty's Signet—that is in my entry in the register of interests—just in case that is relevant, because I presume that the organisation is receiving a fee for our meeting in the Signet library today.

Did Bob Benson say in his opening statement that there is no evidence from anywhere that the voting system affects the number of people with disabilities who might or might not be elected?

Bob Benson: That is correct.

David Mundell: In its written submission to the committee, COSLA talked about the ability of sight-impaired voters

"to cast their votes as independently as possible."

COSLA suggested that the voting template that was introduced at the 2003 elections to allow sight-impaired voters to register their votes by themselves could not be used for STV elections. Do you have a view on how significant or otherwise that is?

Bob Benson: I am not familiar with that issue. Euan Page will be more familiar with it, as he undertook work with the Electoral Commission directly on the matter.

Euan Page: We are aware of issues about how the template would be used with an STV ballot form, but they are not insurmountable. We would not predicate a decision about one voting system on such a problem, which could be addressed. Our main concern is to ensure that, if a new voting system is introduced, the good work at the 2003

elections is built on and no physical or attitudinal barriers prevent disabled people from participating in the electoral process.

David Mundell: I tested that because COSLA's submission raised the subject.

I was interested in what Rona Fitzgerald said about the possible outcomes of an STV election. Our academic witnesses suggested that STV does not necessarily lead to the election of more women or a wider cross-section of society, but you suggested the contrary.

Rona Fitzgerald: The evidence that I have is from a comparative world study in an encyclopaedia, which shows that proportional systems favour women in particular. Among the proportional systems, STV is not the top performer, but all proportional systems show a huge increase in the participation of women. However, as I said, that is predicated on the selection of women as candidates.

One election that I know reasonably well is the 1982 election in the Irish Republic, at which the number of female candidates increased by about 9 per cent overall. That increase was reflected in the results of the election, which took place under the single transferable vote system of proportional representation.

David Mundell: When I observed the Northern Ireland elections, I noted that women lost to men. I do not have the figures to hand, but few women who were involved in the process seemed to be elected. However, in the Scottish Parliament, whether one approves of it or not, the number of women has increased under the first-past-the-post system under the rules that the Labour Party applied and not through the regional list part of the system.

14:30

Rona Fitzgerald: The evidence on the majoritarian system is that the United Kingdom is one of the highest performers in that context. There are important issues around political culture that are specific to Northern Ireland. However, if one ranked most of the European Union member states on a table, the member states that operate a proportional system of electoral voting would have a higher percentage of women in their Parliaments and in local government.

We were asked the question about STV and I have tried to give a measured answer. It is not so much that the EOC would say that the single transferable vote is the best system, but that the evidence that I have seems to suggest that where it exists or where a system of proportional representation exists, women do better. That is particularly relevant at what are called second

order elections—elections to local government and to the European Parliament. The evidence in relation to Governments is not as convincing, but we are talking about local government, and the evidence in that area is high. Perhaps the academics were considering the matter more broadly.

David Mundell: As you suggest, they were looking specifically at STV rather than at proportional systems.

Rona Fitzgerald: Although STV does reasonably well within the proportional system, it is not the highest performer. It does substantially better in terms of outcome. I have a chart, which I will leave with the clerks if that would be helpful. The chart covers the majoritarian, mixed and proportional systems and, within the evidence on the proportional system, STV does reasonably well.

The Convener: My point might be slightly contrary to the one that David Mundell made about the impact of electoral systems on the increased representation of women in the Parliament. I perceive that the big jump in the representation of women in the Scottish Parliament was probably the result of a conscious decision made by some political parties to prioritise the number of women who were selected to stand. That certainly happened in the Labour Party and in the SSP at the most recent election. That decision, rather than the electoral system, had the biggest impact. Would the Equal Opportunities Commission favour a requirement on political parties to follow such a selection process, or would you just encourage them to do so?

Rona Fitzgerald: We can only encourage because we do not have the power to require. In my opening remarks, I tried to make it clear that the combination of a proactive approach to selection and a single transferable vote system could be beneficial to women—the combination of selection and election procedures. All that we can do is to make the case to political parties, convince them and show them that mechanisms exist. For example, the Sex Discrimination (Election Candidates) Act 2002 was put in place to give people a mechanism, as the proactive approach is vital to bringing about what is called the crucial baseline. Some of the studies that I have looked at show that once women reach about 30 per cent representation, it seems easier to move up. However, reaching that barrier is often difficult.

Tommy Sheridan: David Mundell's line of questioning was perhaps not as balanced as it should have been. My recollection of the academic evidence is that PR voting systems increased the participation of women and other minorities in politics. David Mundell was correct to say that

there was no evidence of that from STV in Northern Ireland, but that is counterbalanced by the evidence that Northern Ireland has unique political circumstances that can militate against women's involvement.

Does Rona Fitzgerald have figures similar to the interesting figures on the 2003 council elections that were provided by Bob Benson? His paper referred to 15.5 per cent of candidates having a disability, which is almost exactly in line with the number of people in society who have a disability, but those who were elected dropped to 8.7 per cent. Although that is disappointing, the percentage of those with a disability who stood as candidates is, at 15.5 per cent, encouraging. Do we have any comparable figures on women? Do we know how many women stand and are not elected, or is the problem that of women not standing in the first place?

Rona Fitzgerald: I do not have that figure to hand, but I have here an article in which there is mention of the increase in the number of women who were selected and elected. The figures are not directly proportionate, so the situation is not as clear as in the case of people with a disability. In a sense, I do not know whether that is the point. Part of the issue is selection and people having a broad range of candidates from whom they can select.

Another point is the political culture, the promotion of women and proactive strategies, and people thinking that better representation is a good thing. There will be issues around people's attitude towards broadening access and participation. Selection procedures and making people available are crucial, but there is work to be done with the electorate on convincing them that they should vote for a woman candidate or for someone with a disability or who is from a black or ethnic minority community.

Tommy Sheridan: I will return to Bob Benson in a minute, but my understanding is that anywhere in the world where a high proportion of women are involved in politics, specific measures are taken to ensure higher selection levels. Is that your understanding?

Rona Fitzgerald: Yes. In Sweden, for example, there is a quota, so that at least 40 per cent of the candidates have to be women—it could be 60 per cent women and 40 per cent men, but either sex must have a quota of 40 per cent. There are other mechanisms, such as all-women shortlists. You are right to say that a high proportion of women are involved in politics where there is a proactive strategy or some kind of specific mechanism.

Tommy Sheridan: So, from your point of view, it would be fair to conclude that although the nature of the voting system is important—because the evidence is that proportional systems increase

the participation of women—that will always be secondary to political parties having systems in place to promote women.

Rona Fitzgerald: Absolutely.

Tommy Sheridan: On the number of candidates who had a disability and who took part in the 2003 council elections, does Bob Benson have a breakdown of the number of citizens involved who were members of political parties and stood on a party-political ticket and those who stood as independents?

Bob Benson: I do not have that information.

Euan Page: The information that we have is from COSLA and the Scottish Executive. We do not have a further breakdown at the moment.

Tommy Sheridan: I am interested in whether there is cross-party representation from those citizens with a disability, and therefore whether it is the vagaries of the electoral system or the fact that they are standing as independents that leads to fewer of those citizens being elected. I am trying to determine whether there would have been an increase in the number of disabled citizens who were elected if a proportional system had been in place.

Bob Benson: I cannot answer that question. We need more research into how people can be better enabled to embark on democratic participation, whether as voters or as people who wish to be elected candidates. It is clear that we do not have enough information on those areas to provide to the committee. We know little about the background of elected councillors. We know little about the nature of impairments that people have, and whether they reflect the broad gamut of impairments that come within the terms of disability. Work needs to be done in that regard, but it must be done by people from political parties and local government institutions working side by side with a much stronger education campaign to ensure that they act to encourage more disabled people and other under-represented groups to put themselves forward for election.

If I were having this discussion with a member of the business community, I would be saying that they would go out of business in the long term if they did not think much more inclusively about their business. That is the approach that we need to employ when we think about inclusiveness in a wider context. We know that there is a lot of voter apathy and we do not want Scotland to have a democratic deficit. We want our democracy to be richer and based on equality of opportunity. We believe that if we take some positive action in the draft Disability Discrimination Bill, which might have an impact before the next Scottish local government elections, we can make significant moves toward that goal.

Tommy Sheridan: I have looked through your submission and cannot find any information or figures on the turnout of disabled citizens in elections. We know that there are around 800,000 disabled citizens in Scotland, but can you tell us how turnout in that group compares to turnout in the rest of the population?

Bob Benson: I do not think that those figures have been gathered. We have worked closely with the Electoral Commission and Capability Scotland to ensure that the disincentives to people to vote are minimised. I understand that that work has been quite successful.

Mr Andrew Welsh (Angus) (SNP): Who would fund and organise the education campaign that you talked about?

Bob Benson: A number of bodies have responsibility. The Scottish Executive has a key role with regard to promoting its approaches to inclusiveness. Local government has a responsibility to find ways of ensuring that disabled people and others become much more involved in the processes. The issue of becoming more effectively engaged is one of the key issues that face many disabled people at the moment. That issue goes beyond merely considering the disincentives around the physical environment, the adjustments and support that are needed, how meetings are conducted, what communication systems are in place and so on; it relates to dealing with attitudes and changing cultures. The recent Scottish social attitudes survey showed that people strongly support the desire of disabled people to have more rights and become more involved, but their view was different when they were asked to consider disabled people having key roles in society—a teacher in a wheelchair, for example. Some of the same attitudes relate to people's thoughts on leaders in public life. The issues are similar.

Mr Welsh: You have mentioned several organisations that should organise such a campaign but you have mentioned none that would.

Bob Benson: Given its policies, I would have thought that the Scottish Executive would have a key role in relation to education, as would COSLA. Many of the issues that we are talking about could be advanced in the guidance on the Local Government in Scotland Act 2003.

Paul Martin (Glasgow Springburn) (Lab): Could you take us through the experience of disabled people who have been elected? What issues do they face in relation to, for example, ensuring that the community facilities that they attend for meetings and so on are barrier free?

Bob Benson: That area would form the basis of a useful research exercise. However, I have spoken to some politicians who have gone through the process. The well-known Westminster member of Parliament, Anne Begg, has described many situations in which Westminster has had to establish specific processes to allow her to participate.

My guess is that most people would say that the difficulties are around getting access to public buildings, which is where most political and other events are held. That is the key issue that we hope will be addressed by the requirements in the Disability Discrimination Act 1995 that come into force in 2004.

There must also be awareness that many people who would not class themselves as being disabled have significant hidden impairments, such as hearing impairments, that they might not admit to.

I suspect that it would be interesting to know whether the councillors whom we considered would regard themselves as disabled or whether they are just going through the processes of getting older. There are a lot of issues around engagement, but the main one is about physical adjustments. However, I also think that a lot of work needs to be done in political parties to recognise that disabled people can be assets in the same way as non-disabled people can. We need to get that point across. You should perhaps ask a disabled councillor, who would be better able to answer the question.

14:45

Mr McFee: Can I take you back a wee bit? I am looking at paragraph 2.1 of the Disability Rights Commission's submission. A link is made between the fact that 15.5 per cent of candidates who stood in the 2003 elections were disabled and the fact that only 8.7 per cent of them were elected. I do not think that that link is justified; to me, it suggests a problem not with the remuneration package but with the electoral process. I have experienced the problem while canvassing for disabled candidates; on the doorstep, I have been told bluntly that people would not vote for someone who was disabled, but I have not experienced that while canvassing for a female candidate. It would be useful to disaggregate that point from the remuneration package issue. If someone has decided to stand as a candidate, they have passed the stage at which they are frightened that the remuneration package will disadvantage them—or perhaps they do not know that it will.

I agree that there is a question about the benefits system, but that is not just about disabled people—the system militates against a host of people. It militates against women—the cost of

child care is an issue because the burden of that still falls mostly on women. It also militates against the unemployed, those who are on long-term sickness benefits and those who want to develop a career. There is a problem with benefits, in that this Parliament does not have powers over the benefit system, so I wonder where we can go with the issue.

In the old system, there was a loss-of-earnings category that councillors were allowed to claim against—for example, if they were self-employed—rather than claim an attendance allowance. Have you considered whether it would be appropriate to have a loss-of-benefits category and how such a category could work?

Bob Benson: I do not think that we have done much work on that, other than what Euan Page has already mentioned. Do you have anything to add, Euan?

Euan Page: No.

Bob Benson: Bruce McFee has a point on the link between the number of people who are eligible for election and the number who are actually coming through. Public perceptions of disability might be a factor in that. Also, as we indicated in our evidence, we do not know which disabled people stood in which wards—there are a lot of questions around that. We think that much more research needs to be done, and we would be willing to participate in that. However, we take your point.

Mr McFee: What do you suggest on carers? Do you think that some other form of package could be made available to help disabled people who require a carer?

Bob Benson: That must be considered in relation to all the other support that is available for disabled people. Where possible, disabled people have access to independent living, which enables them to function within their communities. However, they might need other assistance on top of that to help them to perform the specific duties that would be required of them. Councillors' duties are quite onerous at times, given the type of work that they do. That may require additional consideration. I return to the point that I made earlier. We are not seeking more for disabled people; we are simply trying to level the playing field so that they are able to participate.

Mr McFee: I was trying to establish the mechanisms by which you would do that, given the DRC's limited powers.

Bob Benson: We are happy to consider the issue in much more detail in order to determine what ways of supporting disabled people further are possible.

Mr McFee: I accept the points that have been made about access—not just physical access—to council properties. Having just finished 15 years as a councillor, I am well aware of the work that councillors do. I suggest that lack of access may be one reason that in local government, in particular, every party has a shortage of female candidates. The number of women selected for council wards from most parties is probably very low—I know that many parties are scraping to find any candidates, because local government has become such a dead-end career for anyone who is interested in politics.

I return to the specific issue of STV. Bob Benson says that STV does not make much difference but Rona Fitzgerald says that proportional systems tend to make a difference. The system that has been proposed for Scottish council elections involves three or four-member wards. Do you have any statistics that tend to suggest that proportionality might not be as great in three or four-member wards as it might be in larger wards that have more members?

Rona Fitzgerald: No. There are statistics that suggest that the size of the ward has an impact, but the information that I have says that a combination of selection procedures, proactive mechanisms and proportional electoral systems provides an option for increasing the number of female councillors. In the Equal Opportunities Commission's study, which involved research with focus groups, people indicated that in single-seat constituencies they were afraid of losing the man. Having the option of electing three or four councillors allows people to make a choice. As a former political scientist, I am conscious that many other factors—the political culture, the size of electoral wards and other local specificities—make this a complex issue. However, introducing an element of proportionality—in this case, a single transferable vote system with multimember wards, albeit small ones—seems to benefit women.

Dr Sylvia Jackson (Stirling) (Lab): I begin by asking Bob Benson a question on an issue that I realise is sensitive but which has arisen in teacher training when a person has a sufficiently profound disability that it is difficult for them to attain the required standard—perhaps in something such as classroom management or whatever—as a result of not being able to have the necessary dialogue with children. Do you think that there is a related issue about someone with profound disabilities being a councillor, which, as you said, is an onerous job? What is your view? I know that the teacher training case that I mentioned raises several issues.

Bob Benson: Under the terms of the Disability Discrimination Act 1995 and the powers to promote equality, we are looking for ways to remove the barriers and disincentives that inhibit people from taking part. That is an issue, irrespective of what someone's impairment is.

On people with severe or profound impairments, we need to appreciate how far we have come in the past 20 years in thinking about the expectations of disabled people. Twenty years ago most people with profound disabilities would probably have been in some form of residential institution. Now, most of them are in the community and have pretty high levels of support, particularly advocacy support, which enables people with major communication problems to take part in a range of different discussions. The world has changed quite a lot when it comes to the expectations of disabled people, although that is not in any way to downplay the problems.

I would not take a broad-brush approach. We know about individuals' uniqueness. If a disabled person really wanted to engage strongly within the political system, that would say a lot about their intentions and their capacity and would be important. Not every disabled person wants to go into local politics, but if someone is able to engage in the debate that is necessary if one is to undertake such duties, I would have thought that they would be able to do so, if they were given an appropriate level of support. Perhaps new forms of communication that we do not yet understand may be used. People are used to a single type of communication but as time goes by we may become used to electronic forms of communication or other methods that people could use to engage in discussion. A big culture shift will need to happen.

I would not make a blanket statement about an individual's situation because as far as we are concerned everything is based in the context of the implementation of the Disability Discrimination Act 1995. The world is changing dramatically in terms of what people are prepared to engage with—Stephen Hawking is a good example of someone with major profound impairment.

Dr Jackson: It is interesting that David Mundell raised the issue about the increased number of women in the Scottish Parliament. I give the example of my party—the Labour Party—where, essentially, it was twinning that had a big effect. Does Rona Fitzgerald think that such an arrangement or something similar could operate under STV? What might be a good way to operate within the STV system to increase the number of women who are elected?

The EOC submission is very useful in addressing how to help women generally. Should we be thinking more about the family-friendly procedures of the Scottish Parliament when we consider councillors' work load, the timing of meetings and so on? If Rona Fitzgerald is thinking about developing more proposals similar to those that she has given to us on the selection procedure, it would be helpful for us to find out about them.

Rona Fitzgerald: I will answer the first question first.

I have made the point already that a combination of proactive strategies is required, so twinning, zippering and other such mechanisms could be used. That is crucial to ensuring that women are selected so that they can become elected, and the proportional system seems to favour such approaches.

On Bob Benson's point about research, when I was looking for information about women it was difficult to find information about people with a disability or people from black or ethnic minority backgrounds, although there are some specific studies on race. The way in which we collect information and statistics and the questions that we ask about how electoral systems serve us and how selection procedures operate are becoming increasingly important. In terms of electoral representation, the EOC has concentrated on issues such as selection, as those issues are crucial.

The family-friendly issue is also crucial across the board. We have done a lot of work on the matter in relation to participation in the labour market—whether the principle should be extended to recognise work as a local councillor as being a job and therefore as participation in the labour market. The Scottish Parliament has set an example in the way that it schedules its time and tries to be more family friendly, although I suspect that there is still quite a burden on members. However, there has been a real effort to change the culture of long hours and the other aspects that often militate against women's participation.

We regard our work in that area as an extension of our work in the labour market and perhaps it is worth pursuing. The 50:50 campaign, which we are a part of, will concentrate on local government issues in the run-up to the next local government elections. We could perhaps take up the issue of women's participation through that.

15:00

Mr Welsh: I am looking to the witnesses for practical advice. If the Scottish Parliament and local government elections were held on the same day, that would mean that the people would have to deal with three electoral systems and a multicandidate choice. That could be dangerous. What practical problems, in terms of voter confusion and voter recognition of candidates, should we address when we are considering STV elections? For example, what practical steps should be taken on ballot papers? Should there be photographs of the candidates? Should there be logos? Should there be not only some assistance for voters in the running of the election but

something specific on the ballot paper? What would your priorities be in assisting everyone to participate fully in the elections?

Rona Fitzgerald: On a switch to STV, as I said in my written submission, I believe that there must be an awareness-raising campaign. I come from Ireland, which has had proportional representation—STV—and coalition government, which seems to be treated with enormous suspicion in other countries, notably the UK. People need to know more about the system. The count in PR systems, particularly in STV, may be complex, but it is not that complex to get the basic principles across to people. Before an election there should be awareness raising, perhaps by sending out sample ballot papers to show what the new ballot paper will look like and to inform voters that they will be asked to rank candidates and that their vote will be counted only once.

I was a student in Ireland in the late 1970s and early 1980s. Because there was so much voter apathy among students, students across the range of parties and universities did something similar to what I have suggested. They got people to go on the electoral register and did dummy runs and mock elections to try to explain to people how to use their vote. That was very effective in the next election as there was an increase of about 23 per cent in the number of young people who voted.

The difficulty should be taken out of voting and we should ensure that people understand the voting system. They should also be given options such as a postal vote or a mixed postal-electronic vote. Pippa Norris uses evidence, particularly from pilots in the English local government elections, that seems to show that a mix of postal voting and electronic voting increases participation in an election.

An awareness-raising campaign is a good idea. For example, television and local radio advertisements could be used to explain to people that there are different electoral processes and that they have different choices, and to show people how the system will work for them. Such signalling should be done in plenty of time before an election, so that people do not say that they do not know how the voting system works.

Mr Welsh: So you are saying that the complexity aspect can be overcome by education and information.

Rona Fitzgerald: Yes.

Mr Welsh: But you do not see practical, physical problems in the system for disabled persons, for example. I am looking for practical advice.

Rona Fitzgerald: I have not considered that aspect in detail because we are concerned with gender. There may be an issue about how people

physically vote. Someone made a point earlier about people with visual impairments. We will have to look at various aspects more practically, think them through and try to design guidance around them.

Mr Welsh: I am looking for an understanding of the practice of the electoral system and for some advice.

Bob Benson: We have been involved in that area. Again, I highlight the good work that we did with the Electoral Commission and Capability Scotland on looking at the practical advice that was required for election officers in supporting disabled people and others. If we move to another system, we will again have to work on providing advice.

Electoral staff gave us an excellent response to the process that we engaged in. That is one of the big things about mainstreaming equal opportunities—it is a process that will lead to different examples at each stage. That is probably the most positive answer that I can give at this moment. We have engaged with the right bodies—they can work on those issues.

Mr Welsh: What are those issues, and what do you think that the practical difficulties will be?

Bob Benson: There will be issues that we need to consider for people with a range of different impairments. We will offer advice that fits within the terms of the Disability Discrimination Act 1995, but others may have a view on that, too. There are specific issues for people with visual impairment, for example, but there may be issues for other people who simply get confused by the electoral system full stop. There is a whole range of issues about how to explain things clearly to people so that they know what they are voting for and what will happen to their vote.

The Convener: That brings us to the end of our questions for the panel. I thank our witnesses for their evidence.

Members asked about the percentage of female candidates and candidates with disabilities. I draw their attention to the Scottish Executive publication "National Survey of Local Government Candidates, 2003", which breaks down candidates by categories such as gender, age, ethnic origin, disability, employment status and income. In many cases, candidates' political parties are also indicated. The report does not give the full picture—it is based on a response rate of about 68 per cent—but it gives good guidance on the breakdown by all the various categories. Members might be interested in accessing that report.

We will move swiftly on to our second panel. I welcome to the committee Sir Neil McIntosh and Andy O'Neill from the Electoral Commission. The

fact that we have Neil McIntosh with us is particularly important, given that his 1999 report perhaps started the ball rolling for the bill that we are considering. Before members ask questions, I invite him to make some introductory remarks.

Sir Neil McIntosh (Electoral Commission): Thank you for the invitation—it is a pleasure to be here. As the committee will appreciate, I am here as a member of the United Kingdom Electoral Commission. We have presented a submission but, as time is precious, I will not go through it at length, because members can read it themselves.

I point out first that local government elections in Scotland do not fall within the remit of the Electoral Commission; they fall within the responsibilities of the Scottish Parliament. Our remit includes elections at Westminster, Scottish Parliament elections, elections to the National Assembly for Wales and the Northern Ireland Assembly and a variety of referendums and other issues. We are more than happy to make available our research information to the committee at any time.

My second point is to re-emphasise that the commission is non-political and independent; it does not engage in consideration of what the best voting system for the UK would be, but it has a strong interest in the impact of voting systems, engaging with the electorate, electoral turnout and all the issues that relate to electoral administration. I hope that we can address a number of those issues with the committee this afternoon.

Mr Welsh: The financial memorandum recognises that greater input will be required with regard to voter education and the training of electoral staff before local government elections using STV are held. The system will be new and, in many ways, much more complex. Have you any idea of the likely extra costs of conducting effective voter education and staff training? Who would conduct that staff training and voter education and how?

Sir Neil McIntosh: Training for those who administer the local government elections would be the responsibility of the Scottish Executive. Training for the Scottish Parliament elections, which will take place at the same time, will be the responsibility of the Electoral Commission, using its training budget. At the most recent elections, we operated together to ensure that public resources were used to full effect. We developed a protocol and working arrangements that ensured that we were not crossing each other's paths—in essence, we had a joint campaign. Given the same circumstances, the commission would be anxious to pursue the same approach. You are right that there is a need for resources for training—that is a critical point—and for voter information. The commission would therefore be anxious to ensure that it was playing its part.

Andy O'Neill (Electoral Commission): In the recent Scottish Parliament and local government elections, we spent £100,000 on the training initiative for returning officers and their staff. On public awareness, at a UK level—because we cannot split the figure—we spent about £2.5 million on public awareness and education for the local government elections in England and the elections to the National Assembly for Wales and the Scottish Parliament. To put that in context, about £5 million is budgeted for the European Parliament elections next June. We do not have any figures for how much an education awareness campaign for 2007 would cost, assuming that there is a combined election.

Mr Welsh: Presumably you would produce such estimates.

Sir Neil McIntosh: Absolutely. We would take that to the Speaker's Committee and highlight the significance of training and information, given that a new system was coming into play.

Mr Welsh: Over what period would that take place?

Sir Neil McIntosh: The commission's planning will start from the point at which a decision is taken about the voting system. It would not be a matter of waiting until 2006. It is important to start planning and to engage with everyone with an interest in ensuring that the elections maximise turnout and that the system operates effectively. We would also have the benefit of the feedback on STV from the recent Northern Ireland Assembly election, at which the commission had observers—there were also many observers from Scotland, some of whom were members of this committee. We will produce a report on the running of that election, probably in February next year. I am happy to share the feedback that we are acquiring.

Paul Martin: Will you comment on the e-voting and e-counting issue? We appreciate that there is a desire to improve the technology throughout the electoral system, but are there not concerns about the possibility of electoral fraud with e-voting? Paper-based systems take some time but, for the purposes of accountability, the handling of ballot papers allows for scrutiny in contested elections. How do we deal with such issues? I appreciate that other parts of the UK and of the world are considering ways of developing such systems, but how can we have the same level of accountability as exists in the paper-based system?

Sir Neil McIntosh: You raise an important point. It is perhaps fair to say that, in theory and in principle, it should be possible to arrive at electronic voting systems that can operate effectively and gain public confidence. On the basis of pilots that the commission has carried out

in England, we do not believe that electronic voting is yet at a stage where it could be used on a national basis. We are not satisfied that the controls are strong enough or that the security issues are clear enough to be able to achieve that. We have recommended that there should be no pilots for the European election using electronic voting, because we cannot yet have confidence in the system and we do not think that there would be public confidence in it.

Counting is a different issue in many ways. We have seen electronic counting in operation and we are satisfied that the capability exists to introduce it, if it is acceptable to politicians and to the public at large. One element that is lost is the ability to watch the count ballot paper by ballot paper, so there is an issue about being satisfied that the systems are delivering what is expected. We saw from observing the count for the STV election in Northern Ireland that the process is long and laborious. Although that system would lend itself administratively to electronic counting, other factors have to be considered—ease of counting is but one of them.

15:15

Paul Martin: Do you think that both e-voting and e-counting can be used? I am not opposed to improving technology, but I would like to develop the point that the technology is not currently secure enough to prevent fraudulent activity—at the moment, neither e-counting nor e-voting is secure enough to implement.

Sir Neil McIntosh: I would not say that. What I would say is that, at the moment, electronic voting requires more work. In the eyes of the commission, there needs to be greater specification of controls before e-counting could be introduced for a major election, although it could benefit from being piloted in by-elections or some election of that nature. It would be worth pursuing e-counting to examine all the issues that surround it. We are looking ahead to an STV election, if that is to come, because e-counting would clearly have a number of benefits in producing a result and in dealing with some of the complexities of transfer values and all that flows from that. E-counting is not essential for such an election—the count can be done manually—but it is worth exploring the possibilities.

Andy O'Neill: The important thing about e-counting is that, in many systems, a paper trail allows candidates and agents to see the verification process. If there are any complaints, one can go back to the paper ballots, which is important to agents and candidates.

Paul Martin: That obviously cannot be done with e-voting. Is there no trail at all with e-voting, apart from a computer program?

Sir Neil McIntosh: There is a program, but the individual voting definitions are not readily accessible if one needs to go back to them.

Mr Welsh: Who is doing the research and investigation into those systems?

Sir Neil McIntosh: The Electoral Commission has been encouraging pilots and the Government has been pursuing a programme of pilots, which the Electoral Commission has been observing and commenting on. The Government has indicated general e-objectives, which look towards 2007 in terms of voters being electronically enabled. The Electoral Commission is monitoring the pilots that are taking place and expressing views about the readiness and capability of systems.

Our general policy position is that, if arriving at all-electronic voting and counting is a Government objective, the Government should set out a programme clearly showing the path to that, so that it is possible to gauge whether the objective can or cannot be achieved in practice. There have been a number of pilots, but there are issues about whether a level of commercial security is sufficient for elections, in which every vote is precious—we must be satisfied that the system is capable of delivering a result securely.

Dr Jackson: A number of members visited the Republic of Ireland, where e-voting has been piloted and where there are moves towards a more widespread system. What are your views on how e-voting is progressing in the Republic of Ireland?

I take on board what you said about the need for a paper trail, but could not the transfer of votes through the system be done more fairly through e-counting than through the normal system of counting paper votes?

People in the Republic of Ireland were disappointed that they would not be able to see the votes being tallied up at the tables—I think that Andy O'Neill was referring to that. One suggested way round that is to have some sort of breakdown of the vote as one goes through the process. It has also been suggested that people might be able to see how the vote has gone in a number of streets together. Have you considered those issues as well?

Sir Neil McIntosh: A manual system can produce all those elements, but it starts to become very complicated and sophisticated. The manual system can take so long that people start either to lose interest or to lose track of what is happening. Moreover, an electronic system makes the opportunity for sophistication much more readily accessible, so you make a fair point.

I cannot give a specific answer about the situation in the Republic of Ireland. We are

interested in that and will obviously want to explore what process is used there that gives that satisfaction—the Electoral Commission will be interested in establishing what is involved in that.

Your other question was about the theatre of the count and whether people have an opportunity to see as much as possible. That is about the transparency of the way in which the count is conducted. In Northern Ireland, the counting was done manually but the calculations were not open and above board. At the election in which I was involved, the count took quite a while—to the extent that the political parties had done their own calculations with hand calculators before the result was produced. However, a laptop computer linked to a screen could enable people to see what was going on at every stage, as you suggested. If people could see the transfer values and the transfers taking place, there would be an element of build-up towards the final result.

By using electronic means, the count could be achieved within a short time rather than over a period of two or more days. That is the distinction. With electronic voting and counting, there is no doubt that the scene at the count is very different. The situation is more a kind of sudden death rather than a situation in which people can see how their vote is developing.

All that lends itself to the use of electronic voting, but the system needs to be safe and secure. If people have sufficient confidence in the system, they may be willing to lose that immediate hands-on view of what is taking place at the count. Those are the judgments that have to be made.

Dr Jackson: As I understand the system that has been suggested in the Republic of Ireland, the whole point of having the staged process, with the results being shown on the screen, is to get over the sudden-death situation. Secondly, as far as I am aware, there is no manual system anywhere that provides a truly proportional transfer of votes. Is that correct?

Sir Neil McIntosh: I think so, but I cannot say for certain. What I am saying is that, in an electronic system, someone with a laptop could achieve more of a build-up than someone with a calculator.

Andy O'Neill: I believe that Sylvia Jackson is right in saying that the Republic of Ireland will have a staged system in which everything will stop so that the candidates and agents can know what is happening. People who are in the process of winning or losing will then be able to see the flow of votes as they work through the system.

So far, electoral pilots that we have done in England using e-counting have almost universally enjoyed the confidence of the agents and candidates, who have been content with the

system that has been employed. Some pilots have had one or two hiccups but, in the main, they have been successful.

Tommy Sheridan: You mentioned your joint working arrangements with the Scottish Executive. Paragraph 33 of your submission says:

"there were areas and occasions where improvements to the ways in which we worked together could be achieved."

You say that

"it will be important to clarify the statutory arrangements surrounding the combined elections",

if they are combined in 2007. What were the biggest problems and what are the solutions to those problems?

Sir Neil McIntosh: I will let Andy O'Neill speak to the specifics, because he had to work through them. Because we were working with a joint budget, we had to be satisfied that the Executive would fund its part of the budget and there was debate and discussion about how the budget would be shared. Some of the issues were one-offs. We dealt with them, got through them and did not need to return to them, because we had a basis for working.

Other issues related to the material that we used for advertisements. Because the Electoral Commission is independent, we must retain our own view of issues that might understandably be politically sensitive in such a setting. We had to work through that and try to ensure that we achieved our objectives, but we also had to acknowledge that, because the Executive was paying in part for the advertising, it should properly be able to examine what we were doing and to ensure that there was an appropriate balance between the profile of local government and that of the Scottish Parliament. We were able to work through a range of points, but perhaps Andy O'Neill could speak to the detail.

Tommy Sheridan: Before you leave that matter, will you illustrate the problem with the advertisements?

Sir Neil McIntosh: I would express it not as a problem, but rather as an issue that we knew was likely to be sensitive. One concern is what subjects we identify to try to engage with the electorate. We ran with themes along the lines of, "If you believe that education, safety or health is important, go out and vote." If we run an advertising campaign that says, "Is health important to you? If it is, go out and vote," and in a particular area a candidate is standing to oppose a hospital closure, there will be sensitivities about whether the advertising benefits that candidate over others.

We always face the difficulty of trying to create advertisements that do not inadvertently benefit

one party's position over another's. The way in which we approach that is simple. We engage the electorate on matters that are of significance to them; how the political parties deal with such matters is entirely for them. Because we were able to operate in that way, the process was about developing a profile. We were clear about where our responsibility lay and where, in working with the Executive, we were also engaging in the balance between local government and the Scottish Parliament.

Andy O'Neill: Paragraph 33 of our submission is about two organisations having to work together. The Electoral Commission is quite a new organisation and we had never before delivered a public awareness campaign in a Scottish context, so, in one sense, the problems were simply due to the fact that two organisations were finding their feet. I will take an illustration from health, crime and education. At one point, we wanted to use health in the final phase of the advertising campaign, which we had called the call-to-vote phase. However, because health is not a local government service, we had to use crime and education instead. We must work through such difficulties for the next time.

Tommy Sheridan: I asked that question because I am of the opinion that the continued coupling of the elections is not positive. I note that you say in your submission that the turnout this year was only five percentage points higher than it was in 1995, which was the last time that the local government and parliamentary elections were not coupled. Does the Electoral Commission take a position on whether the local government and Scottish Parliament elections should continue to be coupled, particularly given the prospect of three different electoral systems being used on the one day?

15:30

Sir Neil McIntosh: There are two answers to that. Politically, we do not take a position on coupling or decoupling. That is a decision for the Parliament or the relevant decision-making body. When it comes to running elections, voter engagement and voter turnout, combination adds complexity, particularly if STV, the additional member system and the first-past-the-post system are being used. Simply in terms of the administration of the election, separation—by definition—makes life a lot easier. It would be much easier to conduct a public information campaign for STV in local government elections if that was all that we were dealing with. As soon as there is a combination of systems, we have to engage in a campaign to try to explain to people how to operate the various electoral arrangements.

That is only one factor in the equation. As you say, the turnout for local government was only five percentage points up. The question is whether turnout in local government elections would have dropped yet further if the elections had not been coupled. In the separate Welsh elections, turnout was 38 per cent, which was nine percentage points lower than the Scottish turnout. We have to interpret figures carefully. Those are the issues that we face and there is no doubt that a campaign for multiple, combined elections on one day would be more demanding than the alternatives.

The Convener: You also say in your submission that, where separate local government elections were held in England on the same day, turnout was marginally above 30 per cent, as opposed to 49 per cent in Scotland.

Sir Neil McIntosh: That is right. It is difficult to project what would have happened if local government elections had been held separately. However, combined elections demonstrate increased turnout for local government elections by a margin rather than by a massive shift, as we saw in the Scottish Parliament elections. The option that is chosen depends on the priorities in the end result that one seeks.

Tommy Sheridan: The submission does not make this point, but I am sure that you will accept that turnout at local government elections in England has been consistently low over a longer period—the point about relative turnouts does not fully undermine the point that I am trying to make. How firm can the Electoral Commission be? You seem to be saying to the committee that it would be better if the elections were decoupled so that we could concentrate on the new electoral system and raise voter awareness. Are you reluctant to argue forcefully for that? Would that make the Electoral Commission political?

Sir Neil McIntosh: We would be moving to that point. The reasoning for having or not having combined elections is not just about how easy it is to run the elections; there are more important democratic considerations. An election that is complex to manage might be the best in view of the end product and in engaging with people. It is up to those who deliver elections to ensure that they do so in the best possible way. The Electoral Commission's remit is restricted in that sense.

It is the task of the Scottish Parliament to engage all the arguments, to consider whether combination provides a benefit that outweighs the complexities and to identify what that benefit might be. The Electoral Commission would not want to take a position on the matter unless we felt that there was such a serious problem that an election could not be delivered. If that were the case, we would have to stop and say, "Wait a minute, you are asking for too much." Elections are more

complex when they are combined—combination puts a big onus on bodies such as ours to try to ensure that the public are aware of what is happening.

Our reports on the Scottish Parliament elections and such information as we have generally do not tend to show that combination turns voters off. Inevitably, we worry about a particular group of voters whom we have identified—13 per cent of voters in a survey on the 2003 Scottish elections indicated uncertainty about the electoral system, which meant that they did not go out to vote. One in 10 is a significant proportion of the electorate, so the issue must be taken seriously. We would not just shrug our shoulders and say, "That's it." There is an issue that needs to be addressed and we must identify its impact, even before we deal with the added complexity of combined elections.

Tommy Sheridan: The Electoral Commission's submission makes it clear that there was a drop in turnout of almost 10 per cent from the 1999 election to the 2003 election. I am talking about elections to the Scottish Parliament, rather than local authority elections, where turnout has consistently been lower. Does the commission ever see the turnout at an election bringing into question the democratic legitimacy of the body that has been elected?

Sir Neil McIntosh: We do not say that if turnout drops to below 35 per cent, an election is invalid. We must consider all the issues surrounding the election and make a judgment on them. Interestingly, some of the highest turnouts of which I am aware have been in elections to community councils, using postal balloting. Because turnout is high, some community councils have greater democratic accountability than councillors or MPs.

The drop in turnout is not simply a Scottish phenomenon. As members know, it is a problem throughout Europe and beyond. A range of factors come into play, but it is fair to say that for the commission the challenge is to ensure that people see the value of their vote. As turnout drops, that must become a matter of greater concern because no one wants to see a fall in turnout to below 50 per cent, or less than half of the population. Somehow, we must address that issue. We could debate at length a number of options, including the involvement of young people, education in citizenship and ways of building an elector base for the future. There should be genuine engagement and people should see the value of participating in the process. Another factor is the profile of political parties and the public's view of politicians and parties.

Tommy Sheridan: Andrew Welsh may want to pursue this point, as my final question relates to a different issue.

Mr Welsh: You mentioned value for vote, which is important in the commission's work. However, that also involves decisions about ward boundaries. In an STV system, what role will the Electoral Commission play in creating ward boundaries?

Sir Neil McIntosh: At present, we have no role in relation to ward boundaries in Scottish local government. In 2007, we will take on responsibility for Scottish parliamentary constituency boundaries, as part of our UK responsibility.

Andy O'Neill: The Political Parties, Elections and Referendums Act 2000—the commission's founding act—provides for various secretaries of state to make orders that set out the functions of the various parliamentary boundary commissions. Local government boundaries are a totally devolved matter, which would not be referred to us unless the Scottish Parliament asked us to consider it.

Mr McFee: I want to pursue a point that Tommy Sheridan made. The second bullet point in paragraph 40 of your submission states:

"Opinion polling following the 2003 elections in Scotland also suggested that 13% of non-voters"—

which is about 6.5 per cent of the electorate, rather than more than 10 per cent—

"claimed that confusion over the voting systems being used led them not to vote".

You add the caveat:

"although such circumstantial reasons sometimes mask the true factors influencing voting decisions".

Is that not true in reverse as well?

Sir Neil McIntosh: It could well be. We added the caveat because when people declare reasons for not voting they tend not to say, when they are given a choice, that they could not be bothered. People were given a range of choices, and the option that we are discussing was well down the list—as Mr McFee said, it was chosen by one in 10 non-voters, or 13 per cent. However, it would be irresponsible of us to do other than declare the results of our research and the fact that people made such comments.

Mr McFee: Sure, but I thought that the caveat in your submission went in one direction. Did you receive comments from anyone who thought that everyone was rubbish and also perhaps did not understand the system?

Sir Neil McIntosh: That is fair comment. However, we were trying to narrow things down and be more specific.

Mr McFee: If we have, in effect, three elections on the same day instead of two, with three different voting systems, what degree of non-understanding by the public would be acceptable?

Sir Neil McIntosh: No degree of non-understanding would be acceptable.

Mr McFee: Perhaps I should rephrase the question. With two elections and two different voting systems, the degree of non-understanding stands at 6.5 per cent of the electorate. What would happen if there were three elections with three voting systems? I suppose that I am talking about the case for decoupling. How much of an increase on that 6.5 per cent would you regard as acceptable if we had three elections, with three voting systems, on the same day? I understand that any amount of non-understanding is unacceptable, but there seems to be a degree of it.

Sir Neil McIntosh: It is difficult to answer that question. If the degree of non-understanding reached 15 per cent, one would have to stop and ask questions. However, the 6.5 per cent figure is high enough, and it is important to examine the matter. If we introduce another element to a system whose complexity already deters people, more people could be deterred by the greater complexity. I do not question that perfectly fair and valid point. If we retain the combined nature of the elections, a lot of work will have to be done to countermand the situation. What you have highlighted poses a very real material risk.

Iain Smith: Will there not always be voters who, irrespective of the voting system, are put off voting and indeed are frightened even to go into the polling station because they feel that they might not know what to do?

Sir Neil McIntosh: Yes, but that does not mean that the situation is acceptable. We have to work at that.

Perhaps it is worth raising an issue that has not yet been mentioned. When voting under a new system, some voters will use aspects of the old system and mark a cross on the ballot paper instead of 1, 2 and 3. As soon as two crosses are marked on the ballot paper, it becomes invalid. It is clear that that happened in the Northern Ireland elections. It is not just that people are put off voting; people lose their vote because they do not appreciate the nature of the system.

David Mundell: I have a question on that point.

The Convener: If you are very brief. We are overrunning on this item.

David Mundell: I do not think that it is very fair or proportionate suddenly to curtail the questioning when it gets round to me.

The Convener: I do not take kindly to any suggestion that my allocation of questions is unfair. I always ensure that every member gets in who wants to get in. Your name is down on the list, but I am asking you to be brief.

David Mundell: I will try to be brief, but I want to raise an important point about the number of spoiled voting papers that is acceptable. We have raised the issue with academics; indeed, Sir Neil McIntosh raises it in his submission from paragraph 43 onwards.

Does the level of spoiled ballot papers reach a point at which the process might be considered unacceptably complicated and unfair? In your submission, you point out that, in the 2003 Scottish Parliament elections, the number of spoiled papers rose and that, in the recent Northern Ireland Assembly elections, the number was proportionately about twice the Scottish figure. In the 2001 elections that were held on the same day in Northern Ireland, the figure was three times that and, in areas such as Belfast city, the figure was four times the Scottish figure. Across Scotland, that would have given—

The Convener: David—

David Mundell: The question is an incremental one.

That last Northern Ireland figure translates to more than 60,000 spoiled ballot papers in Scotland. Is there a point at which such a situation would become unacceptable?

15:45

Sir Neil McIntosh: In theory, there is. It would be wholly unacceptable if there were more spoiled ballot papers than valid ballot papers, and one would not expect such a situation to arise. However, I am loth to say that X percentage is unacceptable.

The Scottish Parliament election is a good example to consider. One must ask why papers were spoiled; it is not enough to say that they were spoiled as a result of confusion. In the Scottish Parliament election, comments about the Scottish Parliament building were written on some ballot papers—that issue might well have influenced people to spoil their ballot papers. There were no marks at all on some papers. Does that mean that the person did not want to vote for any candidate or that they wanted to vote, but did not want to vote for any of the candidates that were presented? That would not mean that the paper was a spoiled paper in one sense, but that a conscious declaration had been made.

There were a number of postal ballot papers on which people made mistakes in completing identity declarations. That people should lose their votes as the result of an administrative process is unacceptable. The commission has recommended that there should be self-certification and that a person should not have to find a witness, which has created many problems and resulted in people

losing their votes. One must go beyond that. There is a place for research and for asking people. Our research suggested that 13 per cent of non-voters claimed that confusion over the voting systems that were being used led them not to vote, but obviously more research would be valuable.

The problem with the use of STV for a future election is that only when a vote has taken place can it be said that something has made a difference. The commission would form an opinion when we knew about the impact. All that we can say is that there is a substantial risk that the number of spoiled ballot papers, or the rate of non-voting as a result of confusion, would increase if another element were added into the equation—that is inevitable.

David Mundell: From the anecdotal evidence in Northern Ireland, you have highlighted the fact that a significant number of spoiled papers resulted from people putting more than one X on their ballot papers. Between now and the proposed introduction of STV, there will be four elections in which people will be asked to put an X on a piece of paper and one election in which people will have to write 1, 2, 3 and 4 on a piece of paper.

Tommy Sheridan: And 5 or 6, I hope.

David Mundell: People could be asked to write up to 17. Will overcoming that problem be a formidable challenge?

Sir Neil McIntosh: We know from other electoral systems that a proportion of the electorate could deal with such a system. However, it is fair to say that the challenge is formidable. There are issues that relate to how the process should be tackled, which would have to be thought about. In a polling station, would voters have to vote in a Scottish Parliament election with an X at one location, then move to another location and write 1, 2 and 3 in order that it would be clear that two different voting systems were being operated? How should advertising campaigns deal with such matters? It can be difficult for such campaigns to work. Parties have been affected in their campaigning, too. In Northern Ireland, a party whose name was on a logo on the ballot paper and which won was the subject of comment. Many issues would have to be thought through and the process would be demanding.

Tommy Sheridan: I have a quick question—I appreciate your giving me some latitude, convener.

People who are not on the register to vote, as well as those who do not vote, are one of my big worries. Does the commission have a view about automatic voter registration? As you know, we had a big problem with the poll tax in Scotland and people removed themselves from the register.

That did not lead to their avoiding the poll tax, but they were not put back on the register, albeit that they were registered for poll tax purposes. Does the commission have a view on the introduction of an automatic registration system in Scotland to make registration easier?

Sir Neil McIntosh: The commission has produced a report on that matter and I will be happy to ensure that the committee receives a copy of it.

There are stages at which one can move in respect of registration. We believe that there should be individual registration—as a matter of human rights, apart from any other issue—as opposed to registration by the head of the household, but that will not automatically increase registration; in fact, there might well be a drop. We are anxious that there should be an exploration of how public agencies can work together. If someone registers for council tax or takes out a driving licence, why should they not expect to be automatically on the voter register? Why should they have to register separately to vote?

There are issues about registration up to the point of voting. When an election is called, there are people who are already ineligible to vote, because they are past the cut-off point for registration. The Canadian system goes up to the day of polling itself, so that people can register on the day. I accept that there is no point in people being excluded from the process because of the registration system.

Mr McFee: It is not as simple as that, because there are people who have a driving licence and who pay council tax but who are not British or EU citizens. I say that only because I happen to be married to such a person.

If you examine the new requirements that were set out for assessors in creating the rolling register, and the paper chase that that has created, you may get an answer to the question why people have not voted. People are required to reregister continuously, on an almost six-monthly basis. In addition, the assumption that they are still living at their address disappears; that is one of the problems that have been created.

Let us assume that we have the three elections on the same day in 2007, using three systems, and that we have a manual count of a non-postal ballot. In paragraph 19 of your submission, you state that in 2003 there were 4,500 counting staff, from enumerators to returning officers. What is your estimate of the number of staff who will be required in 2007 to deliver results within the same time scale, if local government elections change to STV and we have the three elections on the same day? Conversely, how long will it take to deliver the results if the staffing level remains the same?

In my area, I was aware that although the enumerators changed overnight for the Friday morning council count, the senior staff did not change. I was aware of the pressure on the returning officer and his immediate core staff. Have the views of returning officers been sought on managing three elections by three systems in one day, and on managing the count?

Sir Neil McIntosh: I will address the principle first. My view is that I do not see how a result could be produced in the same time scale, using a manual system, with STV added in. That is not an Electoral Commission policy statement—we are still examining the Northern Ireland election and meeting returning officers and other agencies that were there so that we can draw together a report.

If I had to manage the process, I would be looking at having the voting on a Tuesday and using the time through to the Friday. On the first day, one would deal with the Scottish Parliament elections; one would then move to STV for local government. The process would be laborious and could be drawn out. I suspect that voting would be required earlier in the week to achieve the results by the Friday.

Those who attended the counts would find the work heavy going—not the Scottish Parliament count, because it would follow the straightforward, normal process, but the local government count, which would be pretty demanding. Compared with the Northern Ireland count, I suspect that ours would probably be a bit faster, because some of our processes are more tuned and tested to delivering an early, effective result. Having said that, the process would still be long and drawn out and serious consideration would have to be given to the planning and the time scale.

Those issues have already arisen in relation to Scottish Parliament and local government elections, for which there is a 36-hour constant run. There is a strongly developing view that having the count on the evening of the poll is not the best way to proceed, and that accuracy is at risk in a prolonged, solid, constant count.

I expect that the same number of staff would probably be involved, but over a longer period. Certainly, that would cost a great deal more. Perhaps one set of staff would conduct the Scottish Parliament count and a new set of staff would conduct the local government count. However, a core of administrators would be vital to the process and we would not have the luxury of laying someone off and bringing someone else in. I know that representatives from the Society of Local Authority Chief Executives and Senior Managers and the Society of Local Authority Lawyers and Administrators in Scotland emphasised that point to you. It is a demanding process for the staff who are engaged in delivery.

Mr McFee: Changing to a Tuesday might be another way of driving down turnout, because people have become accustomed to voting on Thursdays. Does that not point to the fact that the elections should be decoupled? The administrative problems and the problems of informing people of the various systems and elections would be lessened if the two elections took place on different days.

Sir Neil McIntosh: I appreciate the point about Tuesdays and Thursdays, although I do not think that people keep Thursdays clear in their diaries for elections.

Tommy Sheridan: Shame on you, Neil.

Sir Neil McIntosh: That is not a great issue, as it can be addressed at the time of the election. From the point of view of the Electoral Commission's interest in relation to the effective management of an election and the public's confidence in the counting process, it is fair to say that it would be much easier to deal with decoupled elections, as a number of the risks that we have talked about—relating to turnout and voter understanding—would be removed.

I stress that I am not expressing the considered policy position of the Electoral Commission. However, I think that I am expressing a practical and pragmatic view of the situation.

Mr McFee: I agree with your last point. However, in relation to your suggestion about moving the day from Thursday to Tuesday, I point out that, before the joint elections, local government voting took place during different polling hours from parliamentary voting—local government voting took place from 8 in the morning to 9 at night, whereas parliamentary elections took place from 7 in the morning to 10 at night. The number of people who came along in the first hour or the last hour was quite significant. Changing the day would also be a significant change.

Sir Neil McIntosh: My point is that, if the elections were held on Thursday and there were a manual count, it would take until perhaps Monday to get a result. In addition, using the present time scale, there would be a May holiday to deal with. Such considerations would cause problems with regard to staffing. We should seriously contemplate changing the day of polling, even though doing so would carry some risks.

Mr McFee: In essence, you believe that the proposals mean that it would take two to two and a half days more to conduct the count. At the moment, the count is finished by the Friday afternoon but the proposals mean that it would not be finished until the Sunday or the Monday.

Sir Neil McIntosh: Yes; it would be into extra time. The returning officers would be anxious to reduce the time as far as possible and would do everything humanly possible to achieve that, but it would be asking an awful lot of them.

The Convener: It appears that members have no further questions. I thank Sir Neil McIntosh and Andy O'Neill for their attendance.

I welcome our third panel of witnesses this afternoon to give evidence on the Local Governance (Scotland) Bill. Douglas Murray is the secretary of the Association of Scottish Community Councils and the Rev Andrew Scobie is the president. I invite either Andrew or Douglas to make some introductory remarks.

16:00

Douglas Murray (Association of Scottish Community Councils): Thank you very much for the invitation to address the committee. I will give members some brief background information on the Association of Scottish Community Councils, which is a membership organisation representing more than half the community councils in Scotland. The association was founded just over 10 years ago, in June 1993. We are currently funded on a quarterly basis by the Scottish Executive, on a grant structure that amounts to around £25,000 a year.

We employ one member of staff in an administrative capacity. We publish a newsletter, which should be quarterly and which goes to every community council in Scotland and to every MSP, MEP and the like. We provide information and advice to members, to national and local agencies, and to members of the public, covering a wide range of activities that are as diverse as the community councils themselves.

Over the next six months, we may have the services of an official on secondment from the Scottish Executive, to help to review our role, remit and funding structure. That would be tied into the various initiatives of the past few years. We hope that the review will assist the Scottish Executive to allow the association some security of funding and resources, instead of our having to rely on a substantial voluntary commitment from association members in assessing Executive and Scottish Parliament initiatives.

David Mundell: How aware are individual community councils and community council members of the proposals in the bill? I know that the proposals have been out for consultation, but do people understand that there will be a fundamental change from their present relationship with their ward councillor?

Douglas Murray: We have been in e-mail correspondence with a number of community

councils and other bodies. The STV system is already used in at least two local authority areas—in Stirling and in Aberdeenshire. In Stirling, some elections under the STV proposals have taken place, or are still taking place. Sir Neil McIntosh said that STV led to a higher turnout; in one election at Killin in Stirlingshire, the turnout was 60 per cent. However, the complexity of the STV proposals, as described in the bill, has caused concern. For example, one person who said that he was a mathematician by profession also said that he had difficulty in understanding the process, unless it was laid out very explicitly, with examples. Serious concerns have arisen over the general understanding of how the system would work.

David Mundell: Most community councils—although by no means all—have a relationship with one councillor who, particularly in rural areas, will be the councillor for the whole community. Under the new system, there will be three, four, five or perhaps more councillors. Do people understand that change and have a view on how it might affect their relationship with councillors?

The Rev Andrew Scobie (Association of Scottish Community Councils): That is one of our key concerns. We greatly value the relationship, where it exists. I live with the relationship all the time: my local authority member attends every meeting of my community council and keeps in direct contact with me. That grass-roots involvement is valuable, but the situation will obviously change under the new system. Although we are a national organisation, we do not know how every community council feels. However, my feeling is that the message that a fundamental change is in the offing has not got through to community councils. That is why we want to flag up that point in what we say today.

David Mundell: One of the issues that concerns me is that, particularly in rural areas, tensions exist when a number of communities are put together in one ward. If those communities are not all the same size, councillors may take a disproportionate view about where they should spend their time.

The Rev Andrew Scobie: I do not know what tensions may exist in some areas, but I would think that they do not exist by definition. For example, I chair both my community council and the forum of community councils for Helensburgh and Lomond in Argyll and Bute. The forum is useful because it allows all 10 community councils in the area to share concerns. There does not appear to be any rivalry between community councils in that setting.

The Convener: You raise concerns about three or four-member wards. Some groups and MSPs propose that ward sizes should rise further. Would that proposal further weaken the ward-member link?

The Rev Andrew Scobie: I think so. The proposal would weaken the link between community councils and their local council members and would also surely pose practical problems for the members, who in many cases would be able to attend only one of many community council meetings.

Mr McFee: Is it the logical conclusion of that point that we would be better with one member per ward?

The Rev Andrew Scobie: I am not here to prevent change, but I recognise that the direct correspondence of one member to one ward works well.

Paul Martin: You will be familiar with the issues that community councils throughout Scotland raise. Is PR one of them? Do community councils say to you that electoral reform is one of the top 20 issues that need to be discussed in the local community? Has the issue ever been on the radar screen?

The Rev Andrew Scobie: Yes. One of the major concerns of community councils throughout the country is to validate their democratic credentials. In some cases, there are not enough nominees to force an election. Such community councils are aware that they are under suspicion of not being truly representative. By the same token, community councils are keen to increase their representative standing in the sight of others. Given the Scottish Executive's emphasis on renewing democracy, I imagine that it is also pretty keen that we should do that. Community councils are open to changes that would make their representativeness more transparent.

Paul Martin: I appreciate that community councils consider the issue in relation to their representation, but my question referred to local government. I am sorry if I have misunderstood your answer, but given that the Scottish Executive has proposed the introduction of proportional representation for local government elections, my question was whether that has been a major theme of discussions in the community council movement. Have you attended public meetings at which people have stood up to say that they would like to discuss PR in local government, or have other local issues been of more concern?

The Rev Andrew Scobie: I would say that other local issues have been of more concern, but I ask the secretary of the association to reply, because I became president of the association only this year, and he has more experience.

Douglas Murray: Local issues come through. I am not aware that proportional representation is an issue at any community council meeting. About six weeks ago, I asked my community council about the subject, and it was totally amazed at the proposed changes, the details of which it had not been aware of.

Paul Martin: We appreciate the demands on the voluntary members of the community council movement to undertake their own administrative tasks. Would three or four-member wards create additional demands on community councillors' time, as they would have to contact not one elected member, but three, four or more elected members? Would that place additional demands on volunteers who have difficulties in meeting current demands, although they meet them well, and who have increasing demands on their time from other organisations in which they are involved?

Douglas Murray: Yes. Most community councils work on the basis of having at least one elected member for one community council, and it is hoped that the elected member lives close to the community council's area. Any issues would be directed automatically to that individual, even outwith monthly meetings. If a community council had three, four or more elected members on whom to call, to whom problems should be addressed might become a sensitive question. In our written submission, I highlighted the possible need for guidance or a protocol to deal with that. Andrew Scobie described the arrangement of having one member for one community council, which works well in most areas.

Tommy Sheridan: What Douglas Murray just said is a wee bit contradictory, because my experience of community councils—it is limited to experience of the community councils in Glasgow—is that they are just happy to have a councillor at a meeting, regardless of the political party to which that councillor belongs.

Community councils want someone there to tell them whether the application for a local off-licence has been pursued, whether plans for a road-calming measure will be introduced or whether access is available to grants for a gala day, for example. Therefore, the idea that community councils could call on three, four or five councillors for that information, instead of just one, would generally seem to be more positive. Is that not another side to the equation?

Douglas Murray: The arrangements in Glasgow differ from those in several areas. I have more experience of the situation in a rural area. At one community council that I attend, one elected member attends meetings and issues are addressed by or passed on to that member at the meeting or in the ensuing months.

At another community council that I attend, three elected members attend the meetings. They may sit in the back seats and not say anything all evening, or they may give additional guidance on

some matters or describe what is happening. However, a problem arises when an elected member is a member of a licensing board or a planning board, which makes it difficult for them to comment on a planning or licensing application.

Tommy Sheridan: I say with respect that the problem is not the fact that three councillors are present at the community council meeting, but the positions that councillors hold in the council.

Douglas Murray: Yes. If local councillors are on particular committees, that might restrict their comment. It might be beneficial if they are in the administration, but if they are in opposition, it might be a problem in another way. It all depends on individual circumstances.

Tommy Sheridan: So it would be fair to say that, in your experience, community councils do not necessarily say that they want only one councillor; they would just say that they want a councillor.

Douglas Murray: Yes. Again, it varies considerably, but my understanding is that the need for one elected member and a close tie are things that have come through in the comments that have been received so far.

16:15

Tommy Sheridan: During my 11-year experience as a councillor in Glasgow, there were three community councils, for which three members were responsible. A new community council has been established in my area—I am not involved in it—and five councillors are involved with that, because of the geography of the area. At the meetings to form the new community council, or at any of the other community council meetings, no one has ever said that it is a problem that there are three responsible members instead of one. Do you accept that it is not accurate to say that community councils, per se, want only one member?

Douglas Murray: Yes. Given individual circumstances, I would qualify that by mentioning the need for clarification on the standing of the individual elected members, but in general you could say that there would be no problem with five, six or seven elected members attending. However, they might have to overcome their own internal difficulties.

The Convener: I am a bit intrigued because the answers that you have just given are a bit different from the answers that you gave earlier. Your written submission expressed concern about three or four members being eligible to attend community council meetings and concern about the number being increased further. Was your written submission discussed within the

Association of Scottish Community Councils and does it form the general view of community councils?

Douglas Murray: It was collated from the views of a number of the members through a fairly substantial e-mail survey. Given the time scale, the number of responses was rather limited.

The Convener: Could you advise us how many responses you received to the consultation? If you cannot do that at the moment, perhaps you could do so subsequently in correspondence.

Douglas Murray: Yes, I can do that. Some of the communications that we received were joint responses that represented various community councils together. I will look out the numbers.

Mr McFee: On that point, I think that you are being pulled in different directions. Is it fairer to say that one's perception of the issue depends on whether a community council is rural or urban? Generally speaking, the rural community councils prefer to deal with one member directly. My old ward covered two community councils at first, and then latterly it covered just one, and that was certainly its feeling. The urban community councils tend to cover larger areas.

The Rev Andrew Scobie: It would be fair to say that it depends on how we define communities, and that there are different types of communities in different settings. We value the sense of responsibility that exists where there is a recognisable community and where a councillor knows that community, feels that it is their patch and is prepared to confer with the community council. In a city community that covers a larger area, I do not know whether all five local councillors would feel equally responsible; they may well do.

Paul Martin: On that point, you discussed in your written submission the principle of the single-member ward. Tommy Sheridan gave an example of five local councillors being involved with a particular community council because its geographical area covers various wards. However, we are discussing the issue of single-member wards as opposed to multimember wards, which the bill proposes. Am I correct in saying that that is the principle that we are discussing? Obviously, there is a difference between a single-member ward and a multimember ward.

The Rev Andrew Scobie: My concern is that, in more rural areas, creating multimember wards would involve defining communities in a new way. There would be a significant shift away from direct contact between smaller community councils and their local councillor if communities were grouped together in a single ward. There would be a loss of direct contact.

Paul Martin: So, as you say in your submission, for a particular electoral ward three members could be involved with a community council instead of just one member.

The Rev Andrew Scobie: Yes. I understand that a ward would be much larger if it had three members.

Mr McFee: I do not want to add to your misery, but I want to come round to that subject. Without boring you with the matter, the bill as introduced by the Executive does not define how to get ward boundaries, which is probably of more interest to many people than other arguments that are going on. So the primary legislation does not contain such a definition; it will come some time further down the line, but we are not sure when. Have you given thought to how the proposed new wards—or communities, if you like—should be formed? Should the opportunity be taken to reconsider geographical areas and define new wards within them, or should existing wards simply be bolted together? I am aware of wards that split communities up the middle. I can think of other communities that could happily coalesce. Have you given any thought to the subject?

The Rev Andrew Scobie: No, I have not. The consultation process has not allowed us much opportunity to do so. My initial reaction is that we should make the most of the opportunity to consider patterns of community in a changing country and ascertain whether we can better mark out communities and redefine boundaries.

Michael McMahon: I am interested in your analysis of the potential of the proposed reduction in the age limit for local council candidates, given your experience of the reduction of the age limit for community council candidates. On the one hand, you appear to welcome the proposal to reduce the age limit for council candidates to 18; on the other hand, you say that reducing the age limit for community councillors to 16 made no difference because there was no impact on youth involvement. Will reducing the age limit for local council candidates to 18 be more beneficial than reducing the age limit for community councillors was in increasing the number of young people who want to stand for election?

Douglas Murray: The age limit question arose when I was picking up on the COSLA figures that were published just weeks ago. The youngest elected member in the most recent elections was 25. The bill proposes reducing the age limit for being eligible for election as a local councillor to 18. Many community councils have dropped their age limits for candidates from 21 to 18 or 16. Some community councils have even suggested dropping the limit to 14. Reductions in the age limit have not greatly affected the number of young people who participate in community councils. We

have tried in many areas to involve, for example, youth councils or young people from local high schools. However, that approach does not appear to be sustainable.

This is always a difficult issue to address. When I am asked how to encourage more young people to become involved in community councils, I suggest involving them in some kind of physical project in which they can be seen to be doing something, rather than just sitting at a meeting and deliberating issues such as dog fouling.

Michael McMahon: As a matter of principle, do you think that if someone can vote at 18, they should be allowed to stand for election at 18? Is that a sufficiently good reason to welcome the reduction in the age limit to 18? For the measure to get your support, would it have to have a practical benefit?

Douglas Murray: I am not sure. Good reasons for dropping the age limit to 18 have been given. Those include the obvious arguments that have always been made—for example, that people are eligible to serve in the army at 18. I have no strong views on the issue, but initial perceptions around Scotland are that it is extremely difficult to get young people involved in any local government issue, of whatever description.

The Rev Andrew Scobie: We remain committed to involving young people in community councils. We recognise that it is a problem that community councils are made up mostly of retired people, who have the time to give to community council work. To increase our representativeness, we want to involve younger people. We recognise that that is difficult, but dropping the age limit would be a token of our intention to do it. We run a young community councillor of the year award and it is extremely difficult to find candidates for it.

Dr Jackson: I want to ask about initiatives for encouraging young people on to community councils. I know that in Stirling many young people are co-opted on to the community council, either through the school or through a local youth club. Do you have figures for the community councils in the Association of Scottish Community Councils that have co-opted young people? Do you have information about other initiatives in which you are involved?

Douglas Murray: We do not have the figures that the member seeks. The previous survey that we conducted was in 1999. We have suggested strongly to the Executive that funding should be made available for us to carry out more current research, as we would like to address the issue that Dr Jackson highlights.

The Rev Andrew Scobie: We are embarking on a major review of the association's work and are hoping that a secondment will be arranged

through the interchange opportunities unit. We have still to finalise the job remit for the secondee, but the sort of issues that the member raises could be very relevant to good planning for the future.

Iain Smith: You mentioned that you have introduced STV elections in two community councils. Is there evidence that the voters had difficulty in voting in those elections?

Douglas Murray: There are no specific facts available on the elections, except in one community council that achieved a 60 per cent return. The new chairman of that council has indicated that he found it extremely difficult to follow the process, which was handled by council officials.

Iain Smith: By the process, do you mean how the count is conducted, rather than how people vote?

Douglas Murray: I am not very aware of the circumstances of the election. However, as earlier speakers have indicated, the implementation of the system must be perceived as transparent and must be understandable to those who are voting, so that they come back the next time around.

The Convener: That brings us to the end of questions to this panel. I thank the witnesses for their evidence.

For our fourth and final panel this afternoon, we have a solo panellist. I welcome Simon Jaquet, who is the chief executive of YouthLink Scotland. I invite him to make some introductory remarks on the Local Governance (Scotland) Bill before we move to questions.

16:30

Simon Jaquet (YouthLink Scotland): I thank the committee for giving us the opportunity to present evidence. I want to focus on young people and citizenship. Young people are citizens not only of today but of tomorrow, so there is a double sense in which their involvement in the democratic process is important.

Let me say something briefly about YouthLink Scotland, which is the agency that I work for. We are the national youth agency for Scotland. We support youth work in Scotland, so we are about supporting work in communities. We work both through local authorities and through the voluntary sector. Some 29 of the 32 local authorities are members as well as just under 50 national voluntary youth organisations. In addition, we are co-located in one building with the Young Scot organisation and the Scottish Youth Parliament, with which we increasingly work closely.

Let me also say a few words on youth work in Scotland rather than make the assumption that everyone understands what that means. The national training standards state:

"The key purpose of youth work is to work with young people to facilitate their personal, social, and educational development, and to enable them to gain a voice, influence, and place in society in a period of their transition from dependence to independence."

That definition is germane to this afternoon's debate.

Youth work provision in Scotland involves a third of a million young people—which is one in four of the five-to-25 age category—so significant numbers of young people are engaged in that. There are about 9,000 units of activity, if you add up all the Prince's Trust groups, the local authority youth services and so on. There are about 40,000 youth workers. That compares with about 47,000 teachers so, in terms of human resources, they are quite comparable.

I have asked the clerk to circulate "Being Young in Scotland in 2003", which is a survey that we recently commissioned from MORI that received quite a lot of coverage in the *Sunday Herald*. The survey brings some good news and some slightly less good news for today's debate. The good news is that a quarter of young people know either a great deal or a fair amount about the Scottish Parliament. Interestingly, a third of young people know a great deal or a fair amount about local councils. That indicates that young people have greater levels of awareness, knowledge and understanding about local authorities than they have about the Scottish Parliament. That may require separate reflection among MSPs, but the survey has reasonably good news for local authorities.

When we asked young people what is the most important aspect of citizenship and what makes a good citizen, 80 per cent of them said respecting others. Top of the poll was having respect for other people and, by implication, having respect for young people. At the bottom of the poll came voting, which was mentioned by only 20 per cent. That is less good news. We also asked the young people whom they respected most from a list of members of society. Interestingly, parents came top of the list as the most respected members of society. Again, perhaps slightly predictably, towards the bottom of the list were the press, the media and politicians. The survey brings a measure of good news but also some slightly less good news.

I think that the survey tells us two things about the current debate. On the one hand, we need to create the appropriate structures for young people to be involved in the political process. That might be described as the supply side. On the other hand, the survey also tells us that we need to deal with the motivation for young people to be involved

in the political process. We could describe that as the demand side. Simply getting one side right is not enough. If we create the structures but young people do not have the motivation or are not interested in engagement with the political process, it will not work. If young people have the motivation and are gee-ed up and keen to be involved but there are no structures to allow them to participate, it will not work. We need to get the supply side and the demand side right.

On the supply side, with regard to the specific proposals in the bill, we support the reduction of the age of candidacy to 18. We think that that makes a substantive change to the supply-side structures and provides a good opportunity for involving young people. On the demand side, it is interesting to note that the explanatory notes refer to the need for significant voter education. Having tried to get to grips with the mathematics this afternoon, I am sure that I am in good company when I admit that I struggle to get to grips with and understand the details of STV. That will be all the more the case for young people.

I would like to quote from a recent report by Her Majesty's Inspectorate of Education called "Citizenship in Youth Work". In the conclusions on the engagement of young people in the political process, it says:

"Where the structures of political citizenship were fully embedded, resourced and supported by local authorities, schools, youth services and voluntary organisations, they made a significant impact on the lives of young people. Most importantly, they clearly addressed issues that young people identified as affecting their lives."

We can see both the supply side and the demand side there. There are some specific things that will help with that. I know that this is not absolutely central to the passage of the bill, but I hope that it is useful background information. Work can be done starting where young people begin their lives, in the home, by supporting parental involvement in the political process through school boards, community councils and so on. In schools we can promote the use of student councils, and in the community we can support and resource youth work and community learning through youth forums, youth councils and the on-going dialogue youth initiative. At national level, we can support the work of the Scottish Youth Parliament, which spearheads such initiatives.

Members may know that a national youth work strategy is shortly to be developed by the Scottish Executive. That could be a critical point for building in active citizenship. YouthLink Scotland is keen to work with the Scottish Parliament and the Scottish Executive on any measures that can promote active citizenship among young people and the involvement of young people in the democratic process.

Paul Martin: With regard to the reduction of the age at which people can stand for election from 21 to 18, how realistic is the Executive being in expecting a queue of young people to come along saying, "I want to be a councillor"? Is it a gimmick? We know that, even with the minimum age at 21, there are difficulties in engaging with young people. In your experience, do young people have an appetite for involvement at that age? They may want to get involved in politics, but are they really queueing up to become elected members or candidates?

Simon Jaquet: That is an important question, and it comes back to what I was saying about the demand side of things. If we simply say, "You can now stand as a candidate at 18," without doing something about the mechanisms and the processes to educate, encourage and support young people to be involved, it will not work. I do not think that there are queues of young people who are saying, "Just wait till the age drops to 18 and then I'll be down there at the council offices filling in my forms and waiting to be accepted as a candidate." However, as I outlined in my presentation, there are things that we can do to support such involvement. It is a long-term game plan and it will not happen immediately.

Paul Martin: Let us be realistic. There are queues of young people taking part in "Pop Idol" auditions. We are never going to get that with candidacy for local government. We have got to be realistic about what we expect or demand from young people and accept that some young people are really not interested in becoming candidates. They may be interested in active citizenship but they may not want to be an elected member at that age. However, they may want to be able to develop themselves so that they can become involved at 26, the age that I was when I was elected—10 years ago today, actually.

Simon Jaquet: It is important to recognise that active citizenship does not simply mean standing in an election and becoming a candidate. The landscape has changed. Initiatives such as dialogue youth are, among other things, about promoting active citizenship. Those initiatives are in the early days of being embedded into local government, but staff and units are in place. Our understanding, not least from the HMIE report, is that some young people want to be actively involved in the political—with a capital P and with a small p—process as well as engaging with communities and society more generally. I do not kid myself that hundreds of young people are queueing up, but the work during the past 10 years of initiatives such as dialogue youth, the organisations involved in Connect Youth and, not least, the Scottish Youth Parliament has led young people to a different place from where they were 10 years ago. We must get both the demand and the supply sides right.

Tommy Sheridan: If Paul Martin is right, that makes him 36—he has obviously had a hell of a hard paper round for most of his life.

There is no upper age limit for councillors. Huge numbers of 76-year-olds and 80-year-olds are not queueing up to be councillors, but we do not bar them from doing so. Do you accept that if youngsters can vote at a certain age, it is a human right that they should be able to stand as councillors at that age?

Simon Jaquet: It is interesting that you should say that, because it occurred to me as I listened to the previous witnesses that the issue probably is about human rights. Given that a person can become a company director, vote and do many other things when they are 18, I subscribe to the view that they should be able to become a councillor.

Tommy Sheridan: On the general issue of political involvement, the survey evidence that you have given us shows that voting is low on the list of priorities for good citizenship. Has YouthLink Scotland discussed in detail how to assist the political process in trying to re-engage with young people, or is that too much of a political issue with a capital P rather than with a small p?

Simon Jaquet: We are not afraid of being involved in political issues with a capital P, as long as they are cross-party issues. The hustings event that we ran just before the previous elections—in which you participated—was the type of event that we would like to run more of. At the event, we said consciously to young people that we wanted them to engage in the political—with a capital P— process. We brought together a cross-party panel of MSPs and party representatives, who were exposed to questions and dialogue. It was relatively straightforward to organise such an event in the run-up to the elections because of the profile of the political process at that time, but we can run such events more regularly.

As I said, we work closely with the Scottish Youth Parliament, part of the function of which is to draw young people into the political process. That is an important dimension.

Tommy Sheridan: Unfortunately, this matter is outwith the remit of the bill, but what is YouthLink Scotland's position on voting at 16?

Simon Jaquet: We do not have a formal position on that at present. I will leave my answer at that—I could give a personal opinion, but that is probably best avoided, given that we are on the record.

The Convener: From visiting secondary schools and from questions that arise during school visits to the Parliament, I am aware that many young people have strong political views about a range of

issues, even though that does not translate into voting in elections. What could the Scottish Executive or other organisations in Scotland do, perhaps through the education system, to try to increase the connection between young people's political interests and their participation in elections?

Simon Jaquet: The issue is fundamentally about making something that runs the risk of being rather academic and arcane into something practical. For example, we have citizenship classes in schools, but we run the risk of that becoming a slightly dry, academic subject. An HMIE document has just been produced about the promotion of citizenship in schools. Obviously, the involvement of councillors, MSPs, MEPs and MPs in the formal educational setting would be a highly constructive local measure. Equally, those members' involvement in the youth work sector would help, given that a third of a million young people in Scotland are involved in that sector.

YouthLink Scotland would like elected representatives to have more direct contact with youth organisations, which does not mean going round the stump trying to get young people to vote, but means engaging with and making connections with youth organisations. There is a real opportunity to begin to address some of the issues in a structured way as part of the national youth work strategy, which we understand will be developed in the new year.

The Convener: Before I bring in other members there is an issue that I wish to pursue. Paul Martin referred to participation in events such as "Pop Idol". Many people participate in voting in such events by e-means, whether by mobile phone or other electronic means. You mentioned in your submission the potential for using e-voting as a way of encouraging greater participation by young people. Have you done any background research on that, and on the degree to which it would encourage more people to participate in elections?

16:45

Simon Jaquet: When the Scottish Youth Parliament held elections for its membership around the country relatively recently—I think in the past year—it held an e-election in Shetland. I forget the exact figures—although I could find them—but I think that it had a greater turnout than there was for the council. There was a remarkable response, which I guess was due in some degree to the rural nature of communities there.

It is worth exploring e-voting, but I go back to what I said about the demand side. Simply providing the mechanism is only part of the solution. You can be sitting in your bed faced with buttons, and all you have to do is reach out and

press them, but if you do not see the point, validity or role of voting, that will have little value. As well as providing the mechanisms that will help young people to vote, we need to provide the demand by educating and engaging young people so that they understand why it is important to vote.

Mr Welsh: I have listened to your enthusiasm about trying to get young people involved in their society, which is shared by us all. They are the citizens of tomorrow, and we want them to be as involved as possible in the process of democracy, but there is a difference between opportunity and demand. In other words, we are talking about linked but different problems.

I wonder whether systems will make any difference. We are offering systems as a solution to the problem of involving people in a process. That brings us back to the subject of this meeting: will the STV system make any real difference in getting people to come forward, because the issue is the wider one of how we involve everyone in our society in the democratic process? Lowering the voting age will give younger persons the opportunity to be involved, but is there a demand? We need to create the demand by enthusing people to use the opportunity. Will STV make any difference?

Simon Jaquet: This is conjecture, and not something that we have consulted on but, in my experience, young people are fair-minded and have a great belief in justice and fair play. There is a logic to proportional representation, whichever form is adopted, because it gives a result that is more representative of the will of the populace. On that basis, proportional representation could be seen by young people to be a fairer system. That leaves aside the difficulties of understanding how to do it physically, how the maths work, and how to get from ballot papers in the box to candidates coming out of the other end of the sausage machine. There may be serious problems with that, but proportional representation could be perceived as a fairer system of going from voting intentions through to the number of councillors representing different parties.

Mr Welsh: That would be a greater motivation to vote, but we are looking at the motivation to stand as candidates. The political process can be tough, boring, tedious and many other things, and it is demanding of individuals, but as a democracy we have to encourage maximum participation, particularly by young people. I share your enthusiasm, and I hope that it works. I hope that the fairness will encourage greater turnout, which will, I hope, be a precursor to younger people becoming councillors.

Simon Jaquet: There are essential precursors to standing as a councillor, such as being interested in voting and understanding what your vote will do. Those are the essential stages on the demand side, as I have described, that we need to go through, because simply saying, "You're an 18-year-old, and last year you couldn't stand but now you can," will probably not be sufficient to get young people to stand.

Mr McFee: The "Pop Idol" argument that is always advanced is false. The phenomenon is not new to this generation: my mother used to vote on Hughie Green's "Opportunity Knocks" every week but, to my recollection, she never wanted to be a cooncillor. I am often worried when I hear that argument being advanced as the reason why young people are not interested in politics. Perhaps they are just not interested in the grey politics that have been around for some time.

I will make my position clear: I am in favour of people being able to stand at 18. I was one of those who wanted to stand before I was 21, which gives you an indication of my limited ambition. I hope that when a rosy picture of becoming a councillor is painted for a young person, the practicalities are not ignored. Particularly if they are in opposition, they will work almost full-time for a salary of £6,000 or £7,000 a year and can probably forget about getting a job and getting their foot on the career ladder. How practical is it to encourage people to engage in the process to the extent of becoming councillors without explaining the down side to them? That down side is the reason why we have councils filled with older people, who are past the early part of their careers. How practical is it to encourage people to the extent that they might go down a route that they otherwise would not consider?

At the end of the day, the electorate want somebody who will represent them and deal with their everyday problems, from leaky roofs and windows to planning applications and all the boring stuff. To be a councillor is not glamorous, and I am concerned that we are trying to make it look glamorous when it is, to be frank, as dull as ditchwater. I spent 15 years as a councillor—I stood first when I was 22 and was elected when I was 26—and I do not recommend it as a career move, because people could end up in the Scottish Parliament as a result of being councillors. I ask you to balance some of your optimism—

The Convener: Is that you confessing that you were as dull as ditchwater, even at 22?

Mr McFee: No, I was the exception that proved the rule. However, I worry that we paint a rosy picture that is not accurate, and I do not expect that the remuneration will change greatly enough to encourage anyone to look on becoming a councillor as a career move, which incidentally, should not be anyone's motivation for going into the local authority as a councillor.

Simon Jaquet: Absolutely. We need to be real. On a slightly different level, the comparison that springs to mind is with asking young people to volunteer—not as councillors or elected representatives of any kind. I have considerable experience, personally and through the organisations that are members of YouthLink, of what is required to do that. Essentially, we have to play up the benefits without necessarily playing down the down sides, and I suspect that something similar would have to be done to encourage young people to become councillors. We would have to be brutally realistic about what it would mean: a commitment of four years or thereabouts, in which, as you say, they would not have a significant amount of time to develop their careers, but which, on the other hand, could contribute to career development or enhancement, depending on what their career is—I look at everyone round the table. We need to be clear not only about the negatives, but about the positives, so that young people can appraise sensibly whether they want to become councillors. The vast majority will say no, because they want to go to university, get jobs, undertake some form of training or do apprenticeships. We should certainly not pull the wool over anybody's eyes about being a councillor.

Iain Smith: You perhaps inadvertently picked on one of the big problems for young people getting involved, which is the terms of office to which councillors subject themselves. I started as a councillor at 22, folks, so do not turn to me and say that you started at 26.

Mr Welsh: I stood at 21.

Iain Smith: So did I, and I would have stood at 18 had I been allowed to.

Simon Jaquet: Is there any advance?

Iain Smith: One of the problems is that the council term is four years. Many of the other things in which people get involved, such as community councils and school boards, are also not annually elected. For younger people, that might be a real disincentive to get involved in such organisations, because they do not feel that they can commit themselves for such a length of time. Have you considered that issue? Have you considered other ways of getting people involved that do not necessarily result in a nightmare commitment in which people know what they will be doing on the third Tuesday of the month for four years?

Simon Jaquet: I do not underestimate such a real challenge. I do not have any simple answers, but perhaps we should be clear about the personal and professional benefits of standing for elected office. As young people embark on their careers, they are looking for opportunities to beef up their curriculum vitae. Leaving any cynicism aside, I think that being elected as a council member potentially allows young people to do that. However, I am not sure whether a young person aged between 18 and 22 would want to have repeat terms of office. They might do it once for a four-year term and then go to university. It would be interesting to discuss with the higher education sector whether any connections could be made in that respect.

David Mundell: For once, I agree with Iain Smith. I should also say that I can trump him because I was elected as a councillor at 21. I did not actually intend to be elected, but one is drawn into the process of wanting to stand. I support this provision because it is important that young people stand as councillors and that they realise that it is worth while being a candidate. After all, people should not be elected unopposed in our democracy—and certainly not in our rural areas—which is something that could still happen under the STV system.

Iain Smith made a valid point. When I was a student, I found that it was fine being a councillor and that I could give it a great commitment. However, when I moved into employment, my employer did not see it in such a positive light. Indeed, he saw it as an encumbrance, and I did not serve out the full term as a councillor. Although it is important to have a sense of realism about this issue, we have to balance that with getting people involved in the process. Young people should realise that they can gain a lot of good experience from having a vigorous involvement in the process and becoming candidates, but they have to understand that being elected is something quite different.

Simon Jaquet: It could be described as a specialist interest. I am not sure about the total number of councillors in Scotland, but if 1 or 2 per cent of those councillors came from the youth population, it would still represent a minute percentage of that population. Arguably, you folks around the table are exceptions because many of you stood when you were 21 or 22. However, that proves the matter. Perhaps I should throw the question back at you. If you had had the opportunity to stand when you were 18, would you have done so? My hunch is that you probably would have.

The Convener: You are right to say that only a very small proportion of relatively young people are elected. Indeed, I think that the youngest elected councillor in Scotland is 25. I suspect that the figures for those who become candidates are not much different.

David Mundell: Before we end the discussion, I should note that "Pop Idol" has a first-past-the-post voting system. That does not put people off.

Simon Jaquet: And you can have multiple votes.

The Convener: If there are no further questions, I thank Simon Jaquet for his evidence this afternoon. That ends the public part of the meeting.

16:58

Meeting continued in private until 17:30.

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