

# **LOCAL GOVERNMENT AND TRANSPORT COMMITTEE**

Tuesday 27 June 2006

Session 2

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## LOCAL GOVERNMENT AND TRANSPORT COMMITTEE 19<sup>th</sup> Meeting 2006, Session 2

### CONVENER

\*Bristow Muldoon (Livingston) (Lab)

### DEPUTY CONVENER

\*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

### COMMITTEE MEMBERS

\*Dr Sylvia Jackson (Stirling) (Lab)

\*Paul Martin (Glasgow Springburn) (Lab)

\*David McLetchie (Edinburgh Pentlands) (Con)

\*Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

\*Tommy Sheridan (Glasgow) (SSP)

\*Ms Maureen Watt (North East Scotland) (SNP)

### COMMITTEE SUBSTITUTES

Colin Fox (Lothians) (SSP)

Mr Bruce McFee (West of Scotland) (SNP)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

Dr Elaine Murray (Dumfries) (Lab)

Murray Tosh (West of Scotland) (Con)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Mr David Davidson (North East Scotland) (Con)

### CLERK TO THE COMMITTEE

Martin Verity

### SENIOR ASSISTANT CLERK

Alastair Macfie

### ASSISTANT CLERK

Rebecca Lamb

### LOCATION

Committee Room 6



## Scottish Parliament

### Local Government and Transport Committee

*Tuesday 27 June 2006*

[THE CONVENER *opened the meeting at 14:03*]

### Items in Private

**The Convener (Bristow Muldoon):** I welcome members to the 19<sup>th</sup> meeting in 2006 of the Local Government and Transport Committee.

The first item is to consider whether to take items 3 and 4 in private. Item 3 is consideration of a paper on our approach to the Transport and Works (Scotland) Bill. The paper identifies organisations from which we might take evidence and invites members to take a view on their merits. It has been our practice in the past to consider such papers in private. Item 4 is further consideration of our draft report on the freight transport inquiry. Again, we normally consider such reports in private, although the report will, of course, be a public document when it is published. We hope to agree and publish the report this week.

Do members agree to consider items 3 and 4 in private?

**Members** *indicated agreement.*

## Proposed Local Government Elections (Scotland) Bill

14:04

**The Convener:** The second item is consideration of a statement of reasons for not consulting on the draft proposal for the local government elections (Scotland) bill. The new rules that govern the consideration of members' bills require a two-part process, according to which members submit a draft proposal, which is normally consulted on, before submitting their final proposal. If a draft proposal is not consulted on in the 12 weeks from the date of lodging it, the member must provide a statement of reasons for not doing so. The statement is then referred to the lead committee for consideration.

The proposed local government elections (Scotland) bill has not been consulted on in that 12-week period and, consequently, David Davidson, who is the proposer, is here today to speak to his statement of reasons. The statement has been circulated to members along with background information about the committee's previous work on the matter, including consideration of a statement of reasons from Brian Monteith in relation to his proposal which was identical to the one that David Davidson puts before us today.

We are invited to consider whether there has been sufficient consultation on the proposed bill to enable its merits to be assessed properly at a later stage. Members are invited to give their views not on the principles or content of the proposed bill, merely on whether the statement of reasons is sufficient to allow the proposed bill to continue without a requirement for further consultation.

I invite David Davidson to make some brief remarks about his statement of reasons. I will then give members the opportunity to ask questions before asking them whether they are satisfied with Mr Davidson's reasons.

**Mr David Davidson (North East Scotland) (Con):** It is nice to be back among my former colleagues on the Local Government and Transport Committee. Members have annex B, which is my statement of reasons.

In my opinion, there is no need to carry out further consultation. The previous proposals that the committee agreed were valid still stand. There have been no changes to the circumstances surrounding the proposed bill. I am, of course, open to questions from the committee, but I have received informal assurances from many people that they hold the same views as before, and others have suggested that they support the views

of organisations that responded to the previous consultation. It is therefore my wish that the committee maintains its stance, because nothing has altered since the proposed bill was last put before the committee.

**The Convener:** Thanks, David. Do members have any questions?

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I have some questions because I am rather astounded by David Davidson's claim that there have been no changes to the circumstances surrounding his proposal—I think that there have been huge changes.

If I have this right, Brian Monteith proposed the bill for the committee's consideration on 8 November 2005 and the committee approved it. That was just eight months after David Mundell first proposed it. Now David Davidson proposes the bill again 18 months after that. I imagine that, had I been on the committee on 8 November, eight months would not have seemed too long a time. We are now talking about the proposed bill almost two and half years since the consultation was launched.

Was it not just last week that we passed the Local Electoral Administration and Registration Services (Scotland) Bill, which dealt with e-counting and changes to the administration of elections? In the first bullet point of your statement, you refer to

“the problems that are currently generated by holding elections on the same day”.

The LEARS bill addresses many of those problems. Do you not accept that a huge amount has changed in two and a half years and that people who were concerned about having local government and parliamentary elections on the same day might have changed their views, given all the reforms to the administration system, especially e-counting? Do you not think that we should hear their views?

**Mr Davidson:** No, is the short answer. You are taking away from the argument of principle. The purpose of my proposed bill—which is not what the convener wishes us to discuss—is to ensure that local government, which is of major importance to people of all types, ages and health conditions in Scotland, provides major public services.

It is correct that the democratic process ensures that those who are charged with delivering those public services make best use of public money, are directly accountable and are transparent in their actions. The principle of the proposed bill is that local government should hold its elections separately, so that everyone out there on the street understands the issues fully and the

process is not hidden behind a smokescreen of national politics, which would obviously be the case if people were also electing a Government. My previous comments stand.

**Mike Rumbles:** I would like to pursue that—

**The Convener:** Before you do, I would like to counter one thing that was said. David Davidson was straying towards a debate on the principles of the bill. I want us to stick to the issue of whether we are content with the consultation period. Members should ask questions about that. I ask David Davidson to restrict his remarks to it.

**Mike Rumbles:** Well said, convener. That is the point that I was about to make. In David Davidson's response to me, he did not once address the issues that I raised in my questions. We are here today to consider the bullet points and the statement of reasons that David has submitted to the committee. I again ask him to address his answers to my specific questions. We are not discussing the merits of the bill or its principles. I would rather put those to one side.

**Mr Davidson:** You mentioned e-counting, in particular. That is simply a methodology for counting votes, and it has not yet been fully tested. It does not detract from the principles of the bill. The early stages of the consultation and the informal comments that have been made to me by those who responded to it indicate that the method of counting is not at all relevant to the principles of the bill.

**Mike Rumbles:** I do not want to discuss the principles of the bill. We are here not to do that but to consider the statement of reasons that you have provided. In your evidence to us, you said twice that none of the circumstances has changed since the bill was proposed two and a half years ago. My point is that there has been a host of changes. Last week, Parliament passed a bill that changes the circumstances entirely. There is a host of technical reasons why you need to seek a response from the people who responded two and half years ago, as they may well have changed their minds.

**Mr Davidson:** I believe that that is not the case. That was the original answer that I gave directly to your questions.

**Mike Rumbles:** How do you know that?

**Mr Davidson:** Through informal discussions with many of the people who responded to the consultation and volunteered information. They indicated that they are still convinced that the bill should be passed, regardless of the methodology for counting votes. That point was made to me at the Convention of Scottish Local Authorities conference, for example.

**Mike Rumbles:** Were you in touch with everyone who responded to the consultation?

**Mr Davidson:** I did not completely rerun the consultation, because I did not believe that that was necessary. That is why I have submitted a statement of reasons.

**David McLetchie (Edinburgh Pentlands) (Con):** I would like to clarify the timescales in the bill, relative to the previous proposals. Mike Rumbles suggested that the original consultation was held two and a half years ago. However, in the second paragraph of your statement of reasons, you say that the period for the consultation on David Mundell's original bill—of which I understand your bill to be simply a repetition—when he was a member of the Parliament ran from 18 February 2005 to 15 June 2005. Am I right in thinking that, at worst, the responses are 15 months, rather than two and half years, out of date, and that some will be from as recent as June 2005?

**Mr Davidson:** Absolutely.

**David McLetchie:** When Mr Monteith was the proposer, he was accompanied at the committee's meeting of 8 November 2005 by Claire Menzies Smith of the directorate of clerking and reporting. In response to a question from Mr Sheridan, she indicated that at that point the non-executive bills unit was still analysing the responses. Is that correct?

**Mr Davidson:** Indeed.

**David McLetchie:** Presumably, the analysis of responses is now complete.

**Mr Davidson:** Absolutely.

**David McLetchie:** So the timescale from the completion of analysis of the responses to consideration of your bill is at most seven months?

**Mr Davidson:** Indeed.

14:15

**Ms Maureen Watt (North East Scotland) (SNP):** Mike Rumbles was being a bit facetious when he said that anything in the LEARS bill would change substantially the principle of whether the ballots should be on different days. As far as I recall, there was nothing technical in the bill that would affect the principle of David Davidson's bill.

First, why has it taken so long at each stage for a new Conservative MSP to take up the bill and run with it? Secondly, nothing has been consulted on more than splitting local government and parliamentary elections. That point was fully consulted on by the McIntosh commission, which started it off eight years ago, and it has been

consulted on subsequently. In that time, the responses from the consultees have not changed. To suggest that they would have changed within the past 15 months is stretching it a bit. Do you agree?

**Mr Davidson:** Absolutely. I acknowledge Ms Watt's role in the McIntosh commission; I gave evidence to the commission on this very subject.

Events overtook David Mundell's ability to pursue the bill. Brian Monteith, who was then the local government spokesman for the Conservatives, agreed to pick up the baton and run on. The non-Executive bills unit gave him the same support and advice that it gave to David Mundell. Mr Monteith approached me and said that he felt that he did not wish to pursue the bill. Of course, if a member chooses not to go on with something, another member can pick it up and move motions in the Parliament and so on. That was all that was involved. If the process has taken more time, it is purely because of NEBU's workload at this stage in the parliamentary calendar.

**The Convener:** Do members have any other questions for Mr Davidson?

**Mike Rumbles:** When was your bill proposal published?

**Mr Davidson:** As far as NEBU is concerned, it is the same bill with a change of name. I cannot remember the publication date, but it is on the Parliament website.

**Mike Rumbles:** You do not know when it was published.

**Mr Davidson:** I cannot remember without looking through the papers.

**Mike Rumbles:** But it was published more than two years ago.

**Mr Davidson:** The current version, with my name on it, was put on to the Parliament's website after NEBU was satisfied that it was a valid proposal.

**Mike Rumbles:** Let us leave the issue of the dates then.

**The Convener:** For information, the paper identifies that Mr Davidson lodged his proposal on 8 June 2006.

**Mike Rumbles:** I was not particularly asking for the date. What David Davidson is making clear is that he is simply running with this ball, which is the one that Brian Monteith dropped, which David Mundell had previously dropped. The initial proposal was published a couple of years ago. When did the member first become aware that we would have e-counting in local government elections and Scottish Parliament elections?

**Mr Davidson:** When it came to this committee, of which I was a member.

**Mike Rumbles:** When was that?

**Mr Davidson:** It was just before I took over the bill, which at that time was still going through the parliamentary process in the name of Brian Monteith.

**Mike Rumbles:** Do you know when e-counting was first discussed in this committee?

**Mr Davidson:** If you refer to the committee minutes, no doubt you will come up with the date. You are missing the point of the conversation. It is nothing to do with time; it is to do with the fact that the principles of the bill have not altered. What we are talking about is the parliamentary process, which as far as I am aware has not altered. As the convener rightly said, the job of the committee today is to consider whether any changes are required because of the parliamentary procedures.

**Mike Rumbles:** You are missing the point. A consultation was launched on 18 February 2005—more than a year ago—and completed on 15 June. You are telling us that nothing has changed—you used the phrase twice—yet your paper about the consultation states that the first question that was asked was about the problems that are generated by holding elections on the same day. The point that I am trying to make is that we are changing the way in which we count votes and administer local elections, which previously resulted in problems being encountered. We are changing the ballot papers and making all sorts of changes to the election arrangements under which voting in local government elections and Scottish Parliament elections on the same day caused people problems. The system has changed, but you do not seem to recognise that.

**Mr Davidson:** Let me repeat the first word that I said in response to your first question: no. The change to the system of counting the votes does not change the situation. The purpose of the bill is to provide clarity in the democratic process by ensuring that only local government issues are part and parcel of the debate in local government elections. The counting method makes no difference. Whether the votes are counted electronically makes no difference to whether the elections should take place in a different year. I do not consider that it means that the proposed bill requires further consultation.

**Mike Rumbles:** Let me repeat the first bullet point in your submission. It states:

“The main questions to which opinions were invited were:

- the problems that are currently generated by holding elections on the same day”.

My point is about not the principles of the proposed bill or the policy behind it but the practical issues.

**Mr Davidson:** Convener, we seem to be straying back into talking about the bill again, although I am happy to answer the question. When the bill proposal was first lodged, discussions were still on-going within the coalition on whether to move to a single transferable vote system. Although that is not the main issue, the proposal recognises that the introduction of STV could add to the confusion. The latest Executive bill—the Local Electoral Administration and Registration Services (Scotland) Bill—provides for systems of electronic counting, but the people who will be required to administer those systems have queries about how accurate they will be. However, that change is just about the methodology of counting. The STV system for local elections will be different from the additional member and first-past-the-post systems. To my mind, members of the public are concerned about that now and were concerned about it when the bill proposal was lodged.

**Mike Rumbles:** I will leave it at that.

**Tommy Sheridan (Glasgow) (SSP):** From his discussions with COSLA, can David Davidson confirm whether it supports the principle of decoupling the two sets of elections because of the inability to differentiate between local authority issues and Scottish Parliament issues—which is what I had always understood was the position—or because of the practicalities? Has COSLA changed its position on why it supports the proposal?

**Mr Davidson:** No representative or official from COSLA has given me any indication that it has changed its reasons for supporting the bill.

**The Convener:** As there are no further questions for Mr Davidson, we must now decide whether we are satisfied with his reasons for not consulting. I invite members to give their views, but I ask them to be brief. I will start off.

Although I would not support the proposed bill, I believe that, as we agreed when Mr Monteith lodged the same proposal a number of months ago, we should be mindful of the fact that the proposal has already been subject to a full consultation. Mike Rumbles has raised some relevant points about the changes that will be introduced with electronic counting, but my overall judgment is that those changes are not sufficiently substantive as to mean that further consultation should be required on the proposed bill. I do not believe that the method of counting was a major reason for lodging the bill proposal when it was originally submitted. On that basis, I am inclined to say that I am satisfied that sufficient consultation on the proposal has already taken place.



Therefore, I believe that the bill should be allowed to progress to the next stage, which involves the member submitting a final bill proposal. That is my personal view.

I now open up the debate to other members of the committee.

**Mike Rumbles:** When the bill proposal was lodged just nine months after the original consultation closed, I can well understand why the committee would—as it did in November last year—make the points that the convener has just made. In November last year, no substantial changes to local government elections had been introduced. However, we are now another seven months on. As I said, the Parliament has recently passed a bill to address many of the practical issues. That bill was supported by parties on all sides of the chamber. Looking purely at the technicalities, I suggest that the statement of reasons that David Davidson has provided in his submission does not stand up to scrutiny.

I do not want to talk about the merits of the bill because I am sure that we all have different views on it; I simply want to focus on the statement of reasons.

In other committees, I have been happy for bills that members have proposed to proceed without a consultation being carried out because a recent consultation has taken place prior to its introduction, or the Executive or someone else has carried out a consultation. However, let us stick purely to the technicalities. We must ask whether circumstances have changed since the consultation closed, which was a long time ago. I think that they have, so I am not content simply to nod the bill through.

**Tommy Sheridan:** I am not persuaded by Mike Rumbles's arguments, which are spurious. The question is whether there have been fundamental changes between when the initial consultation was carried out and now. The truth is that there have been no such changes.

I support the bill whereas other members do not, but that is not the issue—the issue is jealously guarding the right of members to introduce bills. The Parliament gets strength from the opportunity that exists for individual members to make proposals that can be scrutinised and discussed. A proper consultation has been carried out, which resulted in the possibility of a bill being introduced. The proposer of the bill was then elected to another place and the proposal passed on to someone else, who left their party.

We can have a go at the fiasco that there has been. The baton has been passed between members, whose knuckles we can rap for their taking so long to introduce the bill—we are, after all, talking about good ideas that should probably

have been brought forward and sorted out earlier. However, we are not here to make a decision on that; we are here to decide whether there has been proper consultation so that we can proceed without more consultation.

The case is clear. The Local Electoral Administration and Registration Services (Scotland) Bill does not in any way, shape or form cut across the principles of the proposed bill that we are discussing. Therefore, I hope that the committee will agree that the bill should proceed without further consultation and that we can proceed to have a proper debate on whether the elections should be decoupled.

**Michael McMahon (Hamilton North and Bellshill) (Lab):** I have served on the committee for six and a bit of the seven years of its existence and it is clear that e-counting and all the practical difficulties that would have to be dealt with as a result of the electoral system changing have been well thrashed out in discussions, from when we started to consider the McIntosh report until now. The difficulties have not been a secret.

Mike Rumbles is right. There has been a change in that the Local Electoral Administration and Registration Services (Scotland) Bill has introduced e-counting, but that bill has simply put into practical effect what members have debated in the Parliament for some time. Nothing that will be discussed in relation to David Davidson's bill will be a surprise to anyone in this room or to anyone who has been engaged in the debate on local government and changes in local government elections. Nothing has materially changed between David Mundell's original consultation and David Davidson bringing the bill before the committee and asking us to allow it to proceed. It would be churlish of us to say that because we have different political perspectives on the bill, we should send David Davidson away to consult again. I do not see any reason why we need to do so. Some practical issues have altered, but the fundamentals of the original bill and the results of the consultation still stand. Therefore, I see no reason whatever for sending him away to consult again.

**David McLetchie:** I want to underline a couple of chronological points, which I attempted to bring out in questions to David Davidson. There is a requirement to have a consultation, but that requirement is of little use unless the consultation is properly analysed and reported on. The consultation was concluded in the middle of June last year, but the responses were not analysed and reported on until the very end of last year—that came out in the committee's questioning of Brian Monteith at its meeting on 8 November 2005.

The original consultation process—both the ingathering of observations from those who were consulted and the analysis of responses—was not completed until barely seven months ago. Therefore, the consultation is sufficiently recent for us to allow the proposed bill to proceed.

14:30

**Paul Martin (Glasgow Springburn) (Lab):** The member's bill process is an important part of the Parliament's work and provides members with a serious opportunity to submit proposals. That is why I support what David Davidson is proposing today. As Tommy Sheridan and Maureen Watt said, it is bad business for three members to have been in charge of a bill over such a long period. The Parliament should consider that issue. However, as Michael McMahon said, it would be churlish of us to turn down David Davidson's request, given that there has been a consultation on the specifics of the bill. Reluctantly—because it has not been good business—I support the proposed bill proceeding to the next stage.

**The Convener:** Is the committee satisfied with the statement of reasons that has been provided and that the proposed bill may proceed to final proposal stage?

**Members:** No.

**The Convener:** There will be a division.

#### For

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Watt, Ms Maureen (North East Scotland) (SNP)

#### AGAINST

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

**The Convener:** The result of the division is: For 8, Against 1, Abstentions 0. The committee is satisfied with the reasons that Mr Davidson has provided and the proposed bill may proceed to final proposal stage. I thank David Davidson for his attendance this afternoon.

In line with our earlier decision, we will move into private session to deal with the rest of the agenda.

14:32

*Meeting continued in private until 15:44.*

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