

LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 23 January 2007

Session 2

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

2nd Meeting 2007, 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) (Sol)
*Ms Maureen Watt (North East Scotland) (SNP)

COMMITTEE SUBSTITUTES

Ms Rosemary Byrne (South of Scotland) (Sol)
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 ALSO ATTENDED :

Mark Ballard (Lothians) (Green)
Margo MacDonald (Lothians) (Ind)

THE FOLLOWING GAVE EVIDENCE:

Russell Bain (Scottish Executive Finance and Central
Services Department)
Rab Fleming (Scottish Executive Finance and Central
Services Department)
George Lyon (Deputy Minister for Finance, Public Service
Reform and Parliamentary Business)
David Milne (Scottish Executive Finance and Central
Services Department)
Shazia Razzaq (Scottish Executive Legal and
Parliamentary Services)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Rebecca Lamb

LOCATION

Committee Room 5

Scottish Parliament

Local Government and Transport Committee

Tuesday 23 January 2007

[THE CONVENER *opened the meeting at 14:00*]

Subordinate Legislation

Scottish Local Government Elections Order 2007 (Draft)

The Convener (Bristow Muldoon): I call today's meeting of the Local Government and Transport Committee to order. Before introducing agenda item 1, I welcome to the committee Mark Ballard MSP, who is not a committee member but is here to participate in discussion of our first agenda item. I also welcome committee members.

Item 1 is consideration of the draft Scottish Local Government Elections Order 2007. George Lyon MSP, the Deputy Minister for Finance, Public Service Reform and Parliamentary Business, is here to speak to the draft order and to move the motion that has been lodged in the name of Tom McCabe. The minister is accompanied by the following officials: Rab Fleming, head of the local governance and licensing division of the Scottish Executive; Russell Bain, head of the local democracy team; and Norman Macleod and Shazia Razzaq, from the office of the solicitor to the Scottish Executive. I welcome the minister and his team.

We will follow the usual practice for dealing with an instrument of this nature. First, the minister will have an opportunity to make some introductory remarks about the aim of the order. We debated two draft orders at a previous meeting, so a number of committee members have a good grasp of the order's contents. After the minister has spoken, I will allow members the opportunity to put to him any questions that they may have, before we move to the formal debate on the order.

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): I will begin by explaining some of the Scottish local government elections rules that are set out in the draft order, which deals with the conduct of elections for members of local authorities. The order is significant, as it deals with the detailed administrative processes that are involved in running a local government election. At the committee's meeting of 12 December, members had the opportunity to discuss the format of the new ballot paper. However, although

the ballot paper is important, only some of the changes included in the rules relate to it.

Essentially, the rules serve two main purposes. First, they provide for the introduction of procedures involved in running a single transferable vote election using e-counting. Secondly, they provide for the introduction of some of the administrative changes to local government elections that were made by the Local Electoral Administration and Registration Services (Scotland) Act 2006 and for the replication of a number of administrative changes to parliamentary elections that were made by the Electoral Administration Act 2006. I hope that it will be helpful if I cover three main areas in my opening remarks: issues already raised on the detail of the rules; wider issues to do with how the process will work in practice; and other legislative points.

I turn first to the issues that were raised by the Subordinate Legislation Committee. The SLC commented specifically on a drafting error in the form of the nomination paper in part IV of schedule 1 to the order. We have advised the SLC that, if the order is approved, we will correct the reference when the next opportunity arises. Although the rules do not require the nomination form to be in exactly the same form as that set out in schedule 1, we will advise returning officers, local authorities, the main political parties and the Electoral Commission that nomination papers that are issued for the purposes of an election should contain the correct reference.

I would like to make a few points specifically about the counting rules, as I am aware that the committee has received some comments about those. The rules are very technical in nature and reflect the preference expressed by the committee when considering the Local Governance (Scotland) Bill by introducing the weighted inclusive Gregory counting method—a subject in which all members are well versed. A number of the comments that we have seen relate to technical aspects of the rules, including queries about how the rules as drafted handle fractional calculation losses, non-transferable votes and integer vote values. All those points are made in relation to the presentation of the overall calculation process. The rules specify that calculations should be carried out to five decimal places, which will provide us with a degree of precision as the count progresses. However, when announcing the overall results, the returning officer will typically use whole numbers. There is no need for the returning officer to use the vote fractions unless they are necessary to show the difference between two candidates with very close vote totals.

It may be useful if I put the rules into the wider context of the overall election and, in particular,

what will happen at a count. The most obvious change relates to e-counting. We have carried out an extensive testing schedule on the e-counting system and are confident in its ability to handle the volume and relative complexity of counts on this scale. One of our key tests involved a simulation of the entire count for the Dundee City Council area. A subsequent manual check on one of the simulated ward counts revealed that only six papers out of 5,700 were regarded as showing a different result, which was entirely due to human interpretation of the papers. The difference was in the adjudication of the six papers, rather than in the machines that did the counting.

The elections are combined and, therefore, we will have two ballot boxes, which will be clearly marked as being for the local authority papers and the parliamentary papers. There will be 31 count centres, with Aberdeen and Aberdeenshire currently planning to share a centre. The e-counting system will allow for the combined scanning of the parliamentary and local authority papers with no need for a manual rummage. However, returning officers will have the flexibility to organise their count effectively and to make the best use of the technology. The system will allow returning officers to prioritise the adjudication of particular contests to ensure that the count proceeds quickly and with maximum visibility for the relevant candidates and agents.

During the count, information will be visible on the number of first-preference votes that each candidate receives. People with an interest will be able to gauge the progress of the count in relation to the scanning of boxes, thus giving a useful indication as to how many of the ballots from each contest have contributed to the progress reports on first-preference votes. The returning officer will also be able to provide information to candidates and agents on the progress of the count, including the number of boxes that have been scanned and that still await processing. The Scotland Office has informed us that similar information will be available for the parliamentary count.

At the conclusion of the count, we expect the returning officer to gather together the candidates and talk them through the STV calculation as it is applied to the votes. When everyone is satisfied with the explanation of the result, the returning officer will declare the names of the candidates elected, the number of first and subsequent-preference votes for each candidate, the number of ballot papers transferred and their transfer values at each stage of the count, the number of votes credited to each candidate at each stage, the number of non-transferable ballot papers at each stage and the number of rejected papers. The announcement of that information at the conclusion of the poll will allow a much more

detailed analysis of voting behaviour than ever before.

Looking beyond the count and at the publication of further information, there is a great deal of interest in making as much information public as is possible without compromising the secrecy of the ballot. That issue was raised repeatedly by people from across the political spectrum during the passage of the Local Electoral Administration and Registration Services (Scotland) Bill. The rules ensure that the electronic count record is securely held by the proper officer for four years. That will allow us to create an appropriate legislative and administrative structure to permit structured access to any further information that is deemed useful.

Before determining the level of detail of information disclosure, we would need to consider all the options and risks that would be associated with further publication of data. I intend to consult other political parties before a final decision is reached on that matter. Our view is that the publication of a complete voting record—even an anonymised record—has the potential to lead to the tracking of individual votes, which would constitute an unacceptable breach of the secrecy of the ballot. Therefore, there is a need to get the balance right between disclosure of information and protecting the secrecy of the ballot. That is why I intend to consult widely with the political parties and agree the appropriate level of information disclosure.

We will shortly introduce additional secondary legislation to deal with specific aspects of the conduct of elections, such as proxy and postal voting. We expect those orders to be laid towards the end of this month for the committee's consideration.

I am happy to try to answer any questions that members may have. I have some colleagues with me who will no doubt provide the finer details on some of the issues that are addressed in the draft order.

The Convener: Before I open the meeting up to colleagues, I will start off with a couple of questions of my own.

Your final point was on the dissemination of information about the outcome of the election in the form of intelligence for political parties about how the vote was cast across the constituency. As you will be aware, political parties currently do a lot of sampling at counts and gain a lot of intelligence about where the vote is spread across constituencies, wards and so on. That is an important part of the democratic process in this country, but the information is anonymous—it is not about how any individual has voted. Do you expect that the consultation that is being done will

be completed in sufficient time for you to get guidance or regulations out in time for this year's elections?

George Lyon: Yes, because the information will be published only after the election. There would need to be a small adjustment to primary legislation and an order laid that would determine how much information would be released after the election.

During the process of the boxes being counted as they go through the machines, we should be able to pick up and monitor the impact that the count from a particular ballot box has had on the overall count for the individual candidate. I suggest that a lot of information will still be available on the night, as will information that has never been available before, such as the transfer of votes between one candidate and another. We will also be able to see how voters vote when they are asked for their second preference because we will have the information about the transfer from first to second votes.

To give confidence in the process, we will all still rely on the good old marking of the ballots as the count is gone through, so some information must be published that will allow people to be confident that their expectation of how the vote should have gone will be validated. That will entail publishing information after the election. It is therefore important that we get cross-party consensus on what relevant information can be made available that will not compromise the secrecy of the ballot by allowing parties to identify how individuals might have cast their vote.

The Convener: I also want to ask about the electronic vote count. I realise that the answer to this will vary by counting area because each local authority will have a different number of parliamentary seats and council candidates, and different numbers of voters will participate in each area. On the basis of voter turnout from the last election, do you have estimates for when you would expect results to be declared for each of the main counting areas?

George Lyon: I guess that the two biggest count centres will be Glasgow and Lothian. I do not know if we have done any work to identify when the returning officers would expect counts to be completed.

Rab Fleming (Scottish Executive Finance and Central Services Department): We would expect the first local government election results in the larger areas to be available after the end of the scanning process, which will take about eight or nine hours. If we take that from 10 pm, we would expect that the first results could be available from 7 am.

The Convener: Would that be only for the two largest areas or would it be common to all areas?

Rab Fleming: The calculations that have been done show that if the ballot papers are available, all the results will be available at the same time irrespective of the size of the count. The e-counting system has been sized according to the number of ballot papers that will be processed at each count centre.

The Convener: Is that the same for the parliamentary elections? Would those results have a similar time frame?

Rab Fleming: We guess that the parliamentary election results will start to become available from the larger count centres earlier because they have more constituencies to process. The idea is that all the parliamentary results will be out by 5 or 6 am, but we expect the first results from the larger count centres to be from, say, 2 am onwards.

14:15

Dr Sylvia Jackson (Stirling) (Lab): I want first to ask about the subordinate legislation issue. In your introductory remarks, you mentioned that the error arose in part IV of schedule 1 to the draft order, but in fact it arises in part VI of schedule 1.

George Lyon: I apologise for that; you are right. There was a misprint in my speaking notes.

Dr Jackson: You said that you would ensure, as far as possible, that nomination papers that are provided for the purposes of an election referred to note 5 rather than note 3. I know that it is not a big issue and that you said that how the information is presented is up to each returning officer, but surely there is no reason why the correct note should not be referred to. I take it that you will flag that up in quite a bald way in the letter that you send. Will you tell us how you intend to do that?

George Lyon: Russell Bain will explain what we will do to ensure that people are fully aware that the reference in form 2 in part VI of schedule 1 should read "see note 5" instead of "see note 3".

Russell Bain (Scottish Executive Finance and Central Services Department): We will write to each returning officer and I expect that the issue will be highlighted in the guidance that the Electoral Commission is putting together to cover both elections. We are in regular contact with returning officers. The elections steering group involves representatives from all the main electoral administration organisations. We will ensure that they are clear about the issue and will include a note on it in the newsletter that we produce on the elections. There are a number of ways in which we can address the matter.

Dr Jackson: My second question is about postal and proxy votes. What information on those that is not in the draft order will be contained in the additional subordinate legislation that you mentioned?

Shazia Razzaq (Scottish Executive Legal and Parliamentary Services): Primarily, the additional orders will deal with how postal and proxy votes are conducted—how the papers are sent out, when they are sent out and when they will need to be sent back. In other words, the orders will cover all the procedural requirements surrounding postal and proxy votes.

Dr Jackson: It would be useful if the deadline that you mentioned—which I think was the end of this month—was met.

George Lyon: Our intention is to get the draft orders to the committee as quickly as we can so that there is time for proper scrutiny before they are laid.

Paul Martin (Glasgow Springburn) (Lab): I want to raise an issue that you did not mention in your introduction—the committee's decision not to favour the grouping together of parties on the ballot paper. Questions were asked about the research that was carried out by your department. Have you had an opportunity to reflect on that research, about which concerns were expressed? Although Mr McCabe did not commit himself, he said that he would consider whether to carry out further research in the short term.

George Lyon: The minister reflected on the committee's concerns and he and I had a discussion about them. Given that the committee came to a view and that we are on quite a tight timescale, we accepted the committee's view and proceeded to lay the order in a form that reflected the result of the committee's vote.

Paul Martin: Do you accept that there were flaws in the research? Concerns were raised about the accuracy of the suggestion that the number of candidates on the ballot paper would run into double figures. That was just one of a number of concerns. Is the Executive happy to accept that the research was flawed and that there is no need to carry out any further research? Is that how we go about progressing legislation?

George Lyon: The Executive took heed of the committee's decision. Once the STV election has been held, there will be a complete review of all the issues surrounding it, with a view to identifying whether any issues arose that will need to be addressed for the next time round. Mr McCabe gave an undertaking that he would reflect on the committee's concerns and, in view of the committee's decision, decided that no further research would be undertaken at this time.

Paul Martin: I have a technical question. This is an important issue for any other proposals that might be brought before committees. Does the Executive accept that, the next time that a committee recommends that we should go forward with a particular proposal, the Executive will take it forward even if the research is flawed?

George Lyon: In this instance, the Executive asked the committee to come to a view on the proposal. We decided to proceed on the basis of the view that the committee took.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I have two questions, the first of which follows up what Rab Fleming said. I appreciate that we are currently considering the local government elections process, but he mentioned that he expects the parliamentary results to come through at 5 o'clock in the morning. However, I thought that the whole advantage of e-counting is the increased speed of processing. Considering that, at the previous two elections, my result was counted in the traditional method and announced at 5 o'clock in the morning, I had rather hoped that we might make some progress on that. Did Rab Fleming mean that both the constituency and regional list counts would be announced by 5 o'clock? When does he expect the constituency results to be announced?

Rab Fleming: We expect that they will all be completed at around the same time. Each count centre has been sized to complete the job at the same time. Apart from in the Highlands and Islands, where the time that is involved in transporting the ballot papers to the count centres will cause delays, we expect all the parliamentary processing to be completed by between 5 and 7 in the morning. If a count centre covers, say, five constituencies, people will not need to wait until that time for all five results to be announced. I imagine that the counts will be prioritised and processed in sequence. Therefore, for a centre that deals with five constituencies, I guess that the first results will be due at around 1 or 2 in the morning and the other results will follow between then and 5 or 6 in the morning. However, if a count centre covers one constituency, people will need to wait till 5 or 6 in the morning.

Mike Rumbles: If a count centre covers three constituencies, will it be expected to count the first constituency, then the second and then the third so that the counting ends at 5 o'clock in the morning?

Rab Fleming: For e-counting, the important thing is to keep the scanning machines busy. I do not think that it would be a good idea to count the votes of the first, second and third constituencies in such a way that the scanning machines would be idle. From a returning officer's point of view, it makes sense to prioritise the counts by dealing

with one constituency and then another constituency and then another constituency.

George Lyon: Clearly, the priority will be to complete the constituency votes first and the regional votes second. The constituency vote will be announced first.

The Convener: I have a supplementary question on that issue. Like Mike Rumbles, I had anticipated that electronic counting would help returning officers to announce results earlier. The results for many urban constituencies were previously declared between perhaps half past 1 and half past 2. I appreciate that the local government count will be completely different from previous counts, but it seems to me that an electronic count of first-past-the-post constituency votes will take an awful lot longer than a manual count.

Rab Fleming: The main reason for that is that, historically, a rummage of the ballot boxes had to be carried out to sort out papers that had been put into the wrong box. Returning officers told us that the rummage was not always 100 per cent correct and was a time-consuming process as it involved opening up all the boxes to check that they contained the correct papers. One advantage of e-counting is that the machines can do the rummage. If any local government papers have been put into a parliamentary ballot box, the machine can automatically detect that. To take advantage of that, all the papers for both the parliamentary and local government contests need to be scanned so that we can ensure that all the parliamentary ballot papers are in the parliamentary ballot box and not in the wrong box. The count will take longer because we are doing it that way.

George Lyon: The adjudication process will then determine which count is announced first.

The Convener: Sylvia Jackson also has a supplementary question on this point. I will let Mike Rumbles ask his second question after that.

Dr Jackson: Originally, Rab Fleming said that everybody would hear their results between 5 o'clock and 7 o'clock in the morning. He then said that a count centre that deals with only one constituency might announce the result at half past 1 or 2. Which is it? If a count centre deals with only one constituency, will people hear a result at half past 1 or not?

Rab Fleming: All the results will be completed at around 5 or 6 in the morning. Count centres that deal with more constituencies will be able to announce results at some time between the close of polls and 5 or 6 in the morning on a graduated basis. Count centres that deal with only one constituency will need to wait for that whole period

before all the papers are processed and the result can be announced.

Dr Jackson: So no first-past-the-post candidates will know their results until between 5 o'clock and 7 o'clock in the morning.

Rab Fleming: No. At count centres that deal with multiple constituencies, I expect returning officers to prioritise counts so that results are not all completed at the same time. If four constituencies were being counted from 10 pm to 5 or 6 in the morning, I would expect them to be concentrated on one at a time, so the first result might be available at 1 or 2 in the morning.

Dr Jackson: I am sorry—I am still not clear about that. When we have one counting centre and one constituency, why will we have to wait until 5 o'clock in the morning? Rather than having five lots of papers, that centre will have only one lot of papers for the parliamentary and local authority elections.

The Convener: I may be able to help with the answer. If I have understood the position, the number of machines has been scoped on the basis of the number of ballot papers that must be processed.

Dr Jackson: Okay—fair enough.

Mike Rumbles: I thought that the point of e-counting was to speed the process, yet what you say suggests that the point of e-counting is not to speed the process but to make the count easier for officials. I see no timescale advantage.

Rab Fleming: We are talking primarily about the local government election, for which e-counting will speed the process by a factor of 10. If we used manual counting for the STV system, it would take days rather than hours.

Mike Rumbles: I understand that—I was commenting on parliamentary elections.

George Lyon: Overall, the counts for all the elections will be completed by the very early morning, whereas even now, we are usually into Friday before all the local government counts have been taken. In the overall envelope, some parliamentary results will be later, because of the need to scan all the papers first. That will slow the process leading to the announcement slightly, which always concerns candidates, who want the result to be announced as soon as possible.

Mike Rumbles: It sounds as if I can still expect a result at 5 o'clock in the morning. I thought that changing the system would be good news.

George Lyon: Mr McCabe will be equally disappointed, because his result has usually been the first to be announced.

Mike Rumbles: For the local government count, you said that as each box came in, the results would be shown on a flowing basis on a public display board. As the counts appear on that board, it will be obvious to local authority candidates whether they have been elected, because they will see candidates reaching their quota. Is that the case?

George Lyon: That is correct.

Russell Bain: No, because the quota is not determined until the number of valid ballot papers is known and it will not be possible to determine that until the end.

Mike Rumbles: People will have a good idea, though.

Russell Bain: I have no doubt that they will have an indication, but we are not dealing with an exact science and an imaginary line. People will have a reasonable idea, but the subsequent transfer of votes means that it will not always be possible to say after a consideration of first preferences who has been elected. If two of the three candidates with the most votes have reached the quota, they will definitely be elected, but if the third person with the most first-preference votes has not reached the quota by that stage, there is no guarantee that the subsequent transfers will push them over the quota.

Mike Rumbles: Okay—that is understood. When all the first-preference votes have been counted, will the returning officer announce that X has reached the quota and is elected and that second-preference votes will now be considered?

Russell Bain: The rules provide for the stages of the count. When a candidate reaches the quota, the returning officer will deem them to be elected. The process that we envisage and which we expect from having talked to returning officers is that they will gather the candidates together and talk them through the calculation stage by stage, so that candidates are assured that it was not simply a matter of pressing a button and receiving the result. Returning officers will explain to candidates that they received X number of votes at the first stage, say which candidate was elected and explain that when the second-stage calculation was done, another candidate was elected. Returning officers will want to talk candidates through that before any public declaration of the election results. If they wish, they will also be able to run through the stages as they declare the result.

14:30

Margo MacDonald (Lothians) (Ind): I apologise for being late, convener. I did not realise that the

committee was starting so early. I have two questions about the ballot paper. First, is the ballot paper that we have before us done and dusted?

The Convener: If we agree the proposal that is before the committee today, it will go before the Parliament tomorrow. If the ballot paper as proposed is approved by the Parliament, it will become the final version. The decision is one for the Parliament.

Margo MacDonald: So we have 24 hours before the ballot paper is approved by the Parliament.

Secondly, according to the order, beside the names of the independent candidates—there are two on the ballot paper—is the word “emblem”. Will independent candidates in the local government elections be able to have an emblem by which to distinguish themselves?

Russell Bain: No, there will be no emblem against the name of independent candidates.

Margo MacDonald: Why not?

Russell Bain: As far as I am aware, the primary legislation does not allow that.

Margo MacDonald: Do we know that the primary legislation absolutely forbids it?

George Lyon: As I recall, the matter was discussed during the passage of the Local Electoral Administration and Registration Services (Scotland) Bill.

Russell Bain: Yes.

George Lyon: And the decision was no.

Margo MacDonald: And there is no way that that can be challenged other than in the courts?

George Lyon: Outside of primary legislation, the matter would have to be decided in the courts.

Margo MacDonald: Okay.

The Convener: As a supplementary to Margo MacDonald’s question, would it be possible for an independent candidate to register themselves as a political party and therefore have an emblem?

George Lyon: Yes.

Margo MacDonald: But let us suppose that an independent candidate does not want to register as a political party.

Mike Rumbles: They will not get an emblem.

Margo MacDonald: But I have decided on my emblem. It is going to be a battle-axe. *[Laughter.]*

George Lyon: Very appropriate.

Michael McMahon (Hamilton North and Bellshill) (Lab): Are you standing in the local elections, Margo?

Margo MacDonald: Why not? I will do anything to get elected. Sorry, convener.

George Lyon: Were you referring to the local government elections, Margo?

Margo MacDonald: Yes. If we are talking about democratic principles, I assume that the same principle will apply to the Scottish Parliament elections. I want to find out whether the matter was established. If the minister is telling me that it is in primary legislation, I assume that the only thing that I can do now is seek an interim interdict.

George Lyon: Well—

Margo MacDonald: The minister is laughing nervously.

The Convener: Do you want to respond further to the point, minister?

George Lyon: I will write to Margo MacDonald to clarify the matter.

Margo MacDonald: How will I get the letter? Will you send it electronically?

George Lyon: I will ensure that it is delivered to you forthwith.

Margo MacDonald: I am not sure how late in the process someone can apply for an interdict.

Ms Maureen Watt (North East Scotland) (SNP): Most of the questions have focused on how soon we will get the results in the Scottish Parliament elections, both for individual constituency and list members. When do you envisage that most of the local government election counts will be finalised and the results made available?

George Lyon: As Rab Fleming explained, the machines will be used to count the ballot papers in both elections. Once all the information has been gathered, adjudications will be made on each election: first, the constituency first-past-the-post vote will be declared, then the regional vote, and finally the local government count. The announcement of results will be determined by the speed of the adjudication process. If the end time for the Scottish Parliament election is 5 am, the result will be made available as soon after 5 am as possible, once the adjudication is complete. I imagine that we will have the results within a couple of hours—let us say by 7 o'clock.

Rab Fleming: We have said that returning officers will have to announce the local government results as soon as is practicable after they have announced the Scottish Parliament results. I guess that when they do that will depend on whether a returning officer wants their staff to have a break between the announcement of the Scottish Parliament results and the finalisation of the local government results. The results should

be available from about 6 am onwards. However, the time by which all of them will be announced is a matter for individual returning officers.

Ms Watt: So we could have a situation in which the local returning officer decides that his staff need a rest and the count goes on late into Friday or even to Monday.

Rab Fleming: The count—by which I mean the papers going through the machines—should be finished before breakfast time. The adjudications have to happen after that. The member is right: adjudications could still be happening at some time on the Friday. The outcome will depend on when individual returning officers schedule that part of the process.

Ms Watt: By adjudications, you mean when there is indecision about where the cross or the 1, 2 or 3 have been placed.

George Lyon: We mean disputed ballot papers.

Margo MacDonald: On the back of Maureen Watt's point, there is bound to be a break for staff.

Ms Watt: That is a big question, because we know that staff get tired. Although I presume we will not need as many staff, there is a real concern among returning officers about how the new process will work and how long they can keep staff continually working. Is it possible that results will be declared not the next day but much later?

Rab Fleming: It will happen some time on the Friday.

Ms Watt: Have you issued guidelines on the number of counting agents that political parties will be allowed? There will be no ballot box sampling as in the past, so will the same number of counting agents be allowed into the counts?

Russell Bain: We have not issued guidelines on that. The rules specify that each candidate is entitled to the same number of agents. That will be for the returning officer to decide, based on the size of the counts, for example. I imagine that they will want to examine that carefully with all the candidates and agents in the run-up to the election. As you say, the process will be different this time round, but the rules are clear that no candidate should have more agents than any other.

Ms Watt: My final question is for the minister. You said at stage 3 of the Local Electoral Administration and Registration Services (Scotland) Bill that secondary legislation would be issued by the end of October. We are now near the end of January. There is considerable anger and angst among returning officers about the lateness of the legislation. Do you accept that you have put excessive pressure on returning officers in the run-up to the local government elections?

George Lyon: No. It has been important to get matters right; quite a number of changes are being made. We liaised closely with returning officers in the process, so I do not accept what you say.

Paul Martin: Rab Fleming spoke about the counting of the council votes, how it will all take place at the same time and the screens that will be available for the first-preference votes. Is there potential for the Scottish Parliament votes to be displayed on those screens too? Will the results of the council elections be displayed on the screens anyway?

Rab Fleming: The progress of the parliamentary count will be displayed in a similar manner—charts will indicate the number of votes for each candidate in each contest in a similar display. As regards the local government results, all the papers will have to be scanned first and then all the dubious papers will be adjudicated before any results can be processed. Local government results will not be declared until all the scanning and adjudication are complete. Only then will we calculate the quota, which is the key for calculating who gets elected under the STV system.

Paul Martin: There is potential, however, for parties to predict the vote, because they will have an idea of turnout on the day. I take it that the bar chart will show the number of first-preference votes that have been cast.

Rab Fleming: It will show the relative votes between the candidates; it will not show numbers of votes.

David McLetchie (Edinburgh Pentlands) (Con): If I understood the previous explanation, as the count progresses, tallies will be kept for first-preference votes. Will they be absolute tallies or bar charts?

Rab Fleming: Bar charts.

David McLetchie: So there will not be numbers.

George Lyon: The bar charts will show relativity.

David McLetchie: So you need to know how high the bar is and there needs to be a scale on the left-hand side, for example, that says 507 votes to 50. Why do we need a bar chart? As first-preference votes are counted, why cannot there be a little column clocking up the votes to show that Mr A already has 523 votes and Mr B has 300? Why do we need a bar chart? Why can we not just have the numbers? I do not think that any of the political parties are interested in the bar chart—they are interested in the numbers. The visual presentation of the information will be absurd and meaningless unless there is a scale against the bar.

George Lyon: I undertake to get back to you on that point. I suspect that what you suggest is possible.

David McLetchie: I can see the value of the visual presentation of a bar, as long as it is accompanied by a number.

George Lyon: The commitment has always been to make available as much information as possible, so that there is confidence that the counting of each box coincides with the work that political parties do in estimating where the votes are going. I will find out whether what you suggest is possible.

David McLetchie: In that context, how is it envisaged that the count will be conducted? Will it be that, first, the returning officer or senior official in charge of the section will decide that the ballot papers from a certain polling station or district will be counted; secondly—chung, chung, chung—the ballot papers will be scanned; and thirdly, there will be a pause so that we can look at the bar charts and assess the situation before moving on to the papers from the next polling station? Is that what is envisaged?

Rab Fleming: The pauses might be less definitive than you would like, because it will be a continuous process. However, as long as someone is quick enough to note that the ballot papers from a certain polling station are in the system and then check the chart to see what difference they have made, it will be possible roughly to gauge the progress as each batch of papers is processed.

David McLetchie: So it will be clear that the first batch of papers comes from one place and the second batch comes from another, accepting that there will not be a perfect split, pause and restart.

George Lyon: It will also be within the gift and power of the returning officer to announce that information. If political parties request that, there is nothing to prevent it. It will be at his discretion to say that boxes from polling station X are going into the system so that everybody knows.

That takes us back to Maureen Watt's point about the numbers of agents that will be allowed on behalf of each candidate. Although they will not be able to attempt a manual count as they did previously, there will still be a lot of information to gather. There will also be a lot of adjudication work, which will require agents to have delegates. The adjudication work will be done on a screen, with the adjudicators on one side and the agent or their representative on the other side, deciding whether a vote is a valid 1-2, for example. There will still be a fair amount of work on behalf of each candidate to ensure that they collect and deal with the information that is coming in.

David McLetchie: How will the counting of postal votes fit in? Given that the postal votes will have been gathered by the day of the count, will they be the first votes to be pushed through machines, with the returning officer announcing that when it happens?

George Lyon: Yes. They will be ready to go. No ballot boxes will require to be collected for postal votes, so they will be counted first.

David McLetchie: So the postal votes will get the count off to a quick start.

George Lyon: Yes.

David McLetchie: Good.

Mark Ballard (Lothians) (Green): I have three questions. The first is on your point about the publication of information. I agree that there should be no possible breach of confidentiality about how someone votes. My understanding is that, in elections to the Dáil in the Republic of Ireland, results have been published in effect as an Excel spreadsheet, which means that people can see the results and how each ballot paper was numbered but they cannot see the actual ballot paper. Would that be an acceptable way of presenting the information for sociologists, psephologists and political parties?

George Lyon: I can honestly say that I have not come to a view on that. We are looking at a number of options, and I stated my intention at the beginning to consult on them. Clearly, we must get the balance right between full disclosure, which might lead to people being able to identify how individuals cast their votes, and ensuring that enough information is published to give confidence that the electronic counting is underpinned by reality. I have not come to a firm view, so we will publish various options for consultation.

Mark Ballard: Do you have any idea of the timetable for publishing those options?

14:45

George Lyon: I hope that we will get the consultation out quickly, because it is important that we start to engage in the matter. The final conclusions may be shaped by practical experience during the count, so there is a question as to whether we will conclude before the count or leave the final conclusions until we have all experienced an STV election and an e-counting system working.

Mark Ballard: My second question concerns by-elections. What will happen in a by-election for a single member in which, because of a large number of non-transferable votes, it is impossible for any candidate to reach the quota that is set out in the rules? I hope that there will be no by-

elections for a while after the election, but has the issue been discussed?

George Lyon: We still envisage the same process being gone through. At the end of all the transfers, the candidate for whom the most votes had been cast would be elected. That is a fair and logical way to reach the result.

Mark Ballard: Would that be allowed under the proposed rules?

George Lyon: Yes.

Mark Ballard: You indicated that the calculations will be done to five decimal places. That will mean that fractional votes beyond those five decimal places will, in effect, disappear from the system. How will those disappearing fractional votes be recorded and presented?

Russell Bain: They are implicit in the calculation and will be calculated as part of the non-transferable votes, so they will be recorded.

The Convener: Those are all the questions, so we will now move to the formal debate. I invite the minister to move the motion in the name of Tom McCabe. It is at his discretion whether to make any further comments at this stage. I will give him an opportunity to respond to any points that members make.

George Lyon: On the basis that we have had a good exchange on the questions that members have raised, I will move the motion without further comment.

I move,

That the Local Government and Transport Committee recommends that the draft Scottish Local Government Elections Order 2007 be approved.

The Convener: Do any members wish to participate in the debate?

Michael McMahon: Since the beginning of the process to introduce legislation, the amount of effort that the Scottish Executive has put into giving us information and advancing this complex issue has been remarkable, as has the level of understanding that has been reached, considering the complexity of the process. The order has been difficult to pull together, but we have arrived at an order that will allow the process of change to take place to best effect.

However, unnecessary complexity is being introduced because, as the Scottish Executive's own research showed, there is a much simpler way of producing the ballot paper. Organisations such as Help the Aged Scotland said that it would help the people whom they represent to have that simpler system, and it is disappointing that members of the committee ignored that information for their own party interest. I will not

throw the baby out with the bathwater and oppose the order because the wishes of Help the Aged and other organisations that represent large sections of the public have been ignored. We must accept that, overall, the order is appropriate and will allow us to have an election in May that will arrive at the outcome that the electorate chooses.

Mike Rumbles: The order is a remarkable achievement for modern democracy and 21st century Scotland. We are now switching to a system of fair votes of which almost every political party round the table is in favour. It has taken a long time to achieve that and, subject to the votes in the committee today and in the Parliament on Thursday, we will achieve the landmark of being the second part of the United Kingdom to have the STV system.

Dr Jackson: As Mike Rumbles said, this has been a long process. When we started the debate on e-counting, it looked as if it would not be possible at the forthcoming election, so we have moved a long way in making it a reality. From what the minister says, it seems that he has tried to strike the right balance between the process being machine driven and making it as transparent as possible. In that context, Mark Ballard's questions were useful. There has been good progress.

However, I am worried about the implementation. Although we have made strides, we will be hampered by the lack of machines. In regions that contain only one constituency, such as mine, we will still have to wait until 5 o'clock in the morning—or whenever—for the result. That is an issue.

The committee made a democratic decision on what it wanted and we have to go with that. I am not convinced that the research was flawed, but it would have been useful to know a bit more, as Paul Martin said, and for further research to have been undertaken. Also, I reiterate Michael McMahon's point: the evidence from Help the Aged states that the system in the previous proposal would have been easier for people to understand. However, I will go along with the democratic decision.

Paul Martin: In response to Mike Rumbles's point about the prioritisation of STV, I assure him that, in constituencies such as the one that I represent, the Gregory method and a number of other issues that relate to proportional representation are not a priority. I can think of a number of other priorities.

The arguments were well rehearsed in the debate that we had at the end of last year, and I do not intend to reiterate the points that were made then. I confirm that I will not support the motion in the minister's name today.

Margo MacDonald: Thank you for the opportunity to speak, convener. First, I pay tribute to the Executive for the amount of work that it has done. I appreciate that it has not been easy to reconcile the completely valid opinions on either side of the debate, which we heard briefly today.

However, my concern is that independents still play a part in local government. That is the matter that we are addressing at the moment. Experienced independent councillors, who have given much to our democratic system, are concerned that they will be at a disadvantage on the ballot paper. I suggested to the Electoral Commission that, if we must have the daft system of emblems and so on, there could be photographs of independent candidates. That is all that independents are—they are only the personalities involved.

I do not know whether it is still possible, but I was not being facetious when I said that, if there was no other way of gaining a few days to consider the matter, I would consider an interim interdict. I regret having to say that, but it is a serious matter.

The Convener: The order deals with a wide range of issues. I share my colleagues' views on the ballot paper. It is disappointing that the Scottish Executive did not accept the outcome of its own research. I will not oppose the order because of that single issue, but I urge whoever forms the Scottish Executive after the election to carry out more detailed research on the matter. Ballot papers should be designed not for the convenience of political parties but for the convenience of the public. They should help people to cast their votes in the way that they wish.

My only other point—again, it will not cause me to vote against the order—is that the timeframes that have been mentioned for the declaration of results are disappointing. I had hoped that, under an electronic counting system, we would have a far swifter declaration of outcomes. Again, I ask the minister to consider whether it is possible to put more resources into the system in order to improve it. If that is not possible, we have to consider what we can do to truncate the process further. Having people hanging around until five, six or seven o'clock in the morning is pretty unsatisfactory, not only for the political parties but for the council staff and volunteers who take part in the counting process. We should be trying for a more efficient method of counting our election results than the one that it appears we are going to have in May.

Having said all that, I will support the order. Minister, do you want to respond to the issues that have been raised?

George Lyon: I understand that there are views on both sides of the argument with regard to the ballot papers. It is useful to point out that the only other area in the UK that operates an STV system uses the type of ballot paper that the committee eventually decided on. That is an important precedent. However, I realise that it is impossible to square the different views in the argument. That is why we asked the committee to come to a view on it, and I am grateful that it did.

Sylvia Jackson mentioned the need to get the balance right with regard to the amount of information that we provide. One of the key themes in the Local Electoral Administration and Registration Services (Scotland) Act 2006 and the process of developing the orders to underpin the election has been the concern that there is a need for people to have confidence in the new processes and the new electronic counting system. It is important that people can see that the result bears some resemblance to a candidate's expectation of where their vote lies, in relation to which they will have done a lot of work. That has been the main driving force in ensuring that we give candidates, agents and political parties maximum access to the information during the count process. The last bit of the process is to decide what is published after the election to try to underpin that without calling into doubt the confidentiality of those who turn up—hopefully in large numbers—to vote in the elections.

I take on board Margo MacDonald's point—although I disagree with it—and will confirm that the prohibition is in the Local Electoral Administration and Registration Services (Scotland) Act 2006. That might save her having to waste her money on an unnecessary interdict.

I thank the committee for its work and for the constructive way in which it has engaged with the process since the Local Electoral Administration and Registration Services (Scotland) Bill was lodged. It has been a long process and, by and large, we have worked on a cross-party basis. I thank the committee for its help in ensuring that we get an election process that will work properly on 3 May 2007.

The Convener: The question is, that motion S2M-5341, in the name of Tom McCabe, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)

AGAINST

Martin, Paul (Glasgow Springburn) (Lab)

The Convener: The result of the division is: For 7, Against 1, Abstentions 0.

Motion agreed to.

That the Local Government and Transport Committee recommends that the draft Scottish Local Government Elections Order 2007 be approved.

The Convener: That result will be reported to Parliament when the issue is debated in the chamber.

I thank the officials who accompanied the minister for this agenda item. We will have a brief suspension while his team changes over.

14:59

Meeting suspended.

15:01

On resuming—

Petitions

Common Good Assets (PE875)

Listed Buildings (Consultation on Disposal) (PE896)

Common Good Land (PE961)

The Convener: We will consider three petitions that relate to common good property and funds that are held by local authorities. The Deputy Minister for Finance and Public Service Reform, George Lyon, is with us and is supported by two Scottish Executive officials: Hilary Pearce, who is the efficient government portfolio manager; and David Milne, who is team leader on best value and performance. I welcome the minister and his officials.

As the minister knows, the committee has taken evidence from the petitioners, who are Miss Mary E Mackenzie, David Harvie—on behalf of West Dunbartonshire Heritage Limited—and Sally Richardson. We have also heard evidence from the Society of Local Authority Lawyers and Administrators in Scotland and from Audit Scotland. This is the final timetabled evidence session on the petitions, so after we have heard from the minister we will meet again to discuss our recommendations and responses to the petitioners. I invite the minister to make introductory remarks before committee members ask questions.

George Lyon: I have followed the debate with interest and I acknowledge the value that communities throughout Scotland place on common good funds. The presence of common good assets can be a source of civic pride that binds communities together and creates a link between the generations—our ancestors and our descendants. Communities that are in receipt of common good assets are grateful for the chance to benefit from the gifts that were bequeathed in the past. We acknowledge our responsibility to ensure that future generations have the opportunity to benefit in the same way.

I will summarise our position. First, the common good should be viewed not as a single entity but as a series of individual gifts—I am sure that the committee heard evidence to that effect. Each bequest would, of course, have had its own terms and conditions on the gift's use, disposal and management. The conditions for some gifts are more restrictive than those for others.

Secondly, although decisions about whether and how common good assets can be used or disposed of depend on the conditions that are attached to each gift, the law is clear about where the responsibility for reaching such decisions and managing the common good rests: it rests, appropriately, with local authorities—as it does in relation to other council assets, such as schools and libraries. The basis for the approach is the Local Authorities (Property Transfer) (Scotland) Order 1995 (SI 1995/2499), which was made under section 15 of the Local Government etc (Scotland) Act 1994. That order provided that on 1 April 1996 any common good property should transfer to the authority that covered the burgh of whose common good the property formed part on 15 May 1975.

It appears to us that the existing legislation is sufficient, given that it makes clear the responsibility that rests with local authorities. A substantial body of supporting guidance and advisory notes clarifies more fully the nature of local government's responsibilities. That guidance includes the accounting standards that are set by the Accounting Standards Board and, in particular, the code of practice on local authority accounting. It also includes the advisory notes that are produced by the Chartered Institute of Public Finance and Accountancy and the Royal Institution of Chartered Surveyors on the principles of good asset management.

In addition, the Scottish Executive has published material that the best value task force produced. It includes statutory guidance on the principles of best value, non-statutory advisory notes on best value in relation to asset management and sustainable development, and statutory guidance on local authorities' approach to the content of their public performance reporting.

The Executive regularly liaises with the Convention of Scottish Local Authorities and Audit Scotland on issues that relate to asset management, financial reporting and best-value policy generally. If it became apparent that local authorities were uncertain about how to fulfil their responsibilities appropriately, we would be happy to listen to their suggestions on how good practice could be built on.

I hope that those remarks clarify the Executive's position.

David McLetchie: I understand that the essence of the question is whether more rigorous requirements are needed for separate accounting for common good assets because of the perception that such assets are held for a purpose that is separate from a local authority's general purposes. To what extent do separate purposes exist in reality? I do not refer to physical assets such as a park that a generous benefactor might

have gifted in the past and which will remain as a park—we will leave such assets aside and consider just invested funds. To what extent are invested funds, which are not assets that have a designated purpose, held for a purpose that is separate from a local authority's general purposes and competences?

George Lyon: Audit considerations and how such matters are presented in local authority accounts are issues for the Accounting Standards Board. I understand that the local authorities accounts advisory committee, whose core business is development of the code of practice on local authority accounts and which works with the ASB, has agreed to review the accounting arrangements for common good assets, so some work will be done on that.

As the member is probably aware, as part of its relocation policy, the Executive is producing a record of the assets that are held. We have a record of the assets that the Executive holds, but we are gathering information on and recording all the assets that non-departmental public bodies hold. If it were thought to be practical or sensible to extend that to local authorities, that might provide an opportunity to ask local authorities to record the assets that are held in common good funds as a separate part of the register of assets that they hold. That might be one opportunity to provide more clarity.

In some ways, it is for local authorities to decide how to deal with such matters. The local authority is the responsible body that holds and manages the public goods. It is responsible for managing them in the interests of the community when the public goods are held on the community's behalf.

David McLetchie: Councils have a power of general competence as a result of legislation that Parliament passed. On freedom to spend and the purposes for which councils may spend money, what is the difference between expenditure that is pursuant to the statutory power of general competence that Parliament gave councils in the Local Government in Scotland Act 2003 and the power to expend common good funds?

George Lyon: As I said in my introduction, conditions are attached to the use of many bequests. Local authorities are therefore bound by such conditions to manage assets appropriately.

David McLetchie: Yes—but that would be when a particular benefactor may have left a particular asset to a council for a particular purpose. There is plenty of other money in common good funds that is nothing to do with that kind of specific bequest.

George Lyon: It may be that any pot of money that is left by an individual to the common good fund also carries conditions concerning how and

where the proceeds from that investment are to be spent.

David McLetchie: I thought that we had established in earlier evidence that there is no trust attaching to the assets that are in common good funds. Correct me if I am wrong, but I am confident that that is what came out in earlier evidence. If there is no trust, there cannot be a trust purpose, therefore the money cannot be as ring fenced as you suggest.

David Milne (Scottish Executive Finance and Central Services Department): The approach as we understand it is as the minister has said. If there is any further legal information that I can provide to assist the committee, we can come back to you with that. The terms of a bequest will determine the nature of the controls that restrict how a local authority can use a common good asset. In relation to some common good funds, there may be no controls, in which case there would be a power of general competence similar to that which arises under the power of well-being in the Local Government in Scotland Act 2003. However, there may be specific trusts that have their own on-going conditions that apply notwithstanding the terms of the 2003 act.

David McLetchie: I am not saying that there cannot be a specific trust in relation to particular bequests, however that is not true of the totality of assets in common good funds. Most common good funds are not the product of specific bequests with specific conditions attached to them; they are the inherited or accumulated wealth, over generations, of local authorities or their predecessor burgh councils. So, the bequests argument is not correct as far as the majority of the funds are concerned.

George Lyon: The balance of funds would surely still have to be spent in the best interests of the local community, therefore they would be covered by the duty of best value. They would have to be managed appropriately in the best interests of the community for whom the common good fund was held. We would expect that area to be covered completely by the duty of best value, and it is open to Audit Scotland to examine how that duty is being discharged. I understand that, in its evidence, Audit Scotland did not give any indication that it has any great concerns about the way in which common good funds are being managed and dealt with. If there were concerns about mismanagement or sharp practice, the Executive would acknowledge those concerns and respond accordingly.

David McLetchie: I agree with you, minister. It takes us back to my earlier point. Unless we can point to a specific separate and dedicated purpose, what is the difference between a council's applying the fund as part of its general

application of assets, subject to all the statutory controls to which you have referred—best practice, and so on—and its management? It seems to me that the case must be made for separate accounting by reference to a separate purpose. If we cannot identify a separate purpose that is applicable only to common good funds, relative to the other powers of authorities, the question must often arise whether there is a need for separate accounting at all. That seems to go to the heart of the matter.

George Lyon: That is a fair argument, which I am sure those who are looking into the matter will take into consideration.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): In listening to the evidence on the three petitions, it seemed to me that the most basic problem that they highlight is a lack of local public awareness, knowledge and understanding of common good funds. There has been little local publicity about what common good funds and assets there are and what has happened to those assets. There is a lack of local awareness about the whole issue.

Petition PE875, from Mary Mackenzie, urges the Executive to ensure that all common good assets are

“properly recorded, audited and insured”.

From the evidence that we have taken, it appears that the position is patchy throughout Scotland. Therefore, there must be a strong case in principle for publishing a register of the common good funds that are held. Precisely which assets should be included in that register can be debated, but the details of all heritable assets should surely be made public and substantial moveable assets and bequests should be included.

15:15

From what the minister has said, I understand that he thinks that the existing system is fine and that local authorities should not be unduly constrained. However, is doing nothing satisfactory? Do you agree that there would be advantages if local authorities were asked to publish a register of common good funds, perhaps through guidelines that were issued by the Executive? People would then know what property had been left to the local authority for the common good. Furthermore, local civic philanthropy might be encouraged if people thought that those who had given in the past were being respected and their generosity was being marked. Would not local philanthropy and local civic pride be encouraged? Two benefits would derive were the Executive to give local authorities a lead.

Perhaps there should not be an absolute requirement to do something within six weeks, for example, but every local authority in Scotland could first of all be encouraged to publish details of their common good assets so that local people would know what those assets are. We could take things from there.

George Lyon: I return to what I said in my opening remarks. I understand that Audit Scotland has said that councils have already recorded the vast majority of common goods. Therefore, it does not think that a problem exists.

When we discuss such matters, we always return to the question of what the appropriate response is. Unless substantial evidence exists that there is a major problem, the proportionate response is to say that the matter is for local authorities to deal with. Under freedom of information requirements, local authorities are of course required to publish information, but they should voluntarily publish information on common good funds in order to ensure that local communities are fully aware of what is held in them, what the money is being used for and how it is being spent. Such information should be made available as a result of FOI requests if individuals think that councils are trying to withhold information from them, although I see no reason why councils should try to do so.

As I said to Mr McLetchie, the Executive is gathering information on and recording the assets that non-departmental public bodies hold. If we decide to extend that exercise and to register the assets of local authorities, it may be appropriate to set up a register as part of that exercise. However, no decision has yet been taken on whether to extend it. Obviously, we would have to discuss the matter with COSLA.

Fergus Ewing: I am not sure that what you have said takes me much further forward. Would it be a good idea for local authorities to promulgate details of their common good assets?

George Lyon: I think that doing so would be in their interests, but the responsibility for doing so lies with local government. I expect local authorities to do that as one of their responsibilities to the communities that they serve.

Fergus Ewing: By what means should they do so?

George Lyon: They should have a sense of duty.

Fergus Ewing: Should local authorities have a debate and then issue a policy statement and a list?

David Milne: The current best-value regime offers help. Local authorities are subject to public performance reporting requirements under section

13, I think, of the Local Government in Scotland Act 2003, which provides a general duty—the duty does not relate specifically to common goods—on local authorities to report to the public on their performance in a way that will engage their communities. Although the supporting best-value guidance does not specify what local authorities should provide information on, it makes it clear that they should ensure that they know who their stakeholders are, and how much performance information they are required to make available to them.

Alongside that, again under the best-value label, there is the “Asset Management under Best Value Advisory Note”, which states:

“Because the level of public investment represented by a local authority asset base is significant”—

assets are such a significant part of local authority investment—

“the standard of asset management within an authority will be of particular public interest.”

Within that, the statement about interest and local authority assets generally can encapsulate more specific issues about common good assets.

Fergus Ewing: I am afraid that I just did not understand that at all. I want to know whether, in the Executive’s view, local authorities should publish a list of assets. I thought that we were making progress. The minister said that, given that the Executive is publishing a list of its assets as part of its financial husbandry, he believes that local authorities, too, should publish a list of their common good assets. As I said, I thought that we were making progress, but then—unfortunately—the fog descended again.

George Lyon: I am sure that we can write to you, Mr Ewing, to clear your fog. I thought that I had made it clear that the Executive is gathering information on the assets that the Executive, wider Executive agencies and NDPBs hold. In due course, we will consider whether that information gathering should be extended to local government, which might be the appropriate place to create a register of the common good assets—a register that would be included as part of the overall register of local authority assets. No decision has been taken as yet on the matter.

As I said, we have to be careful to ensure that our response is balanced and proportionate. One of the key concerns of local government—which seems to have support, certainly across Parliament—is that the current level of scrutiny and inspection is too onerous. Indeed, the Executive established the Crerar committee to look at that very matter. The Executive will read with interest the committee’s views, once you have come to your conclusions on the matter.

Fergus Ewing: Plainly, we acknowledge the work that is involved in all of this. However, if it is the case, as Mr Milne said, that the local authorities have records at the moment, all that we are asking is that the authorities make public those records within a reasonable time. Given that the Executive has decided that its effects should be made public, I do not understand why the minister cannot now say that that principle should also be applied to local authority common good assets.

George Lyon: I think I did say that I would support the disclosure of that information, but Mr Ewing is asking me to introduce regulations and legislation to force that to happen. I said that we should look at the issues involved and decide on a proportionate response. I also said that the opportunity exists for consideration of whether to extend the public sector register of assets to local authorities. It may well be that we will do that. If so, local authority common good assets will be included in the register, probably in a discrete section that is labelled “common good assets”. I hope that that fully explains the position to you, Mr Ewing.

Fergus Ewing: I appreciate your personal view, minister, and I hope that it can become the Executive view. Indeed, I hope that all committee members share the view that I have put forward. However, I recall that, as part of a previous committee inquiry in which I was engaged—namely the relocation inquiry that the Finance Committee held some three years ago—a similar suggestion was made. If it takes as long to make progress on this matter as it has taken on that, members will still be sitting on committees and considering the matter when we enter another decade before we make progress. We do not need to delay much longer than a few nanoseconds before we decide that the public has a right to know what the common good assets are. As the petitioners argue, benefits would derive from that. Their view is supported by others.

George Lyon: I should correct you. We currently have a register of all the Executive-held assets, which we are extending to NDPBs and public agencies. You can rest assured that we took cognisance of the issues that were raised in relation to the relocation issue some three years ago.

Dr Jackson: Petition PE 896, by Florence Boyle, on behalf of West Dunbartonshire Heritage Limited, says that there is a need

“to conduct structured and meaningful public consultation before any disposal of listed buildings, common land or related endowments held in public ownership or trusteeship.”

The petition is linked a wee bit to petition PE962, by Sally Richardson. These can often be quite delicate and sensitive issues. In the discussions

that you are having with COSLA about best practice, are you looking for guidance to help local authorities to engage their communities in consultation on disposal of common good funds?

George Lyon: I would have thought that local authorities would want to engage with their communities if they were considering disposing of common good assets. I expect that consultation of communities takes place at the moment. If it does not, I hope that it will in the future. Under the existing guidance—even under the duty of best value—when local authorities decide to dispose of assets, we expect them at least to take into consideration their local communities' views on the matter before progressing. It could be argued that local elected councillors represent their communities in such matters, which is the fundamental principle behind local democracy.

Dr Jackson: What actions can communities take—apart from approaching their local elected members—if consultation on the disposal of assets is not taking place?

George Lyon: It is my experience of representative democracy that, if communities feel strongly about assets being disposed of, modified or changed, they should make representations to their locally elected councillors in the first instance, because they have responsibility for that. People can also approach other elected representatives to take the matter up with the council if they feel that they are not being properly consulted and listened to. That is the experience that I have had in matters such as you describe.

Dr Jackson: That is clearly not happening, which is why we have the petition. What discussions are you having with COSLA on the issue?

George Lyon: As I said, we have received no representations from COSLA for any further measures to be taken in regard to the matter. In all the discussions that we have had with COSLA on various issues, there have been no representations from COSLA for further Executive action in that area.

Dr Jackson: Would you be willing to ask COSLA about that specific issue?

George Lyon: I am certainly willing to do so; however, I will wait until the committee has published its recommendations. We can then engage in a conversation with COSLA on the basis of the recommendations that flow from your discussions with me and others on the matter.

Dr Jackson: Okay. Thank you.

Mike Rumbles: From the evidence that has been given to us, I understand that local authorities are required by law to know what assets they have, including those that are in the

common good funds. I do not think that there is any disputing that legal requirement on local authorities, but the public should know, too. For me, therefore, the question is whether there is a register of local authority assets that the public can access. From the evidence that we have received, it seems that the 32 local authorities may have 32 different ways of recording their assets. As we are in the business of openness and accessibility in connection with the public, the committee will have to ask, in its recommendations to you, whether the 32 councils in Scotland should have a similar—if not the same—system for recording assets, which would be accessible to the public. They should have that right.

15:30

The public elect their local authority councillors to represent them—as has been said, that is one of the fundamentals of democracy. As an individual who lives in Aberdeenshire, I should be able to go to a local authority and say, "I'd like to see X in the accounts," and as good public servants they should be able to say, "Yep, there it is." There is no great point of principle here. Are you saying that you recognise what should happen, but that if you asked the council to do it, it might be too big a job?

George Lyon: What I am trying to say is that one would expect that information to be readily available to the general public through various existing mechanisms, whether they are to do with best value, the accounting process or even freedom of information.

I take the point that such information might be held in 32 different ways, but as a minister I would have to take a view on whether there is a big problem of councils attempting to shield that information, or probity issues about how the common good funds are administered. Do we take a sledgehammer to crack a nut? It all depends on the scale of the problem.

We all expect councils to make such information available to communities and councillors, as part of best practice. If there were a widespread problem with the way common good funds are administered and with the way local authorities record their assets, the Executive would feel the need to take action to deal with it. At the moment, I am not aware of a great requirement for us to take action. Audit Scotland seems to confirm in its evidence that it does not see any significant problem and, on that basis, I am not persuaded that we need to take a sledgehammer to crack a nut at the moment.

Mike Rumbles: Taking that logical approach one step further, if you are saying that you are content that the 32 local authorities in Scotland

have systems that allow local citizens, whether they live in Ayr or Aberdeen, to walk into the local authority office and say, "I'd like to see the asset register or the common good fund," and the Scottish Executive is not aware of problems with that system, is it too difficult to ask the Scottish Executive to ensure—it cannot be if you say that there is no problem—that the 32 local authorities have such a system? It does not have to be a single system, just one that satisfies people.

As you know, the committee looks at petitions from the general public and it is our duty to examine them. If you say that there is no big deal with the current arrangements, surely the Scottish Executive can sort out the problem that the petitioners have highlighted.

George Lyon: I assure you that I will look closely at the committee's conclusions and recommendations and we will take appropriate action once we have reflected on them. If the committee thinks that there is a significant problem that needs to be addressed, I am willing to consider whether we need to take further action. I will also undertake to make some general inquiries on the back of today's discussion to assure myself that information about councils' assets and common good funds is indeed available throughout the 32 local authorities.

Paul Martin: You made the point clearly that you see no need for regulation at this point and you want to enter into discussions with the various authorities. I will simulate the process that you might follow when you consider the matter. Let us say that we propose a voluntary scheme for the various authorities, after a consultation period, and a number of local authorities say, "Actually, we're not signing up to this," which would continue the theme about which the petitioners have raised concerns. Would such a scenario make the Executive introduce regulation?

George Lyon: It might do. We might consider issuing guidance under the best-value regime. We could use a number of mechanisms.

What I am saying to the committee today is that I will make inquiries of all 32 local authorities to ensure that the information is being provided. I will certainly consider the committee's recommendations carefully and reflect on them before I decide what action, if any, we need to take.

Paul Martin: Is there an issue about the potential for fraudulent activity to take place, which would make the case for the approach to be uniform across a number of local authorities?

George Lyon: I think that we would get evidence on whether that was a problem from best-value audit inspections. I have not seen it

identified as a problem in any of the best-value reports on local authorities that I have read.

Paul Martin: Do you accept that, in relation to a number of high-profile cases of fraudulent activity in local government and other parts of government over the years, it has been accepted at a later date that very few people who carried out audits detected the fraud at an early stage and presented the evidence? In most cases, everybody has said that they did not see any fraudulent activity because of the creativity of the perpetrators of the fraud. Fraudsters do not make their activities clear so that auditors can follow the trail. Should we not operate on the basis that there is possibly activity that must be dealt with? That is the case that the petitioners make.

George Lyon: I can give you an assurance that if there is evidence of widespread mismanagement and misappropriation of funds, the Executive will take action. There is no doubt about that. I am indicating that, as a first step, I will make inquiries around local authorities to see what information exists.

Paul Martin: I raise the issue because many of the auditors' activities are intended to ensure that fraudulent activity is kept to a minimum. Do you accept that a more uniform approach, rather than one that is tailored locally, would minimise the opportunities for fraudulent activity?

George Lyon: That may well be one of the matters that needs to be addressed if we find that there are huge disparities and that it is therefore difficult to ascertain what is going on. We will come to a view on that on the basis of our conversations with the councils.

The Convener: As all members who want to ask questions have done so, I thank the minister for his attendance at the committee this afternoon. The committee will come to its conclusions on the petitions in due course and communicate them to the petitioners and, I expect, to the minister.

Home Safety Officers (PE758)

The Convener: PE758, by Jim Black, on behalf of the home safety committee of the Scottish Accident Prevention Council, is on home safety officers.

The committee has completed its oral evidence-taking sessions on the petition, which calls on the Scottish Parliament to urge the Executive to place a statutory duty on local authorities to employ home safety officers and to provide the necessary funding for them.

I seek committee members' views on the central objective of the petition—and any other views they have. I propose, if—ideally—there is a degree of consensus, to write a letter to the minister to

convey the view of the committee. If members have different views, I will try to reflect the balance of opinion in the committee.

David McLetchie: I think that the petitioner has failed to make the case for imposing the duty that the home safety committee seeks. There was no consensus among local authorities that what the petition proposes is a desirable course of action and there appeared to be little support for it from the Scottish Executive. It was certainly not clear to me from the committee's examination of the evidence that the creation of the duty and the engagement of home safety officers on a statutory basis would improve safety in any home anywhere. There was no evidence to suggest that that particular structure was any more effective than the partnerships and other arrangements that are in place in local authority areas where there are no home safety officers.

Given the lack of evidence, the petitioner has failed to make his case. We should disagree with the request in the petition and write to him accordingly.

Michael McMahon: I did not think that the issue was as black and white as David McLetchie has made it out to be. I heard the evidence that was given on the petition when it came to the Public Petitions Committee and thought that there was a compelling argument for considering the matter. The impression was given that a piecemeal process exists. There was clear evidence that home safety officers bring benefits, but it was also recognised that we cannot be too prescriptive.

No convincing arguments have been made in support of 32 local authorities having X number of people doing home safety work. Indeed, the petition did not argue for that; rather, it called on the Scottish Executive to give direction to ensure that a piecemeal approach is not taken. We can ask the Scottish Executive to ensure that no such approach is taken. The finances that would have to be made available for designated home safety officers or for local authorities to share people who have home safety responsibilities would not be particularly burdensome for those authorities. It has been proven that money can be saved in the longer term by ensuring that people are safe in their homes. We should consider those savings.

Other agencies can carry out home safety work—the fire and rescue services and social services can carry out safety checks, for example. However, the petition calls for a guarantee that such work will not be missed by chance—that is its essence. A clear distinction must be made between requiring something to be done and something being done because some people—although not others—think that it is a good idea. Fundamentally, the petitioner seeks clarity. There

would be nothing wrong with the committee asking the Scottish Executive to consider the matter.

Mike Rumbles: The home safety committee of the Scottish Accident Prevention Council has the best motives—it sees the proposal as the best way to deal with home safety in Scotland. However, in the light of the evidence that we have received, I agree with David McLetchie. I am not convinced that the proposal is the solution for all 32 councils.

Michael McMahon talked about a piecemeal approach in Scotland, but local government has devolved responsibilities. As long as local authorities fulfil their duties, how they decide to address home safety is far more important than asking the Executive at the centre to tell them that a particular solution is the best solution and that that solution must be progressed. As Michael McMahon said, the petition suggests an approach that is too prescriptive.

The petition system that has been used is good. Evidence was given to the Public Petitions Committee and the petition came to the Local Government and Transport Committee, which took evidence on it. However, I do not agree with the petitioner.

Dr Jackson: The issue is important—there is no doubt about that. I remember the lady who came to give evidence. She talked about being a home safety officer and the good work that is being done, but I firmly believe that the work can be done in an integrated way. In my area, for example, the fire service, in conjunction with council services and other services, offers advice on home safety. The council's size is undoubtedly important. Councils carry out such work in slightly different ways, depending on their size.

For once, I agree with Mike Rumbles. The approach that has been suggested is too prescriptive. Home safety work can be delivered in various ways. As I said, however, the issue is undoubtedly important.

15:45

Ms Watt: I agree that the issue is important and that the intentions behind petition PE758 are good, but we are being urged to place a statutory duty on all local authorities to employ home safety officers and to provide the necessary funding. I have difficulty with being prescriptive. Much of the problem for local authorities is that they face lots of legislation and sometimes inadequate funding; the proposed statutory duty would be just another burden.

Although we do not have the hard evidence about which David McLetchie spoke, good work on home safety is going on in local authorities. I

have the feeling that all that is needed is a co-ordinating role. We want everybody who works in the field to work together, not to lump responsibility on to just one person. The proposed duty might take away from the current integrated approach.

Thankfully, we have seen a shift in the number of fires, as the Deputy Minister for Health and Community Care mentioned. Fire officers have been going out to tell people about home safety and to help them reduce the incidence and likelihood of fires. On balance, I think that we should not be prescriptive in this area.

Paul Martin: I commend the petitioners for raising an important matter. Home safety has not been covered anything like as much as it should have been. We can all speak from experience: home safety activity does not exist to the level that it should. In Glasgow Springburn, for example, there is a need to improve home safety activity. However, the employment of home safety officers is too simplistic an approach.

The Antisocial Behaviour etc (Scotland) Act 2004 requires every authority to have in place an antisocial behaviour strategy. I would be more in favour of having a local action plan that refers to home safety, which might result in the employment of home safety officers. Such plans could be tied into community planning partnerships and other elements of local government to ensure that we do not take too simplistic an approach and councillors do not say, "Well, we've employed a couple of people, so that solves the problem of home safety." There is a need for home safety to be more integrated with the system. There has to be some form of voluntary regulation to integrate home safety so that the kind of activity that should happen does happen.

My personal experience, from living in my constituency, is that I have not noticed many home safety visits taking place. I am sure that the same is true of other members. We have to talk about that, rather than make home safety something that turns up at a roadshow at the local gala day. We have to go much further. We need to talk about action plans rather than just about employing home safety officers.

Fergus Ewing: The witnesses made a strong case and their enthusiasm for the task was quite infectious. They exemplified what local authorities can do to promote home safety. I notice that the local authorities that employ full-time home safety officers include a fair number, albeit a minority: Aberdeen, Argyll and Bute, Dundee, Edinburgh, Fife, North Lanarkshire, South Lanarkshire and the Western Isles. It is interesting that they do and others do not, although perhaps we do not have the complete picture.

I was not persuaded that imposing a legal duty on all local authorities would necessarily contribute to the aims that we all support. That said, however, it is difficult to prove a negative. I guess that those who promote home safety measures day to day, and thereby prevent accidents in the home, would argue that we do not know about the accidents that, but for their good work, would have happened. As it is impossible to prove a negative, we do not know. We do know, however, that other measures are being taken.

The minister passed on a helpful note from the Chief Fire Officers Association on the work that has been done, notably by Lothian and Borders fire and rescue service. It has contacted 121,000 homes, 29,000 homes have had fire safety checks and 29,000 homes have had smoke detectors fitted.

A great deal of work is being done in my area in the Highlands. Individual firemen and firewomen are extremely motivated to take part in such work. I am sure that others throughout Scotland are up for it, too. I can vouch for the fact that they are playing a valuable role. The work that they do could not be replicated by anyone else. Trained fire service personnel, rather than people who work directly for local authorities, are the people to fulfil that role.

I know from work in connection with osteoporosis that in some parts of Scotland, notably Glasgow, excellent falls prevention programmes have been implemented. They are a very effective form of action on home safety, because preventing a fall and a hip fracture often substantially increases the life expectancy of someone who, had he or she broken a hip, would have had seriously impaired mortality.

Many things are being done. I hope that Michael Matheson's proposed bill on fire sprinklers has not been entirely forgotten, as it would seem to be an important possible measure.

I am not persuaded that the proposal in the petition would in itself necessarily achieve the objectives involved. Nor am I persuaded about the number of personnel local authorities would require to employ to be able to say that they have implemented such a policy. Plainly, a great number of extra staff would be required in the larger local authorities. I imagine that that would come at a high financial cost. This is not a criticism of the petitioner, but I am not sure that we could support the measure without having a close look at how much it would cost. I am not sure that we ever got to that point—that is perhaps more a criticism of the minister than anything else.

The Convener: We can take a number of themes from the contributions members have made. It is clear that everyone recognises that

home safety is important and that we want all arms of government to contribute to informing and advising people to reduce the number of accidents in the home, both because of the benefit to individuals who would not suffer injury or death as a result of an accident and because of the wider benefits to society of fewer accidents in the home.

We all recognise and welcome the work that has been done by the fire and rescue service, which Fergus Ewing mentioned. The information that we have is about Lothian and Borders fire and rescue service, but I assume that that is only an example and that similar work is going on throughout Scotland. I spoke recently to some firefighters in Livingston at an open day. They were very positive about the role that they now play in providing advice and installing smoke detectors.

It is clear that the committee is not persuaded that we should put a statutory duty on local authorities to have a home safety officer. It might well be worth having more detailed research done in the future on the rate of home accidents in local authorities that have such an officer and those that do not. We could suggest that the minister tries to get more detailed information on the matter.

It might be worth including in our letter to the minister Paul Martin's suggestion that we encourage local government to have a strategy to deal with accidents in the home and that perhaps the appropriate place for that to be considered would be the community planning process, given that in that process representatives of the council work with colleagues in the fire and rescue service, the police, other council departments and the health service. The process brings together all the people who are affected by accidents in the home and the people who can contribute towards giving people advice to reduce the number of accidents. If we produce a response that draws together all those main themes, will everyone be signed up to that approach?

Members *indicated agreement.*

The Convener: Okay, we have dealt with that matter. We will respond appropriately to the petitioner and to the minister.

Roads, Pavements and Footpaths (Maintenance) (PE855)

The Convener: The next item is consideration of petition PE855, by Leslie Morrison, on behalf of Kirkside area residents, on the maintenance of local authority roads, pavements and footpaths. The petition has been referred to us by Michael McMahon's excellent Public Petitions Committee. Details of the work carried out by the Public Petitions Committee are included in the clerks' paper on the petition.

Members will recall that we have previously carried out work on the issue of Scotland's roads, although I note that the petition goes a bit wider, as it deals with pavements and footpaths. We had an evidence-taking session with Audit Scotland on its "Maintaining Scotland's Roads" report. We also took evidence from the Society of Chief Officers of Transportation in Scotland at that time. The most recent information available from SCOTS on the condition of non-trunk roads in Scotland is contained in an updated "Maintaining Scotland's Roads" report, which was published in November 2006 and has been circulated to members.

I invite members to give their views on whether we should carry out further consideration of the issues in the time remaining before dissolution, or whether, given the shortage of time between now and dissolution, we should draw attention to the work that we have carried out previously and the information that is now available from SCOTS in its updated report of November 2006.

Mike Rumbles: I think that we should take the latter course of action. The petition asks us

"to urge the Scottish Executive to review the performance of all local authorities"

in that regard. That is exactly what we have got in the commitment to continue doing that. In effect, the petition's request has been met. I do not see what else can be done.

Dr Jackson: I always think that more could be done on the issue. I wonder whether it would be worth discussing the latest information from SCOTS with the Executive and to raise some of the many issues that are emerging from our examination of the report.

Fergus Ewing: Frankly, I do not think that we have the time to conduct a full-blown inquiry, so it would be silly to suggest that. Nevertheless, I think that we should hear again from SCOTS. I would like the opportunity to do so in an evidence-taking session.

David McLetchie: The evidence that we have acquired through the performance surveys—the audit mechanisms—that are being undertaken in relation to roads and the various papers to which we have been referred suggests that the subject is being kept under review, as Mike Rumbles says. That being the case, I think that what the petition asks for is being delivered.

It is, nevertheless, worth observing that the information relates to roads, whereas the petition also covers pavements and footpaths. It may be that we should ask for councils' comments on pavements. I am sure that we all know, from our postbags, that the condition of pavements is as vexing a subject to our constituents as the maintenance standards of our local roads.

When I read the summary that the clerk kindly prepared for us, which drew attention to COSLA's response, I thought that COSLA's response was extremely unhelpful. It is taking a somewhat dog-in-the-manger attitude in saying that

"a review of councils' performance on this issue is undesirable, as any national review would inevitably lead to comparisons across councils".

Surely the whole purpose of undertaking reviews is to make comparisons between councils. COSLA is entitled to get its retaliation in first and put up all manner of reasons why one council is not comparable with another—there may be good reasons for that—but, equally, there may be councils whose performance is comparable, because of the nature of the communities they serve, the geography of their areas and so on. I was not in the least impressed by COSLA's defence.

Notwithstanding the inadequacies of COSLA's response, I am fairly satisfied that the roads aspect is being kept under review by SCOTS and is being audited by Audit Scotland. We should acknowledge that; however, I would like us to return to the issue of pavements. Perhaps our successor committee will address it.

The Convener: Members seem to want to address the issue further. Would an evidence session with SCOTS be appropriate? Should we invite oral evidence from anyone else, such as Audit Scotland?

David McLetchie: Does SCOTS cover pavements?

The Convener: We could check that. I imagine that it does. I imagine that transportation officers will cover pavements as well as roads. We can confirm that with SCOTS in advance of inviting it to give evidence. If that is not the case, we can invite appropriate representatives from elsewhere.

David McLetchie: We might, out of deference to our bicycling colleagues, consider cycle lanes as part of our roads. There have been a number of complaints about the condition of dedicated cycle lanes, which we could consider relative to other aspects of the roads.

The Convener: Are you—or is your party's leader—taking the lead in supporting the cycling lobby?

David McLetchie: There will be wind turbines going up next week, convener.

The Convener: Okay. We will have an evidence-taking session before we close the petition.

Subordinate Legislation

Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006 (SSI 2006/613)

16:00

The Convener: Item 5 is consideration of one item of subordinate legislation. No members have raised points in relation to the instrument, and the Subordinate Legislation Committee has not brought any points to our attention. No motion to annul the instrument has been moved. Can we agree that we have nothing to report on the instrument?

Members indicated agreement.

Mike Rumbles: On a point of clarification, convener: David McLetchie was wondering what a conductor is.

David McLetchie: Yes; when was the last time you saw a conductor on a bus?

The Convener: I am sure that you are of a sufficient vintage to recall what a conductor is.

David McLetchie: I do. That was before the one-man-operated bus came in and all those poor men were sent into redundancy.

Mike Rumbles: And women.

Members: Ooh.

The Convener: Before you all run away, I have one piece of information that you might regard as good news. At the moment, it seems likely that we will not have a committee meeting next week. The Microsoft government leaders forum will be held in the Parliament next Tuesday. We had pencilled in a meeting for Wednesday morning, but it now looks as though we will not have any business to transact at such a meeting.

David McLetchie: When will we get to stage 2 of the Prostitution (Public Places) (Scotland) Bill?

The Convener: We have pencilled it in for 6 February.

Meeting closed at 16:02.

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