

# **LOCAL GOVERNMENT COMMITTEE**

Wednesday 1 September 1999  
(*Morning*)

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### **LOCAL GOVERNMENT COMMITTEE**

#### **2nd Meeting**

##### **CONVENER :**

\*Trish Godman (West Renfrew shire) (Lab)

##### **COMMITTEE MEMBERS :**

\*Colin Campbell (West of Scotland) (SNP)

\*Mr Kenneth Gibson (Glasgow ) (SNP)

\*Donald Gorrie (Central Scotland) (LD)

\*Mr Keith Harding (Mid Scotland and Fife) (Con)

\*Dr Sylvia Jackson (Stirling) (Lab)

\*Johann Lamont (Glasgow Pollok) (Lab)

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

\*Bristow Muldoon (Livingston) (Lab)

\*Mr Gil Paterson (Central Scotland) (SNP)

\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

##### **COMMITTEE CLERK:**

Eugene Windsor

##### **ASSISTANT CLERK:**

Craig Harper



## Scottish Parliament

### Local Government Committee

*Wednesday 1 September 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 10:06*]

**The Convener (Trish Godman):** Colleagues, I am sure that Bristow has been delayed as we have not had an apology from him, but I think that we should start.

I want to start the meeting in a formal way. Keith, I am sorry to put you on the spot, but you were unable to attend our first meeting, at which we all had to declare any interests. To keep us in order, I want to ask you to do that today.

**Mr Keith Harding (Mid Scotland and Fife) (Con):** The only interest that I have to declare—and I have already declared it in the “Register of Members’ Interests”—is the fact that I am a councillor.

**The Convener:** Thank you. In a sense, today’s meeting is administrative. I hope that we are about to plan our programme up until as near Christmas as we can. Members will see in their diaries that we do not have a meeting next week and that it will not be possible for us to visit a council, a voluntary organisation or any part of civic Scotland that we may wish to visit because there will not be a meeting of the committee of conveners before then, and they are the ones who have to allow—in inverted commas—any visits to go ahead. So we will have a free day next Wednesday.

The first item on the agenda is the McIntosh report and consideration of priorities for the committee; but before we do that, members will see—on page 2 of the covering paper LG/99/2/1—an appendix that shows a possible interim programme. The Accounts Commission had been pencilled in for today’s meeting, but it is not coming. Instead, it will come on 15 September—which is not next Wednesday but the Wednesday after. The Minister for Finance is now coming on 21 September. We will try to get Richard Kerley to come on 29 September, which would move the Minister for Communities to 5 October. Alternatively, we could reverse the order of those last two. My opinion is that we should invite the minister sooner rather than later. If members agree, the people and the dates I mentioned can be timetabled in. That would mean that our deliberations on the McIntosh report would be put back by a week.

I have received some correspondence that I will

have photocopied and sent out to members. Councils have written to us saying that they would like us to visit them, and we have had a fax from the Citizens Advice Scotland saying the same thing and putting forward its case. Some of the correspondence is not relevant to this committee, so I will ask the clerks to have a look at it before sending it out to members.

There is also a statement from Jack McConnell on why the Executive has rejected the idea of having an independent review of local government finance. I will have that photocopied and sent to members of the committee in preparation for Mr McConnell’s visit to us. We have also had correspondence from the chief executive of Fife Council. He has given us his comments on the McIntosh report. It is easy to read and I will also have that photocopied for members.

We said at our first meeting that we would have a library of such documents. This stuff will come to you with your mail. I will let the clerks know if I receive any reports or other documents and they will be able to tell members where to get hold of them.

We have also had a letter from the Electoral Reform Society, which would like to come and speak to us. I imagine that we would want to include that in our programme.

The Association of Directors of Social Work has also asked to talk to us, but we must look at our programme to see whether that would be appropriate, or whether we should ask it for a written submission. I am not sure that that would be particularly relevant to the McIntosh report.

We have also heard from the Federation of Small Businesses. The business rate—if we discuss it—is the obvious subject on which we would like some representation from the federation, but we will decide that as we go along.

### McIntosh Report

**The Convener:** The first item on our agenda is the McIntosh report and the consideration of priorities for this committee. My feeling is that everything is, in a sense, up for grabs. There is nothing in the McIntosh report that I think we should not discuss and there is nothing that we should hold back on in setting out our priorities this morning.

I am putting this to members of the committee to find out if they have any thoughts. On the day we discussed the McIntosh report, we divvied up the things that we think will go through with a modicum of discussion and, I hope, a lot of agreement. The next tranche is the subjects on which we think we need more information and on which we want a bit of debate and decision-

making. We also need to say where we think there might be some controversy. We should start with the easier of those first. The clerk has provided a subject grid with the papers.

**Johann Lamont (Glasgow Pollok) (Lab):** This may be an obvious point, but we want to fit some of the discussions we have about the McIntosh report in with discussion and decisions elsewhere. Some of our priorities would, presumably, be determined by the timetables that have been put in place elsewhere and by whether matters are being progressed early. At the briefing meeting, there did not seem to be any clear timetable for consultation on some aspects of the report. The Kerley committee is clearly working to a fairly strict timetable. I hope that we will discuss what needs to be discussed in time to put it before the groups who are progressing these issues elsewhere.

**The Convener:** Kerley must report by February 2000. Part of the McIntosh report deals with ethics. There will be an ethics bill and it might be introduced sooner than that, so we must be aware of what other committees are doing.

**Johann Lamont:** There is consultation on general competence and so on, but we have not been given a timetable for that. It is important that we have our deliberations before conclusions are drawn. That may mean that we need to move things around slightly.

**The Convener:** Yes, that is right. We must be aware of that.

**Dr Sylvia Jackson (Stirling) (Lab):** I am sorry that I was not here for the Scottish Executive report at the committee's previous meeting, when my point might have been raised. There is now an advisory panel—I hope that that is the correct term—that will support councils in looking at different ways of conducting their business. There is also the leadership group, which will look at management generally. How did the discussion at the previous meeting go on how we relate to those two groups and the Kerley commission?

**The Convener:** There is a leadership forum, there are the champions for change and—I am getting them all mixed up—there is Richard Kerley's group. That group will examine proportional representation and councillors' remuneration, among other things.

10:15

We felt that we should not be doing two things at once. We should wait until the Kerley committee reports and consider the whole issue. However, I am not sure that we have time for that approach. The only group that has a deadline on it is the one that is due to report in February 2000.

**Dr Jackson:** I would like to ask a little more

about the advisory panel. I understand—I hope I remember yesterday's paper correctly—that the panel will get to work soon. That means that cabinet systems will be a priority area for us.

**Mr Kenneth Gibson (Glasgow) (SNP):** That is an important point. Last week, I pointed out that the Kerley committee had been appointed without the involvement of this committee and that we were not sure what criteria had been used for the appointment of members to that committee. We read in the paper that the leadership advisory panel is being chaired by Alastair MacNish—another appointment that was not brought to the attention of the committee.

If the Executive sets up such committees, it should consult this committee to enable us to assess the criteria on which people are chosen. We have set a timetable that will be thrown out of kilter by the fact that, as Sylvia suggested, we will have to liaise with the leadership advisory panel as well. We do not want to have too many balls in the air at once. We need to know exactly what is going on so that we can feed comments back to the relevant committees.

**The Convener:** That is fair enough. I take the point about finding out about developments through the press.

**Donald Gorrie (Central Scotland) (LD):** I am not good on procedure, so I would like some advice. In the Parliament, Wendy Alexander said that she was going to produce a new paper. Will we have any input? I should have thought that we would, given the relationship between the Executive and the committees. Will it be normal practice for a minister to consult the relevant committee before producing an official response?

Should we give evidence to bodies such as the Kerley committee? It would be slightly peculiar for it to give a report to us after having heard evidence from us. I have strong views on the subject that I am happy to give to anyone at any time.

**The Convener:** I understand that the Executive report, which Wendy Alexander mentioned, will be out sometime after mid-September. I was given no indication that we would be involved in that but we have asked the minister to speak to us around that time. I would be surprised if the minister spoke to us about something that was not yet public, but I take your point. We can write to the Executive and ask about the points that you have raised.

Richard Kerley was keen to come and tell us what he wanted to achieve and how he was going to achieve it.

**Donald Gorrie:** Will we produce a document containing this committee's official response?

**The Convener:** No. That would be in the part of

our report that deals with proportional representation. We would say that we have considered his recommendations and made decisions based on that.

**Donald Gorrie:** I know that ministers are worried about Cabinet confidentiality, but if we want to influence decisions we will have to take part in the process at an early stage. Once the Government has printed a document that says, for instance, that all councils will sit around circular tables, it will be hard to change its position if we believe square tables are better.

**The Convener:** I take your point. I am happy to write to the minister to ask for clarification, if that is what the committee wants. I will do that.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I return to the point that Sylvia and Kenny were discussing. We may find out about the programme that is envisaged when the Minister for Communities comes to speak to us, but we have agreed to invite Richard Kerley. I am flagging up the fact that we should invite someone from the advisory panel as well, so that we can speak to them and find out exactly what the proposals are for that panel. An appropriate time might become more obvious later, but it should be as early as possible.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Convener, I would like you to confirm that the last time we met you kindly offered to take the matter of Richard Kerley and the make-up of these panels back to your conveners meeting. Can you confirm that? In our own group there has been interest—concern might be too strong a word—about the way such things come about. Often, as you know, we read about them in the press before we know about them. Have you made approaches to your fellow conveners on that matter?

**The Convener:** We have not had another meeting since I spoke to you.

**Mr Stone:** I am so sorry.

**The Convener:** I have noted that matter. I am sure that I shall not be the only one to raise it at the next conveners meeting. Conveners will meet only about once a month; the group met the day before we spoke. I have not met the other conveners again.

**Johann Lamont:** The specific issue of Kerley has been highlighted, but there is a general point to be made about what exactly the procedure is when such committees are established. We made the point before that the names for the committee of inquiry appeared before the Parliament to be endorsed. Whatever the procedure is, it would be helpful if there was only one procedure and if there was some transparency surrounding the criteria

according to which people are selected for such positions.

**The Convener:** Absolutely. I agree with that. In the meantime, I shall write to the minister and pass on these comments directly, and I shall bring the matter up at the next conveners meeting. I do not think that I shall be the only convener to do so, as the same issue seems to have arisen in other places.

I apologise for not mentioning the panel membership of the advisory group that will, according to today's press release,

"advise councils on the review of their decision making and policy development processes and the working practices which support those processes. In addition, the Panel will provide advice to Ministers on the outcome of the review's councils undertake".

The McIntosh report suggests that an independent body should do that. I understand the value of that, but I take the point that the committee is making—that we read about it in the press or find out about it second hand. I shall provide committee members with copies of that press release so that they can see who is on the panel. The panel is quite large and wide-ranging. I do not know when it will provide some kind of comment.

**Mr Stone:** Convener, I agree entirely with what you say, but I hope that, from an early point, this committee will not be merely reactive. I fully understand why the Executive does what it does and why McIntosh recommends what he recommends, but I hope that the point will be made that we are proactive. We should be able to present a paper regardless of what other groups say. That is how I understand our remit, and I hope that it is the case.

**The Convener:** Yes.

**Mr Gibson:** If Richard Kerley is coming to see us early, that should be tied in not only with Alastair MacNish's committee but with the Electoral Reform Society. People may not know these systems inside out. McIntosh has suggested that we examine specific systems, so it is very important that we know exactly what we are talking about in great detail. For example, I know that Donald is an expert on the single transferable vote. It is important that we get a presentation to explain such things in great detail, so that members of the committee can ask specific questions on how such systems would work in practice.

**The Convener:** A report is being prepared for us. I think that it would be wise to read it before anyone appears before the committee. I do not object to having those things happen together, or to having one follow the other. That is a very good idea. They are complex systems, and if there is to

be a change—or no change—we must be absolutely sure that we know what we are talking about.

**Mr Gibson:** We all know roughly how they work, but it will give us an opportunity to ask specific questions on the working of the system and on the pitfalls.

**Donald Gorrie:** What I suggest may mean that everyone is so busy talking to everyone else that nobody ever does anything, but there is an issue here that affects this committee. Local government delivers education, social work and, to some extent, transport, which come under other committees' remits. Has there been any discussion about sensible liaison so that we co-operate and do not get overburdened by everybody else's minutes or reinvent the wheel?

**The Convener:** It has been recognised that the work of some committees, such as the Social Inclusion, Housing and Voluntary Sector Committee, impinges on the work of every other committee. I am sure that the clerks will start to filter things out, and we must do the same. We have to be aware of what is happening in education, community care and health. Some of that will come out at the conveners committee, but there will probably also be a system whereby members such as I will attend other committees to listen to discussion on parts of their agenda.

Donald Gorrie is absolutely right: committees have to work together rather than in isolation. In a sense, we could be involved in housing, social inclusion, community care, health, education—the whole gamut of services that are delivered.

**Mr Stone:** Arising from what Donald said—it is something that concerns us all—the more I look at the issue of our committee work, the more the time element concerns me. For example, in the Rural Affairs Committee, some of us have been talking at length about sheep, whereas my concerns are on the tourism and financial issues that cross our bows. Has there been any discussion among conveners or with the Executive about time management and time allocation? I suspect that that is a problem that will hit us quickly and hard. With the best will in the world, I do not know how we can deal with McIntosh et al once a fortnight or once every three weeks.

**The Convener:** The discussion at the conveners committee was a first look at the timetable. Some adjustment went on. There was certainly a feeling that some committees will have to meet on Monday afternoons. For example, the Subordinate Legislation Committee, of which Bristow and I are members, will meet on Monday afternoons because 30 November, which is a Tuesday, is a holiday, and on another occasion the convener will be away on a visit. We will see

how the system works and then move around. Some committees will meet once a fortnight. We might consider that further into the programme. We have a slot between 9.30 and 12.30 on a Wednesday; it is entirely up to us what we do with it. We can be here, we can be outside or we can decide to meet every fortnight, or whatever. We are not here next week, but that was in the programme. It is early days yet, but you are absolutely right; many committees will not get through their agendas and will have to pick up at a later date.

**Johann Lamont:** There are so many things in the committee system that have to be worked through that we need to remain focused and prioritise what we do. The first priority for us is to examine in some detail the relationship between the Scottish Parliament and local government. We are all anxious that they fit together well, that we do not end up sucking power up from local government, and that the relationship does not break down. There is always a danger that the committee structure is a set-up in which everybody talks about everything all the time, but nothing moves forward. Although we would like to talk about everything all the time, we need to be very clear that the first stage for us has to be responding to the key elements of McIntosh, as has been said already. There will be highways and byways, but everything we do should be focused on McIntosh. Therefore, it is important that people should not just be here but should go out and about a bit—perhaps using alternate Wednesdays to do that.

**Dr Sylvia Jackson:** Donald Gorrie made a point about the different committees' subject areas and the way in which they link into local government. A useful way in which we could look at that would be in terms of new committee structures, or evolving committee structures that take on board the integrated and holistic approach at council level. That would link in with the approach the advisory panel is taking. That is important for us, but we should stay focused on the bigger picture, as Johann Lamont said.

10:30

**Mr Gibson:** I agree completely with Johann Lamont. We must ensure that our priorities are the same as those that are being identified out there in the wider world, particularly by local government. There is great anxiety about how McIntosh will impact, and that is why it is very important that what Johann Lamont suggested is taken up. There have been years and years of instability in local government and this is the big chance for us to set things right. We want to do things systematically, not rush them, and to prioritise. We should ensure that our priorities are the same as those that have



been identified by local government. We must look at things from the outside looking in, rather than us looking out.

**The Convener:** Can we move to doing that—trying to prioritise our work? Given what Johann Lamont and Kenny Gibson have said, can we look at the grid of subjects that has been prepared for us and discuss how we would like to prioritise them? The clerk has prepared a list of all the subjects that we have said we should examine at an early stage.

**Mr Gibson:** Last week we had briefings from the Society of Local Authority Chief Executives, the Convention of Scottish Local Authorities, Arthur Midwinter, Uncle Tom Cobbley and all. Everyone stressed that an independent review of local government finance is the number one priority. Everything else is structured on that. We know the Executive position on that—Jack McConnell has made it very clear—but it would be remiss of us not to look at it independently, even if we cannot finally make any suggestions that are different from the Executive's.

The committee must take this subject on board and go out and seek the views of all interested parties to see whether there is a way in which we can make local government finance more autonomous. I suggest that that is an absolute No 1 priority. The second priority would be proportional representation, because so many councils are concerned about how they will be affected by it. The Kerley committee will report fairly early; that is another thing that we must get a handle on. The third priority I would suggest are the issues surrounding general competence.

Those are the three priorities that we should look at because they are the three areas that local government, from trade unions right up to chief executives and elected members, are most concerned about.

**The Convener:** Does anyone have any objection to that, or any comments to make?

**Mr Stone:** Only to add that although I agree entirely with what Kenny Gibson is saying, I wonder if he is not—understandably—zeroing in on the revenues methods for councils. As a committee, we might lose track of capital.

**Mr Gibson:** It is all tied together.

**Mr Stone:** Yes, but there are ways in which rules can be changed. Section 94 on capped and current revenue is boxed into a current financial year. With a tweaking of the rules that would not cost the public sector borrowing account anything at all, that could be changed to allow councils to carry over from one year to the next and therefore amass a fund for a given project. That, in my experience, would help with capital programmes. It

is something that I have explored in the past and I believe that we can be proactive there.

**Donald Gorrie:** Those are three very important issues that we should be pursuing vigorously. If we could also identify issues on which there is not controversy but which we could try to ensure that the Government pushes forward, that would be helpful. Also very important are the terms of the covenant between the Scottish Executive and local government—that is about the relationship and who writes it and how we progress with it. I think the three things that Kenny mentioned are the three most important issues but we could also, without spending too much time on them, make progress with other issues.

**Mr McMahon:** It is not that I disagree, but were you listing those in order of preference, Kenny?

**Mr Gibson:** Yes—because I do not know if we can do them all. We will have to touch base with all those subjects, but if we are gonnae try to do it in a systematic way, then those would be the priorities.

**Mr McMahon:** I would not disagree on the importance of those three issues but suggest that, given that Kerley has a fixed time scale and that finance might take longer to look at, we should prioritise PR.

**Bristow Muldoon (Livingston) (Lab):** I am concerned that we do not duplicate the work of the Kerley commission and take evidence from exactly the same people and produce two reports. This committee should take a view on what Kerley produces but we do not need to do that in advance, we can allow Kerley to take evidence and take cognisance of the report when it is produced. I share the concern expressed about the commission being set up without reference to this committee. However, as it has been set up we do not gain any advantage by duplicating work.

**The Convener:** That is right, Bristow, but I am thinking about what Donald said and what Kenny said about putting ourselves in their shoes. Those are the three areas we must look at—there is no question about that. Whether we prioritise in that way is something we can think about. We have to be able quite early on to tell the people who are running councils and delivering services which things they are doing that are really good and that we support, and that, like them, we do not have a great problem with certain parts of the McIntosh report. We should do that to give confidence to them. Our relationship must be good and we have to start building it up.

I take the point about finance, PR and general competence—those are the big issues. I am aware of the overlap with the Kerley commission. We talked about that at the beginning and it seemed to me that what was being said was that

we will wait, look at the report and then we will make some decisions. But Kerley has to report in February 2000 and by that time, even if we speak only to the Electoral Reform Society, we should have some idea about the different forms of PR and how that would affect things if implemented.

As to a problem of separate reports, I do not see us dealing with McIntosh in that way. It is a package and our report has to be a package—we should not separate off PR or finance. We may be able to deal with PR alongside Kerley because, although we will take cognisance of what he finally says, it will be part of a bigger report for us.

**Johann Lamont:** There is another issue on PR. The Executive has moved on to look at alternative PR systems but a significant body of opinion would prefer to look at other ways of improving involvement in local government elections without moving to a proportional system. We have to recognise that as a legitimate strand, particularly in local government, and recognise that that view is articulated fairly effectively in certain quarters and is more than just not wanting change because change is bad.

On the question of finance, there are two separate stages. There is a need for this committee to engage in a discussion with the Executive about its decision not to go out to an independent inquiry, because there is no doubt that, if we are reflecting the views that came to us in the briefing, there is a strong feeling that it ought to have done. The first stage is to explore why the Executive took that decision and see if there is any movement on it. We have a responsibility to reflect what seemed to be a remarkable consensus across all the people who were briefing us that they felt that this was a difficulty with the Executive's position.

That is the first stage. Whether or not the Executive maintains that position there is a separate stage about us informing ourselves about the broad finance issues that Kenny has referred to. Having the Minister for Finance and the minister responsible for local government coming gives us the opportunity to engage in a political discussion with them about why that decision was made and whether there is any movement on it. We could examine the substantive finance issues after that.

**Mr Harding:** I do not look on it, as Kenny said, from the outside into this committee. I do not think that proportional representation is a major issue in councils. I think that we should await the outcome of the report that is coming in. I agree that there is concern about finance.

A major concern of the councils is about how they are going to work with us. I think that we should look into the covenant. Councils also want

to know whether they can get involved in the legislative programme. I think that we should discuss those issues and go out and talk to the councils soon.

**Donald Gorrie:** I agree with Johann that if we can persuade the Executive to conduct a proper financial review that would be the best thing, so we should try that first. If the Executive will not do that, we must explore what mechanism there is and funds there are for us to do it.

Perhaps an even more contentious issue will arise this autumn when the Executive announces its allocation of money to councils, which, according to the comprehensive spending review, will mean quite a lot less money for a lot of services so there will be a huge howl from the councils. I have had meetings with my party colleagues on various councils who have flagged that up as a major issue. Is this a legitimate area of our remit? Should we reflect the views of councils and lobby for local government to get its fair share within the restricted budget of the Scottish Executive?

**Dr Sylvia Jackson:** When I put my priorities down I was thinking on the same lines as Keith. I think that councils have high expectations of the Parliament and the relationship that they can have with it. On policy, for example, what is coming out about community care and how they are going to reorganise themselves, there is an innovative feel in councils at the moment. We have to take hold of that and work with it, so I second what Keith is saying and Kenny's similar comments earlier.

**Mr Gibson:** Am I not right in saying that the Executive is looking to consult on, for example, a covenant with local government, which may resolve some of those issues? It is difficult, because this is like an octopus with tentacles going in all directions and it is difficult to pin everything down.

## Forward Plan

**The Convener:** We need to pull together a programme. On finances, Johann has a point about discussing with the Executive why it took its decision, given the evidence—albeit for only one day—from important people, including McIntosh himself, who had contributed to the two consultation papers. Every single one of them said the same thing; they were all singing from the same hymn sheet. We need, therefore, to find out exactly what the Executive's reasons were for deciding not to have an independent review.

10:45

I have looked at the timetable, and the Minister for Finance is due to appear before us on 21

September. We do not have a meeting next week, but members of the Accounts Commission for Scotland will appear before us on 15 September. I am sure that they will say exactly the same thing as the minister. We will try to arrange for the minister responsible for local government, rather than Kerley, to come here on 29 September. Obviously, Jack McConnell was party to the decision to have a review, but it is important for us to know why the minister responsible for local government agreed to it; we need to hear from both of them. We can then move on to other issues relating to finance, on which we need more information—the sort of things that Jamie referred to and that we know about from councils, such as not being able to move money around.

As I mentioned, the Accounts Commission for Scotland will appear before the committee on 15 September. That might be the time for us to do what Donald suggested and consider those aspects of the McIntosh report that will not give us problems. That will allow us to make a statement at the end of the meeting on matters that we do not intend to discuss in depth, unless they throw up difficulties at a later stage. I am asking members to do some homework and to decide what parts of the report are fine as they stand; there are two or three, but not many.

**Mr Gibson:** When this subject came up last week, I suggested that we go through the report as a committee, rather than independently; Bristow suggested much the same thing. It would be a bit of a plod, but it would avoid all sorts of cross-talk. We could go through the paragraphs of the report systematically and decide what we agreed on and what was contentious. We would then know exactly what points needed to be discussed.

**The Convener:** At the back of the report there are recommendations, with the relevant paragraph highlighted. If, when we are considering recommendations one by one, we find problems, we can refer back to the paragraph. The clerk informs me that the Accounts Commission will probably want to speak for 45 minutes to an hour. With questions, we are likely to need an hour and a half. That should give us time at the end of the meeting to start examining the report. If we run out of time, we can continue with it at the end of another meeting.

The Minister for Finance is to appear before us on 21 September. On 29 September we will try to arrange for the minister for local government to come. Two general questions will be discussed at that meeting: finance, and the issue that has been raised this morning—the setting up of a panel without our being informed or providing input. In the meantime, I will write to make known the mood of the committee on that matter; we may have an

answer before the meeting takes place.

I will also be attending a conveners committee and will pass on members' comments about linking up with other committees. Do members know that the agendas of all committees are available on the intranet, and that if they find something of interest they can access it? They can also talk to the convener before a meeting, who can allow them to ask questions—although I do not want to find myself sitting in on every committee just in case local government is mentioned.

**Donald Gorrie:** You said you would be talking to Wendy Alexander about what interests us. I am keen, as I am sure are other members of the committee, to know why the Government is iffy on the issue of general competence. I thought that that was a done deal.

**The Convener:** I will mention general competence and finance. Obviously, if we have the minister before us, those questions can be put directly and expanded on. What about proportional representation? I wrote down finance, PR and general competence, because that is how you presented it. Do you want to examine PR?

**Mr Gibson:** We should get the Electoral Reform Society here to tell us about all the systems so that we understand the fundamentals. We can spend a morning firing as many questions as we want so that we all know in our mind's eye exactly how the systems work, before moving on to the next stage. As Johann said, it is important that we do not ignore the current system. Although McIntosh recommended that we move to PR, at the end of the day we should still compare it to the existing system.

**The Convener:** Do you want someone else to come along and give the other side of the story?

**Mr Gibson:** As long as it is not Charlie Gordon.

**The Convener:** Okay, on the proviso that it will not be Charlie Gordon.

**Mr Gibson:** In the interests of fairness that would be appropriate.

**Johann Lamont:** It would be interesting to invite someone who was able to put the debate on PR into a political context. In an ideal world we would examine the different systems and choose the one that we liked. However, we are working within the context of people being disaffected with politics and not being involved in it.

There are also concerns over how many electoral systems we can legitimately use at different levels of government. It would be interesting to invite someone, if there is such a person, who is relaxed about which system we will use, but who will be able to highlight the difficulties

arising from having different PR systems for Europe, Westminster, ourselves and local government, and who could tell us whether there are options for having different systems across the country. We are also talking about community councils. Whether there is such a person, who almost has an academic interest in this issue and who can highlight those types of issues to us, I do not know. This is not simply a straight choice between ideal electoral systems; it is also about getting systems to cohere.

**The Convener:** McIntosh suggests that there should be a different system in the Highlands, does he not?

**Mr Gibson:** That is exactly what I said in the briefing last week. In fact, I mentioned Johann's home island of Tiree. It is important that we are not looking for a single system that necessarily fits the whole of Scotland, because it may be that a single system is not suitable. I would be surprised if the system that suited Glasgow also suited the Highlands or Argyll, for historic reasons.

We mentioned independents. We do not want to have millions of people presenting to the committee, but we do need someone to present that rural, independent perspective. When people think of PR they always think about the west of Scotland. In our debate on McIntosh, Brian Adam from our party spoke on the topic, because he is from Aberdeen and the issue is seen as a west of Scotland issue. It is important that we do not forget about places like the Borders, the Highlands, Argyll and Galloway.

**Bristow Muldoon:** I do not disagree with the comments that have been made about the way in which members want to address this issue, but we should broaden it, so that we do not talk just about the electoral system, but about the ways of maximising participation in local government elections, because that part of the debate is often forgotten. Increasing participation does not depend solely on the electoral system that we use. We must examine other ways in which we can improve participation in local government elections, and in that way renew democracy in local government. I would like us to examine that strand as well as the electoral system.

**The Convener:** McIntosh provides some suggestions on that matter. When we study the recommendations we can determine whether we want to examine that matter.

**Mr Gibson:** I do not think we need to do that. It is all laid out in McIntosh and I think we will be in agreement with all its recommendations.

**Mr Stone:** Obviously, as the Highlander here I welcome what Kenny said. Taking off my Liberal Democrat hat for a minute, it is a concern in the Highlands, where some wards are bigger than

many constituencies in this Parliament.

However, my second point is that I have concern about increasing democracy at a time when there are very low and sometimes declining turnouts. This is not just about being politically correct—we have to get the young linked in. It worries me a lot that the young are even less interested in turning up for local elections than their parents. We should concentrate on what Bristow is saying about trying to get folk out. We have to get away from 35, 28, and 45 per cent turnouts, which is not democracy in any shape or form.

**Mr Gibson:** The people of East Timor, under the guns of the Indonesian army, put us all to shame with their 90-odd per cent turnout.

**The Convener:** It does put us to shame.

We want to look, quite rightly, at a much broader picture. There are recommendations in the McIntosh report about how we encourage people to vote. When we go through the list the next time, it may be something on which we all agree. We might even wish to add something to it if we have any ideas.

Given what you are saying about PR, however, can I take it that you want to spend the whole of one committee session on PR? Do you want to hear from the Electoral Reform Society, from someone who is against PR and has good reason for it, and from someone with a political overview of the whole thing? Do we want that in the one session, or would you find that too much? Do you want it split between two sessions?

**Mr Gibson:** All together.

**The Convener:** We are starting at 10 am at the moment and finishing at half-past 12. Everything is falling forward, so 5 October is a day on which we could fit that in, before we have—excuse me—yet another holiday.

**Mr Gibson:** Allegedly.

**Johann Lamont:** Will we be meeting on a Tuesday, or will it always be a Wednesday?

**The Convener:** Good question. There will be the odd afternoon—or evening—session on a Tuesday, from 4.15 pm to 6.15 pm. I have managed to get the other committees on that group to rotate, so it will not always be 4.15 pm to 6.15 pm. It will only happen every so often.

**Donald Gorrie:** On the question of PR, it may be that it would cost too much, but the people in Britain who have most experience of different systems of PR are the Northern Irish. We could get someone who is Northern Irish and had experienced PR, or who had studied it. We may not be able to afford the air fare.

**The Convener:** If they are living here they might come.

**Mr Gibson:** We could invite Ian Paisley. He was elected under the system.

**The Convener:** I will pass on that one.

**Dr Sylvia Jackson:** Like Johann, I recommend that we ask an academic who has as much knowledge about international systems.

**Mr Gibson:** I suggest John Curtice.

**The Convener:** Yes, I was thinking that. We will try to get Professor John Curtice.

The other priority is the power of general competence. How do we want to deal with that? Do we want to find out what councils are saying about it first? Do we go that way or another way?

**Mr Gibson:** We know fairly well what people are saying about the power of general competence, but we need to know why the Executive is concerned about it. I have looked at the matter and I cannot see why it causes any difficulty for anybody. It would be a great boon to local government, which is why all areas of local government appear to be in favour of it. That is another area of finance on which we might want the Executive to explain its concerns. It has said that it wants to consult widely on it, but I understand that the consultation is fairly set. I do not know anybody—from trade unions to SOLACE—who objects to the power of general competence.

**The Convener:** When you say the Executive, do you mean that we ask Wendy Alexander when she attends the meeting? Finance and general competence are the two main things that we would like her to discuss with us.

11:00

**Donald Gorrie:** I wonder whether it would be possible to find somebody who knows a lot about European local government, who could inform us of the real benefits.

**The Convener:** Neil McIntosh certainly went across to Europe. There is nothing to stop us pulling him back in—I do not know.

**Johann Lamont:** I thought that the case was made very generally at the briefing. The representatives of the Executive were not able to give a response on what was creating the unease and what the timetable for consultation was. Once we know what the difficulties are we might want to address those difficulties and bring people before us on that basis. There is a broad sweep of folk in favour of that.

**The Convener:** That is the other question for the minister.

We now come to 5 October on the possible interim programme. Do members wish to hear from Richard Kerley then? That is perhaps not the best idea: I think that on 5 October we should examine proportional representation, then we will have Richard Kerley in to brief us. By that time, we will understand the system and have a broader picture. Doing that would give the clerks time to organise for Professor Curtice, representatives of the Electoral Reform Society and others speaking to us.

If I have got this right, we will have the Accounts Commission on 15 September; the Minister for Finance on 21 September; the Minister for Communities on 29 September, I hope; and we will discuss PR on 5 October.

We will have the Kerley briefing after we have our alleged holiday. I had better not say holiday—rather industrial break or something.

**Bristow Muldoon:** My understanding, from what we were saying earlier, is that the Accounts Commission is not likely to take up the whole meeting on 15 September. Is that the case?

**The Convener:** It would not take up the whole meeting. We will cover the McIntosh recommendations in the last part of the meeting. We will be able to refer back to the appropriate paragraphs if we have any problems. We can then put our message to the councils that we are aware of or agree with what they raise and are getting down to the nitty-gritty.

How much more of the timetable do members wish to do? We have someone in for 5 October and the first meeting of the committee after the break is on 27 October.

**Mr Gibson:** We want to be fairly flexible, but we also want to make it known that we wish to examine all other controversial aspects. I see no reason why we cannot put down a marker for the other topics to be discussed between now and December, so that we know that every topic will be covered before Christmas.

Keith made some comments about local government being anxious about how we would interact with it on local government legislation. We might wish to do that immediately after the recess: that would take us away from concentrating exclusively on the McIntosh report—although the McIntosh report touches on local government legislation.

**The Convener:** Are you looking at the document with the grid of subjects and priorities?

**Bristow Muldoon:** Yes.

**The Convener:** If there is no disagreement, we will examine on Wednesday 27 September the items on the grid that we have not dealt with.

**Donald Gorrie:** I am not clear who writes the covenant—obviously we have to agree in the end and we need to start somewhere. Is there merit in suggesting to COSLA that it could draft what it thinks the covenant should contain, with a view to discussing it with us at the end of October or November or whenever? I am not sure whether drafting the covenant is our responsibility or the Executive's responsibility, or whose responsibility it is.

**The Convener:** If my memory serves me right, local government, the Scottish Executive and COSLA are to be involved in drafting the covenant. There is nothing to stop us making an input as that can be done through me. The Executive has made it clear to me, as it has to other committee conveners, that I can make contacts, pass issues on and make comments whenever I wish. There is nothing to stop us having a view on how the covenant should come together.

**Donald Gorrie:** Could we invite COSLA to write a draft?

**The Convener:** COSLA will be writing a draft, as that was the suggestion in the McIntosh report. There is no problem with us asking for sight of the draft when it is completed.

We now come to November. I have reservations about listening to the experts—that is, people who put themselves up as experts—and we need to give serious consideration to speaking to councils and to people who use council services. We cannot consider this report properly if we deal only with councils and councillors. The report is about how services are delivered at the point of need, and that is where we need to go.

**Mr Gibson:** May I suggest that, if we do go out, we go to areas where we have least knowledge? You and I have both been councillors on Glasgow City Council and Strathclyde Regional Council. It might be beneficial for someone like me to go to the Highlands or to the Borders, and for someone like Jamie to look at the urban context, so that we gain experience of all parts of the country. That would give us all a better feel for local government and delivery of services in other parts of Scotland.

**The Convener:** I agree. It would be better for us to widen our knowledge base, and that would be a good way in which to do it. I do not want to listen to the councillors in Glasgow City Council yet again. I would be quite happy to move around. I hope that that was not recorded—Charlie Gordon will kill me.

Do members have any ideas about the suggestion that we go out on visits, or do they wish to think about it?

**Mr Stone:** I think that we will need a little advice

on this matter, although I totally support your point about getting beyond councils and councillors. We could talk to associations of, or a given grouping of, community councils. It would be no bad thing to talk to tenants' associations where they exist in some of the more built up areas—even in Highland. However, I think that we will need to ask for advice, as there will be groups that may not instantly come to mind that would be just as relevant—such as playgroups, school boards and so on. We will have to be careful not to get bogged down, and we will have to try to group them together where we can. If we go into too much detail, we will be out on visits for months and months on end—I could be in Glasgow for months.

**Mr Gibson:** Perhaps we could learn from the McIntosh commission's experience. The last thing we want to do is end up in greeting meetings in which people make specific criticisms and which are of no real interest to us. At the same time, Jamie is absolutely right—we want to talk to the voluntary sector and to people who use the services, as well as to the establishment. The McIntosh commission might be able to tell us how it set out its stall.

**The Convener:** Yes—and the commission was a small group.

**Bristow Muldoon:** Kenny nicked half of what I was going to say, because I was going to advocate that we took a similar approach to that used by the McIntosh commission when it took evidence. When the commission went out to a local authority area, it spoke to the local authority directly, but it also structured the day so that evidence was taken from groups in the community. It also publicised meetings that were open to the public, so that people could discuss the proposals. It would be a good idea to get a broad perspective on people's views of how we should progress local government and the McIntosh recommendations.

If we are planning to visit particular areas, it might be sensible for the committee to split into groups. The group that visits the particular area could spend a whole day there and speak to a range of individuals and groups in the community. Before we do that, we need to form a clear idea of the questions that we will ask, rather than going out with a blank piece of paper. We must develop some sort of structure, or the feedback will be useless.

**The Convener:** That is how I would envisage organising such visits. For example, if three members—say Kenny, Gil and Bristow—were going out next week to visit a particular council, they would ask other committee members to let them know the issues that they wanted them to find out about.

Going out for a day is a good idea, but it is probably not practical unless we are prepared to do so on a Monday or a Friday. It will be almost impossible to organise such visits on other days unless members happen not to have a committee to attend. For example, Bristow and I seem to be on the same committees and it might be possible for us to go on a Tuesday.

Visiting in small groups was the option that the conveners decided upon. It would be rare for a whole committee to go on a visit, because of the cost implications; costs would be incurred not only for committee members, but for official reporters and clerks.

We also have to get permission from the conveners committee. Some committees are asking for permission now, but we will be doing that—if we do it—in November or December.

**Mr Gibson:** One of the reasons for the success of the McIntosh report was that the questions were sent out a couple of weeks in advance of visits. People knew what they were going to be asked and had time to consult their colleagues and put together a collective view. The visitors did not get the opinions of just one or two individuals who they met on the day, which could have produced a distorted picture.

Members of the McIntosh commission tended to visit in groups of two or three. A group of three would be quite good, because three different parties could be involved. There are 32 councils, including Orkney Islands, Shetland Islands and Western Isles, and we would want to cover as wide a range of local authorities—and as wide a group within that range—as possible.

**The Convener:** That would be a good way of working. If a group of members planned to visit a particular area, it would be incumbent on group members to speak to other committee members to ascertain what they want to find out about that area. The responsibility would be on members to work together to send questions out in advance. The clerks would ensure that that was done.

**Donald Gorrie:** We could devise a standard list of questions as a starting point, for example to find out the main problems in the area. It would help if people received the questions in advance.

We should start by visiting councils. I accept the point that we would then want to speak to real people—as opposed to people in the councils—but finding out what the councils are thinking and what would satisfy them should be high on our priorities. We could start there and then have a second round of visits to voluntary organisations, local communities and so on.

**The Convener:** The clerk has not yet got used to the fact that he can speak up during our

meetings, so he has passed me a note to say that we could produce some proposals for the next meeting. That is a good idea. Please feel free to speak up, Eugene, rather than whispering and passing notes.

It would be a good idea if the clerks made some proposals. You are right, Donald, we will want to ask some questions. I want councils to tell me which things work and which things do not. That is not an easy question to answer but is the kind of question that we would want to ask.

11:15

**Dr Sylvia Jackson:** We should contact Neil McIntosh or somebody who was involved in the committee and ask what parts of the consultation process worked and what did not. The point was made before: we do not want to repeat what has already been done but we want to learn from it. No doubt members of the McIntosh commission feel that some things could have been done better.

**The Convener:** When he was summing up, Neil said that it was important to get out and listen to people, so it would be fair to ask him what the most efficient way to do that would be. The clerks or I will speak to him about that.

Do we want to sort out the programme until Christmas?

**Mr Gibson:** You are the boss.

**The Convener:** I am not the boss; I just keep you all in line.

**Johann Lamont:** There is an argument for keeping our agenda flexible as issues will emerge from the initial stages of the process, particularly from the discussion with the Executive and we might want to change our priorities. While it would be useful to have a programme to work to, the danger is that we might have no room to manoeuvre if we have invited people to come and talk to us.

**The Convener:** That is a fair comment. We have planned up until the week after the recess. After that, we might want to go down a road that we had not considered before.

**Dr Jackson:** We might need discussion time or a breathing space in between visits from people. We have rather a lot of people coming and talking and we might want to talk as well.

**The Convener:** I will try to have a space at the end of every agenda to allow us to throw issues about and discuss things in general.

**Donald Gorrie:** I do not know how the system works but it would be useful to book a weekly slot without saying what we are going to do. If the Executive sets up a financial inquiry, that is fine,

but if it does not, instituting an inquiry would be a major task and would take several weeks.

**The Convener:** And a lot of discussion among us.

Is there any other business?

**Mr Gibson:** When will we receive the briefing papers for last week?

**Eugene Windsor (Committee Clerk):** Matt Smith, of Unison, and George Thorley, of South Ayrshire Council, informed me that we will have them as soon as possible.

**The Convener:** All the papers will come out together—we will have one from Neil McIntosh and one from Arthur Midwinter as well.

We will meet the week after next. In the meantime, I will do all the things that you have told me to do—I hope.

*Meeting closed at 11:19.*



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