

# **LOCAL GOVERNMENT COMMITTEE**

Wednesday 29 September 1999  
(*Morning*)

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## LOCAL GOVERNMENT COMMITTEE

### 5<sup>th</sup> 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

#### WITNESS:

Mr Frank McAveety (Deputy Minister for Local Government)

#### COMMITTEE CLERK:

Eugene Windsor

#### ASSISTANT CLERK

Craig Harper



## Scottish Parliament

### Local Government Committee

*Wednesday 29 September 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 10:01*]

**Colin Campbell (West of Scotland) (SNP):** The minister is with us today. We have discussed what is and is not contentious in the McIntosh report over the past few weeks. One of the things that was marginally contentious, and which Wendy Alexander put on the back burner on 2 July, was the power of general competence. I see in *The Scotsman* that the power of general competence—

**The Convener (Trish Godman):** I will stop you there. If you have a question for the minister, can you put it to him when we go into the formal session? It is abusing the chair to bring that up now.

**Colin Campbell:** I am sorry, but I feel strongly about this. It will not be the last time that we have read about something in the press.

**The Convener:** The minister is here; if you feel strongly, I am sure that if you ask him a question, he will answer it.

**Mr Gil Paterson (Central Scotland) (SNP):** I am getting confused about the remit of the committee.

**The Convener:** I am sorry, but I must stop you there. We are about to go into a formal session with the minister. If you do not think that it is an appropriate question to ask the minister, we can discuss it when the minister has left. Your question might be appropriate for the minister.

### Evidence

**The Convener:** I welcome Frank McAveety. I also welcome Ted and David. I apologise, as I do not know your second names. It is good to have you here.

I will conduct the business as we have in the past, when we have had a minister—or the Accounts Commission for Scotland—before us. Members will all have a chance to ask a question and a supplementary. I will note the issues that members might wish to pursue, and we will pick them up.

Frank will be here for an hour. I hope that we use that time appropriately. If there is anything that I consider should be discussed after Frank has

left, I will stop the member. There is an appropriate point at which to raise issues.

**The Deputy Minister for Local Government (Mr Frank McAveety):** Thank you for the invitation and for the opportunity to make a presentation to the Local Government Committee. I hope that in my introductory comments, I can reassure members about the intentions of the Executive on a series of issues relating to the post-McIntosh strategy on local government.

The letter that you sent me asked that we specifically address proportional representation and the power of general competence. Wendy Alexander's statement on 2 July indicated a willingness to explore those ideas at the next stage of consultation.

The other issue that was mentioned—finance—is not within my remit. Jack McConnell has talked to you in detail on the matter and I could not add any more.

The other reason for my coming today is to deal with the response to the consultative paper that has just been issued. The reason for the delay in getting the paper out to you was that we were trying to clarify the language and content of certain areas. I have striven to ensure that it was with you as soon as possible. I hope that everyone received the document at least a day in advance—the alternative was that you would not receive it at all. It was posted on Monday night and the committee received it at the same time as other directly elected leaders.

On 2 July, we said that we would set up two groups: the renewing local democracy group, which will be chaired by Richard Kerley, and the leadership advisory panel, which will be chaired by Alastair MacNish. The other issues that have to be addressed are the ones that the 2 July statement did not address fully.

One of the key issues was the power of general competence. Many in local government have argued for a commitment on that. There are different views about emphasis, but many people in local government see it as of symbolic importance that they engage in activities at a local level. At present, they feel unable to do so. The granting of that power represents a transition from local government doing only those things that statute allows it to do, to its acting in the interest of the community as long as statute does not prohibit its actions. That is a subtle change, which should be addressed soon.

The consultation paper opens up that debate. The paper identifies arguments for and against the introduction of a power of general competence. We had the good fortune to meet council leaders recently, when we asked them about the difference that a power of general competence

would have made to them in the past. They will come back to us with positive ideas on that.

The paper considers ways of introducing the power of general competence within certain parameters. It is in everybody's interest to have a clear idea of how to use the power. It is open for debate, and local government has an opportunity to put its case strongly to Parliament and to articulate why the power of general competence could make a difference at local level. It is important that that opportunity is there; it was not in any previous structural system. It is part of the new practices that we are trying to adopt in the Scottish Parliament.

The other subject in the paper that I would like to stress is community planning, which was a key issue in our meeting with community leaders in Scotland. They thought that their role should be more proactive. On community planning, local government has an opportunity to argue a case that it has not had the opportunity to put before.

I was informed that the committee wanted to talk about proportional representation and the renewing local democracy group. It is important to mention the composition of that group. Its remit is deeply political, and for that reason it has a predominantly political, cross-party membership.

The key issue is the criteria by which Kerley will operate. One of the important points that came up in the contributions from local government and in the local government debate in Parliament was that the councillor-ward link is essential. The ministerial point of view is that we would like to exclude the closed list system from any consideration. That is inappropriate for local government elections. The Kerley group might consider that in other areas, but not for local government elections. The link between local government and local communities is an important element of local democracy.

In terms of representation on the Kerley group, we have tried to get the balance that was indicated in the McIntosh report. The membership includes the president of the Convention of Scottish Local Authorities and representatives from mainstream political parties in Scotland. The secretariat is divided jointly between the Scottish Executive and COSLA. We have attempted to ensure that there is a broad sweep of opinion, reflecting different views on electoral reform.

We also felt that it was important to look not just at proportional representation, but beyond electoral systems to support systems for elected members—training and development packages and so on. That was one of the issues that came up during the leadership advisory panel meeting. One of the questions is whether members see themselves as more part time than full time. The

Kerley group must examine that issue sensitively, to ensure that the right balance is struck.

I want to reassure the committee about the purpose and thinking behind the leadership advisory panel. It was set up in response to the clear recommendation of the McIntosh report that councils should engage in a process of self-renewal, validated by a panel of advisers. According to McIntosh:

"That panel should include strong representation from local government, both elected members and officers, and also a strong independent element".

The fact that the panel is chaired by an outgoing chief executive of a local authority, that there are many representatives from local authority organisations, including COSLA, and that the vast majority of the independent members of the panel have been involved in the public sector—in health boards or other agencies—makes it clear that there is a productive balance. I understand that COSLA has welcomed that balance. The panel also includes a representative from the senior trade union in local government—Anne Middleton from Unison.

I have been visiting local authorities to give the Executive's views on the McIntosh report, in contrast to the perceived intentions of the Executive. We have deliberately not used the word cabinet, because it is neither in McIntosh nor in the language that we choose to use. We need to recognise that a small number of councils—McIntosh confirmed this—operate as an informal executive. McIntosh argues that that should be much more open than at present, to allow ordinary councillors who are not part of that inner grouping to exert greater influence over the council's work.

The words that are used can sometimes be quite confusing. As we all know, words can be great foes of reality, and it strikes me that the use of the word cabinet will prompt some people to react negatively, immediately. However, if we say that informal executives are operating in most councils, anyone who has served in local government will recognise and accept that from their experience. The panel will have to consider how to make that more open, so that councillors feel more involved. I recommend that members read paragraph 98 of the McIntosh report, which explicitly argues why that is the case.

The debate should be about how we empower individual councillors at the same time as allowing local authorities to take leadership roles in the communities, making quick, effective and transparent decisions. That should be explored through the leadership advisory panel and perhaps through the committee's consultation with local authorities.

10:15

It is fair to say that when Wendy and I piloted that idea, some folk felt that there was a centralising model that was an attempt to bring the privatisation concept into local government. I want to assure the Parliament and the members of the committee that that is not the agenda of the leadership advisory panel. The purpose of the panel was to bring together the leaders of every council in Scotland in an informal setting for the first time, to share ideas and perspectives about the way forward for Scottish local government. I felt that the meeting and its outcome were positive. It has resulted in a commitment from ministers to meet council leaders twice a year and to examine the Executive's legislative powers and decision making.

Issues such as the power of general competence, community planning, the Civic Government (Scotland) Act 1982, compulsory competitive tendering and contract compliance came up at the meeting. The vast majority of council leaders felt that it had a positive outcome. A number of elected council leaders have written to me—unsolicited, I hasten to add—to indicate that they thought that it was a positive meeting with ministers, that it was the first time in a considerable period that there had been an exchange of views and that mutual respect for each other's positions and autonomy had been shown. Clearly, we still need to move forward on a number of areas. I give a commitment that we will work in that forum, with local government leaders in particular.

There are other issues that I did not specifically address in my introduction—I am happy to respond in the question-and-answer session—but I want to stress the covenant, which was discussed at the meeting. That key issue is a recommendation in McIntosh. I have a view on that as a minister, but the Local Government Committee will have stronger, more coherent and detailed views about how to develop the covenant between the Parliament and local government. The committee will probably prioritise that—among other things—over the coming period.

There are many other areas of a more technical nature in the consultation paper, relating to the nature of elections—their timing and modernisation of the voting system, for example, access to polling stations and electronic voting. Eligibility for standing at elections is mentioned in the consultation paper. I stress—as I have when I have visited local councils—that this is the beginning of a programme of change for local government. It is not about a prescription or saying, "Here is the solution," but it is about recognising that we can learn from each other.

We will benefit in the long run from the fact that

we have made a genuine effort to meet council leaders, that we have been round councils, had access to local authorities and seen examples of good practice. The issue of change is not a race; there is no set time scale. We are indicating that there is time for local authorities to engage in the process of self-renewal. With its lack of prescriptiveness, it is perhaps a more open and liberal programme than elsewhere in the UK. We are asking local authorities to engage in the process of renewal and to change from their perspective as much as from ours.

It is a reasonable effort and beginning. There is a long way to go, but together we can make a difference. I am delighted to have had the chance to make a contribution today and am happy to take questions from members of the committee.

**The Convener:** Thank you, Frank. I had requested that the document be sent to committee members' homes. That does not appear to have happened, so perhaps we could look into that. It is a bit difficult to have received it only this morning, but I am sure that we have lots of questions to ask you.

**Mr Paterson:** I want to set the scene. There has been much unanimity and enthusiasm in the committee from the start and no question but that we all feel that there is a job to be done. My point is whether it is worth asking you a question. Has the agenda been set by the Executive? Is it a wee bit like some of the councils that you mentioned, with decisions made behind closed doors and handed down on tablets of stone? Some of the events of recent weeks—

**The Convener:** Gil, please ask your question.

**Mr Paterson:** The Executive is not reflecting the enthusiasm of this committee. We should guard against that.

**Mr McAveety:** I am not sure whether that was a question or a statement.

**Mr Paterson:** My question is this. If decisions are made behind closed doors, is there any point in this committee ever meeting?

**Mr McAveety:** Gil should read the consultation paper, which identifies local government issues that have been out there in the ether for a long time, such as the debate about a power of general competence. My view, based on my experience in local government, is that that is something for which local government can argue strongly. I have a hunch that, in submissions to the consultation paper, local government will be able to demonstrate the role that it has to play, and communities can benefit from that.

I assure members that the process is part of the consultation paper and will influence any debate and any legislative programme or local

government bill that may emerge in future. I can further assure members that the thought processes of the committee will influence and shape that work. Ultimately, it will be neither the committee nor the Executive that will legislate—it will be the Parliament itself. Members know as well as I do that Parliament will determine the powers on the strength of the arguments that are presented.

**The Convener:** Many members want to speak, so I shall allow everybody to ask one question.

**Johann Lamont (Glasgow Pollok) (Lab):** It is unfortunate that the document was in the public domain before we got it. We are therefore unable to ask the minister about the substance of the Executive's response. I hope that the Executive recognises the positive role of the Local Government Committee in promoting and supporting local government.

Why did the power of general competence have to be explored further? It could not have been simply because it is a contentious issue, as proportional representation is also an important issue—at least for one member of the committee—and the Executive has not chosen to explore that any further. Rather, it has set up a mechanism whereby some form of PR can be developed. Can the minister identify the areas of unease surrounding a power of general competence that prompted the Executive to examine the matter further?

**Mr McAveety:** McIntosh himself is fairly cautious about the power of general competence. He was attracted to the philosophy of the principle, but recognised that there are areas of uncertainty. The paper develops several arguments further, and I note Johann's concerns about not having access to the paper before being asked to raise points on the subject.

The first argument against a power of general competence is that it could lead to a greater cost burden on local taxpayers. There needs to be balance; more powers mean that more resources have to be found.

The second argument concerns whether local authorities would take over areas of operation that are the domain of other public bodies. Again, there must be a clear definition of the circumstances in which local government can take up a power of general competence if other public bodies are already offering those services.

The third question is about whether existing legislation is a genuine bar to local authorities taking over some areas of service provision. Some authorities have taken over areas of service provision that have not been excluded by existing local government legislation. Perhaps council leaders should try some of the things that are

allowed under the existing laws instead of just saying that they want a power of general competence.

The fourth issue concerns legal advice as to whether an area of operation is in vires. The most obvious example is the calculated risk that Strathclyde Regional Council took in the water debate. It had to go through endless consultation with lawyers—the worst kind of folk to ask for a clear-cut decision—and that cost a fair amount of money. The eventual political response was positive and indicated the view of people in Strathclyde on the water issue, but the matter of legal advice needs further explanation.

We need to explore the issue further. There are many arguments in favour of general competence, but it is incumbent on those who support it for local government to present powerful arguments to shape the debate that the committee will have and that will influence any legislation that comes before the Parliament.

**Donald Gorrie (Central Scotland) (LD):** The two most important issues are finance and general competence. You have asked us not to ask about finance—which is a pity, as I hoped that you might give us a better answer than Jack McConnell gave. Johann has dealt with general competence.

I thought that McIntosh had killed off the idea of elected provosts, but there is a whole page about elected provosts in the response. Some of us are keen on resurrection in another context, but why has that been resurrected?

**Mr McAveety:** McIntosh did not kill off the idea of directly elected leaders. He said that there was some interest in the idea in parts of Scotland, but no unanimity. The argument should be about engaging with the wider community—about what sort of elected leadership reflects the best interests and structure of a community. Perhaps we should consult communities more effectively on which models are best. It is a matter for debate whether leaders should be chosen by small party groups or directly by the electorate. I am engaging with that debate.

The consultation paper sets out the arguments for and against elected provosts and indicates that there are differences of emphasis and opinion. Those who argue strongly against elected provosts need to demonstrate that that reflects the aspirations and needs of communities. If we want local government and its structures to respond to what people want rather than to what we as a political elite want, it might be worth consulting on that.

We have not argued explicitly for or against elected provosts; our aim is merely to shape the debate. We are not saying that we should adopt the model that exists elsewhere in the UK, but that



there is a mechanism available. That mechanism would be triggered by the electorate rather than by the political leadership.

**Bristow Muldoon (Livingston) (Lab):** I know that the consultation process is due to be completed at the end of November. Can I take it from that that it is the Executive's intention to move towards producing a local government bill based on McIntosh in the next legislative year—that is, the year starting in September 2000? If so, what time scale is the Executive considering for implementation of the bill?

Many people are interested in electoral reform. I do not want you to prejudge which electoral system will be decided on, but could you say what time scale would be required to implement any change to the electoral system proposed in the bill?

**Mr McAveety:** The purpose of this process is to influence the framework of any local government bill that might emerge in the near future. I genuinely cannot say exactly what the time scale for that will be, as I do not know how long it will take to complete the current legislative programme. We also need clarity on the priorities for next time round.

However, the ministerial team is keen to move forward on a reform package. In his report, McIntosh indicated that a speedy response and movement forward on the forum were needed.

It is difficult to say anything about proportional representation because we do not know the outcome of the Kerley committee, whose report will appear in the first quarter of next year. Everything depends on the recommendations that Kerley makes. Different models of reform of the voting system involve different time scales; we will explore that at the appropriate time.

Wendy and I are keen to move forward with a local government bill. The ethics and standards bill is a response to some legitimate concerns about local government, but local government leaders want the new Parliament to produce something meaningful. The more quickly that happens, the better. Our intentions are honourable, but we do not yet know whether we can meet the time scale that Bristow proposes.

10:30

**Colin Campbell:** Frank, you know that I come from local government, where I spent a great deal of time sitting on committees. Sometimes I brought ideas to committees that were hijacked by the party in power and put forward as their own. I can safely say that we have been fairly consensual in this committee, but there are obviously areas of difficulty from time to time, which presumably

originate from our different political backgrounds. Underlying that is the fact that we have spent much time discussing some of the issues.

Mr McAveety has always been in favour of a power of general competence, so I will not talk of his conversion. However, I am deeply concerned that it does not help the committee to see an announcement in *The Scotsman* a day or two before we are to see the minister and before the document comes out. That does not help the committee's relationship with Mr McAveety. I would like to him to respond to that.

**Mr McAveety:** If one looks at the number of people that left local government at the previous election, one might think that you and I were on the escape committee.

**Colin Campbell:** I have been on a number of escape committees in my time.

**Mr McAveety:** In terms of the broader debate, the piece in *The Scotsman* was inaccurate. The documents look at the arguments for and against the powers of general competence. As I said earlier, I think that that debate is legitimate and that local government should have an opportunity to make that point.

It strikes me that—as often happens in local government—folk have argued a point without necessarily examining the consequences and the meaning behind the words because there is a natural opposition that exists between the Executive and local government. That has existed for a considerable time.

We have an opportunity in this new Parliament to try to narrow that natural opposition, which exists because of the differences between those bodies. The Executive is a legislative body and local government is about delivery of services. There is an opportunity for local government to influence that. I am happy to hear those innovative voices, because they can influence and shape the debate. I would like to see that there is commonality of interest.

We have an opportunity to influence that debate using the committee's perspective and my role as a member of the Executive. We should try to shape the debate to make a difference to communities. Underpinning the debate should be the question of whether it makes a difference to the effectiveness of councils and their delivery of services. We should be party to the process of improving the quality of life in an area. We should operate on the principle that we will achieve consensus, irrespective of the fact that our political perspectives and experience might be different.

**The Convener:** This might be an abuse of the chair, but I am not absolutely certain that you have answered the question.

**Colin Campbell:** Mr McAveety is good at doing a snow job. He is excellent at it. That must be why he is a minister.

**The Convener:** The fundamental issue is, and Johann has mentioned this, that we are seeing things in the papers before the Executive tells us about them. I do not think that you addressed that in your previous answer, Mr McAveety. Perhaps you do not want to.

**Mr McAveety:** What I said is that the piece that appeared in *The Scotsman* was inaccurate. It claimed that the Executive would introduce a power of general competence. The document says that the power of general competence has been raised and debated by local government. What the Executive wants to do is to hear the arguments for and against that. Because of my experience as a member of a local authority I think it would be a welcome addition to the debate if it can be demonstrated that the power of general competence can make a difference to communities.

**Mr Keith Harding (Mid Scotland and Fife) (Con):** I would like to get away from that issue but I cannot because in his opening address Mr McAveety gave the impression that he is in favour of that power of general competence. I am the lone voice on this committee who is not convinced of that. Mr McAveety and I are both former council leaders, so can he give me an example of useful action that a council could undertake that cannot be undertaken under the present legislation? I have racked my brain for an answer.

**Mr McAveety:** One example that some local authorities have suggested is school contract buses. If a private sector contract fails to deliver, that service cannot be provided through the local transport executive. Could not there be some flexibility in councils' powers so that they could do something about that? At the moment there is an anomaly because there are different providers.

There is a second argument that might be put forward by the rural authorities and that is on the need to intervene in areas where there are no direct providers. One or two members have raised the question of whether local councils should provide, for example, memorial stones, on which issue I have had to sign a number of letters. The opportunity to establish best value for money through the private sector does not, perhaps, exist in some parts of Scotland.

Should not that be something that local authorities could intervene in? They could perhaps engage in a public-private partnership, or have cross-support for general providers, or whatever. Those are areas that could be looked at. In terms of the wider UK situation, within the Department of the Environment, Transport and the Regions for

England and Wales, there is a recognition that there are a lot of ways in which the concept of community well-being could be introduced. The debate is out there; the opportunity is for local government to influence it.

Those are two small examples. There may be many others. We need to move beyond the language of it and get to the meaning of it, and I understand your caution. McIntosh was alluding to a certain careful parameter for that. The submission from COSLA, also within that and the community planning debate, allows reassurance on the concerns that you have and gives flexibility for local councils if they want to influence things.

**Mr Harding:** Do we have your assurance that the debate is still open, and that *The Scotsman's* article was incorrect?

**Mr McAveety:** Absolutely.

**The Convener:** There is a society of local authority lawyers. I have spoken to two or three of its members, who compiled a list of areas in which powers of general competence existed which, if changed, they thought would help them. They sent that list to a previous secretary of state. It might have ended up in a bucket, so I will not name that person. I have asked them to reproduce the list and I shall bring it to the committee. That may widen that part of the debate.

**Mr Kenneth Gibson (Glasgow) (SNP):** Hi, Frank—sorry, I mean minister. I am afraid that I did not receive a copy of the document until this morning, so I have not had time to read it, let alone absorb its contents so that I might ask questions on it. I note, with interest, that the second line of the foreword, which I managed to read, says that we lost no time in indicating that we welcomed the McIntosh recommendations. I think that that might possibly be in dispute.

What role should lobbying have in local government? That is a serious point. Ex-councillors cannot be employed by their local authority up to a year after they have ceased to be councillors, yet any councillor can form a public relations company or lobbying firm. A certain former councillor—Ross Martin, who was the education convener of West Lothian Council—is currently lobbying councillors on the planning committee, his former colleagues on the education committee and members of the housing committee, in an attempt to get them to change the council's policy. One expects that he will have some influence.

**The Convener:** Can we have a question, Kenny, please?

**Mr Gibson:** The question is, will your bill change that, to ensure that such a situation will not be permitted?

**Mr McAveety:** Given the interest that was shown in that debate last week, the Standards Committee will probably address such matters much more effectively than I could in a minute or two. The issue is not whether lobbying takes place; it is the transparency and openness of that engagement that should be considered.

I know, from my experience in local government, that many folk will lobby local councillors to influence key decisions. The vast majority of those key decisions should be opened for public debate; however, most of the lobbying is carried out because of the long-term interests of that particular area. A number of organisations might seek to influence economic development strategies for the city of Glasgow, for example. That is a legitimate call. On its own, a local authority could provide that kind of improvement.

I would welcome openness and transparency in the lobbying industry in Scotland. That would also be welcome in enterprise companies. Many members of all political parties have had contracts with enterprise companies at the same time as they have sat on and influenced different boards. I am sure that members of Mr Gibson's party, as well as of mine, have engaged in that process. The openness of that process is at issue, not necessarily participation in it. However, it would be more appropriate for the Standards Committee to address that issue, convener.

**Mr Gibson:** Would you not accept, minister, that there is an anomaly between—

**The Convener:** Kenny, I will come back to you. I have made a note of that.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I will just call you Frank. Is that okay? You will not get any disagreement from anyone about the need for best value. There is a debate about who judges what is best value, who sets the criteria and who makes the final decisions. Could you give us some indication of the Executive's thinking, or your own thinking, on the need for a representative body to address best value, rather than faceless bureaucrats judging what is essential for local people.

**Mr McAveety:** Of all the programmes to change and improve local government, including those to modernise the structures of political management, the one that can—if undertaken effectively—make the most substantial difference to ordinary members of the public is best value. My experience of going around local council leaders as well as of meeting local council groups and individuals in the community is that there is a greater willingness to see how best value can contribute positively to an improvement strategy for local government. One of the key issues is about the use of performance indicators, and we

want to bring together a series of ideas around that issue. We will review the debate around best value over the next five to six weeks, to consider ways in which we can work with COSLA and local government and to find ways in which all parties can have a mutually beneficial perspective on best value.

Underpinning best value is the wish to move away from the unwieldy structure that operated under compulsory competitive tendering. Even when the most right-wing Conservative Government was dedicated to outsourcing local government services, it only managed to outsource 1 per cent. Even with the political will and intent behind CCT, the Conservative Government could not deliver the sort of outcomes that it sought. From my own experience, many local authorities were tied up in the endless pursuit of trying to get a package together to suit the unwieldiness of CCT. There is an opportunity to relax CCT and to put much more focus on best value. We must try to get standardisation across Scotland. We have a great opportunity to do that. There are only 32 councils, and I do not think that it is beyond our ken to work up a strategy over a period of time to bring together performance indicators that we can all buy into and recognise as good standards. We could then ask local authorities to take greater responsibility.

It strikes me that best value will only work if people have ownership of it. If it is seen as someone elsewhere determining what is best value—someone who has come in at the tail end of the debate—there will not be that modernisation process that is essential across many public services in Scotland and that can be obtained from best value. My experience has been drawn from looking around local government. When councils—elected members and staff—have engaged in that transparent programme and when they have engaged in consultation with the end users—the public—they find that they make savings from it that can be redirected into other areas of priority service or within the same service.

The job of ministers is to encourage and to ensure that local government takes responsibility for best value. One of the key issues in the leadership forum is the willingness of many council leaders to recognise their key role in that change agenda. I want to introduce new ideas before the end of the year about how best value can be enhanced and improved in Scotland, so that it can be made meaningful for the users. It is a complex issue and there will always be those who claim that the decisions are made by faceless bureaucrats who do not understand the local community. That is understandable at a local level, but the truth of the matter, Michael, is that best value will only work if it is done at a local level and if people understand the parameters and

expectations that are placed upon them.

**Dr Sylvia Jackson (Stirling) (Lab):** My question follows on from Gil's question and relates to our concern about the relationship between the Scottish Executive—notably yourself, Frank—and this committee. We are very perturbed that we are not receiving information. There is general agreement within the committee that we want to move forward constructively and to identify our priorities, but we want to work together and to know what is happening. At the moment, we do not know what is happening. Neither Johann nor I had received the papers by this morning, so we find it very difficult to comment on them.

How do you envisage this committee working together with you, as minister, to do the best for local government? Two groups have been set up, and there is also now a consultation paper. It would be useful to have a big picture—a flow chart showing to whom the different groups report, time scales, and what aspects are being considered. It would also be useful, as Gil said, to have a commitment to keeping this committee informed of what is happening. What is your commitment to involving this committee? How do you see us moving forward? Obviously, we have views on that.

10:45

**Mr McAveety:** I was being very careful on that. If I had presented things for the committee to examine, I am sure that someone would have pummelled me into submission and claimed that it was extremely presumptuous of me, as a minister, to tell the committee what areas it should address.

**Dr Jackson:** That is why I said working together.

**Mr McAveety:** I accept that.

We had to clear the paper with a series of ministers, because it impacts on the finance debate, which Jack had to deal with. That resulted in the lateness in delivery, which was not intended. As I said to Trish last week, I was anxious that members should have the paper before the meeting. My intentions were good, but it was difficult to get the paper to people because of the holiday weekend in certain parts of the country. I want to have information exchange with the committee.

I have told the people who chair the two panels that were set up that they should be accessible to the convener of the Local Government Committee. It is clear in the outline that we have given that, if it wishes, the committee should have access to Alastair MacNish and Richard Kerley, and should receive, for example, reports of work in progress,

I have also tried to ensure that the Convention of

Scottish Local Authorities is involved, as its role in the debate is as legitimate as that of this committee and the Parliament. I have made efforts to consult COSLA about the membership of panels, and have ensured that it is represented on those panels. I am also going round councils to give them a flavour of the big picture. I understand your concern that you are getting only a snapshot today. In a sense, I am in your hands. If you would like us to have a productive relationship in certain areas, I, too, would like that. Unless we work together on local government, we will not progress.

Equally, there are matters on which ministers will have to make the calls—that is the nature of Executive decision making sometimes. I hope that that process is respected—it happens also in local government. I welcome your views on how we can work together more effectively. If you feel that it will be important for me to come to the committee again, I will be happy to do so. I am open about that, and have said it to Trish before. I hope Sylvia is reassured about the process in which I want to engage.

**The Convener:** We have just under 15 minutes. I will take members in the order in which they spoke before. I ask members to forget their communist backgrounds and give us the question and not the story.

**Mr Paterson:** I do not have a communist background—just a very socialist one.

I want to go further than Sylvia did. The accuracy of *The Scotsman* is not the nub of the question. Every time we meet we find something that is important to this committee's work trailing before us. I am concerned about duplication. Donald will bear witness that I have said that a good few times, in other places as well as here.

We are about to go out to the country. I would rather do that than sit here and talk to you. I like talking to real people, where it really counts. This committee was enthusiastic about our programme. However, if the Executive continues to set up its own committees, what is the point of our being here? Can you justify why we are here and tell the Executive that it has to stop what it is doing? It would be courteous at least to inform the convener, who can then inform members.

**The Convener:** Gil, you have asked your question.

**Mr Paterson:** I have a lot of questions.

**The Convener:** I know. We get the gist of what you are saying. We should give Frank a chance to answer.

**Mr McAveety:** I want to remind Gil of recent history, in case someone is tempted to rewrite it, as is traditional in some political ideologies.

[*Laughter.*] In her statement to the Parliament of 2 July, Wendy Alexander said quite clearly that we would set up a leadership advisory panel, as recommended by McIntosh. We have met that recommendation to the letter. She also said that we wanted to establish a group that would focus on renewing local democracy. The debate on the McIntosh report has focused on proportional representation, but we feel that many other issues need to be part of it.

Both committees have cross-party support. I do not think that anyone in Parliament objected to their establishment; rather people welcomed the opportunity to explore the issues. The groups will report back to the Executive and the Parliament, so every MSP will have an opportunity to influence the debate.

The consultation paper deals with the issues raised by the McIntosh report. This committee will have an opportunity to influence the consultation process through individual submissions. Local authorities will also have an opportunity to contribute to the debate. I cannot imagine a more transparent and open system. I do not accept that there is a farrago of conspiracy to keep people in the dark. The consultation paper gives people an opportunity to influence what will happen.

As I said to Sylvia, I want to engage with the committee as much as possible and to discuss ways in which we can work effectively to set challenges and improve the agenda for local government. Our Parliament will not be seen as effective unless it helps to improve local government.

Some people in local government argue that MSPs have no right to express an opinion on this matter. Why, they ask, should MSPs have a say in determining the future of local government? My response is that the people of Scotland expect a devolved Parliament to address their concerns and put in place an effective improvement strategy. This is not about punishing local government, but about welcoming good practice and ensuring that it becomes standard across Scotland.

I want to reassure Gil that the committee is absolutely central to this process. I have views on the way forward for local government, some of which will be shared by most members of this committee. However, there are issues on which we may disagree profoundly. Is that not what the new politics is all about?

**Johann Lamont:** I do not want to make heavy weather of this, but the document was misrepresented because it was already in the public domain. At issue is why it did not come to us in advance.

We are not a sub-committee of the Executive,

which has its own agenda. The task of this committee is to scrutinise the work of the Executive; that will be one of the sources of creative tension in the Parliament. Where possible, ministers should be sensitive to the role of this committee. This is a general point that I would like the convener to raise at the committee of conveners. I have already asked the convener of the Equal Opportunities Committee to do so. Ministers are not the only people who have used committees to bounce an idea into the public domain. We know that some members have spun stories out of statements that they have made in committee, telling journalists that they intend to say something so that it can be reported afterwards. That has to be dealt with if we are to have faith in the committee structure.

What authority do the committee on PR and the advisory panel have? What will happen after Kerley reports? Will his recommendations simply be accepted, or will there be an opportunity to discuss the practicalities of delivering a system for local government that differs from that which operates for elections to other levels of government? What power does the leadership forum have to intervene when it feels that a local authority is failing to deliver what it defines as good practice, even though the local authority is convinced that it is doing a good job and can demonstrate that?

**Mr McAveety:** Both Kerley and MacNish are to report back to the Parliament, which will then decide what course of action to take. The Executive and the Parliament will have to come back to the debate on electoral systems and it must be framed in such a way that we can address all the concerns. When we get the Kerley report—

**Johann Lamont:** We have not had it.

**Mr McAveety:** No, I do not think that you have, but you will. We asked Kerley to examine a complex issue and everybody knows that there are no simple answers. It must be seen as an overall package. In considering changes to electoral systems, we must examine the issue of the support that elected members require because there may be work load implications. Richard Kerley has already told council leaders that he recognises those tensions, and that will be reflected in his response. Once Richard has reported, the Parliament has the authority to determine what happens next.

The leadership advisory panel is much more subtle. I have encouraged Alastair MacNish to see his role as moving forward the agenda for modernisation and reform, and many local authorities are already moving in that direction. Wendy Alexander sent a letter to local authorities that indicated the broad parameters that should be

considered in restructuring, and the report will identify those things. At the leaders' meeting, some folk claimed that there is a set agenda saying that they must do X, Y and Z, and that only a so-called cabinet can deliver changes in local government. I have taken great pains to tell different types of councils that there is not a single answer. One answer may be appropriate to some authorities but not to others.

I do not think that anyone would disagree with what Wendy said about the role of the panel. She said that there should be an open debate on policy proposals, scrutiny of the leadership, no unnecessary use of the party whip, and that membership of the council should be available to a wider range of people. Moreover, there should be effective rules for all members of councils, decentralisation models that involve the wider community, and a significant balance between an effective executive and robust scrutiny of its activities.

Nobody who has any experience of local government would say that we should not buy into those ideas. Some people in local government still object to them, but we must challenge the attitude of those who say, "Just give us the money and we'll do what we want with it." We have an obligation as ministers and as members of the Scottish Parliament to ask whether things can be done more effectively. Alastair's role will be to engage in that process; he sees himself as an encourager. If it becomes clear that some authorities have not dealt with the issues, we will need to consider that at the time. I am more positive about the situation. Having visited many councils, I believe that they are genuinely engaged in the process of improvement and change and the vast majority of them see that as the way forward.

If councils that were reformed in 1995 because of reorganisation can prove that their model is working effectively, they have nothing to fear. Other authorities that have remodelled themselves may need to tweak some aspects of their operation, and I can think of one or two that could engage in that process more effectively. That is a process that local authorities will engage in with Alastair and reports about how that process goes will come back to the Parliament. The Local Government Committee also has a role to play in examining how that process develops, and members may want to take the opportunity to speak to Alastair.

**Donald Gorrie:** The minister said in his initial spiel that he is not keen on the use of the word cabinet. In paragraph 9 of the Executive's response to the McIntosh report, the word executive is used. What is the difference between an executive and a cabinet?

11:00

**Mr McAveety:** As Neil McIntosh went round local councils, he increasingly recognised that informal groupings of councillors were operating in the form of a cabinet, although he carefully and rightly avoided that word, which has different connotations for different people. He said that that informal network gave the illusion that the committees were making decisions, whereas essentially seven or eight councillors were key portfolio holders and were making key decisions. He said that we should examine that—if we did not make those groupings more formal and open, the role of a councillor who was not a member of that inner circle would be diminished.

Whether one calls such groups an executive or a cabinet depends on one's political perspective and the nuances of language. The reality, particularly in big authorities, is that things have sometimes operated in that way. An illusion has been created, sometimes by political leaderships—heaven forbid that they would ever engage in this process—that key decisions are being made by the full committee or council, when they are in fact being made in a more informal structure.

We have the opportunity to engage with local government, and local councillors in particular, to enhance the role of scrutiny. Many elected members have been caught up in the committee attendance structure and have, so to speak, been drowned in memberships of committees, when what they really want is to engage in decision making and the effective scrutiny of policy. It would be helpful if part of this process was to examine that more carefully.

**Donald Gorrie:** With respect, there is no real difference between an executive and a cabinet. Is that right?

**Mr McAveety:** That is your interpretation.

**The Convener:** We will come back to that if we have time.

**Bristow Muldoon:** We have not really touched on the use of the party whip in council business, although it relates to what Frank was talking about. I am sure that most people accept the absolute right of political parties to use a whipping system when they are pursuing their election manifesto commitments. What changes do you envisage taking place that might relax the use of the whip and make the system more transparent, when increasingly many decisions taken in councils are not necessarily related to election manifesto commitments?

**Mr McAveety:** I am genuinely neutral on that issue. Folk have argued that, in some cases, whipping ensures that strong executive decisions

are made and that decisions get through the tight structure of councils that are fairly politically divided. The problem is that whips have sometimes been used on issues that do not merit it, such as planning and other areas of committee decision making. Those areas should be examined individually.

The issue of a local member's interests is complex. The corporate interests of a local authority, in terms of budget decisions or strategic policy decisions—on education, for example—can impact on a local member. The question is whether local members have the flexibility or opportunity at least to express—through local authority votes—their views on such issues, so that they can represent their communities as well as possible. Neil said that he thought that there was excessive use of party whipping, which is a question that parties need to address.

An individual's position in a political party, the nature of the political structure and of the group and the political make-up of a council will all determine whether that individual thinks that the use of whips is an effective model. My view is that persuasion and winning the larger argument are better than coercion. We should encourage that, but it will need to come through debate. Parties, as much as individual councillors, will need to engage in that.

**Mr Gibson:** Minister, what safeguards do you propose to limit over-zealous ministerial intervention in local government?

**Mr McAveety:** I do not recognise that caricature—that may be your experience of a previous Government that was not as open and transparent as the one of which I am a member. Our job is to be a legislative body; we are here to encourage people, through exhortation and ideas about policy development and legislation. Local authorities will be responsible for how they deliver services.

I do not see the Parliament becoming a glorified local authority, although we need to guard against that happening, as we could end up taking a case load from the local authority level into the Scottish Parliament, which would be inappropriate. The issue is how we create the framework for local government to renew itself.

We are engaging in that process much more productively than the previous Government did. COSLA and local government representatives are more involved in the working groups and consultation than they were before. The leadership forum, which was met with scepticism at first, has resulted in a positive outcome. A paper in our consultation document asks some of the questions that local government representatives raised. A much more mutual relationship has replaced the

daggers-drawn arguments that took place for too long. That is not to imply that MSPs and ministers cannot demand high standards from local government—that is our legitimate role. It is also legitimate for local government to expect the Parliament to understand its needs and aspirations. There are other opportunities, such as the covenant, to prevent an attitude of mutual distrust from developing again.

**Dr Sylvia Jackson:** In the document, the section on civic education says that local authorities have been asked to develop targets to demonstrate local progress. Have you picked up anything from councils about how that is developing? What are your views on the matter?

**Mr McAveety:** It was important to include that idea in the document. In a sense, it is one of the more “boring” issues. Over the long term, however, it is important because it is about involving young people in the civic process to make them more aware of decision making in their communities. In the social inclusion debate, we wanted to stress the point about reaching out to our most disadvantaged young people. Voting patterns show that the problems with young people's participation in the political process are more acute in areas of greater disadvantage.

I have no details on what progress has been made. I would be happy to work with the committee on that. It is one of the areas in which schools can play an important role. The idea is good, but we have to think about how it impacts on the other debates in education.

Three local authorities that I visited identified working with young people as an area in which they had done innovative work. In East Lothian, we had a successful visit to an internet cafe where we met young folk. The cafe was supported by the local authority and access to the internet was free. We discussed the future of local government with the Midlothian Council youth panel. We should encourage that kind of visit across Scotland.

**The Convener:** In a letter to the committee, Neil McIntosh said:

“If you can, try to have a little time in the nearest secondary school with some of the students to obtain their perspective.”

He gives the same advice as you, Frank.

**Mr McMahon:** We have been talking about the communication links between this committee and the Parliament. However, it has become apparent that the communication links between local government and the Parliament are not as they should be.

When I was at a conference a couple of weeks ago, it was obvious, from the views of the representatives, that there were a lot of

misconceptions about the Parliament's role in relation to local government. How can we communicate satisfactorily with elected representatives of local authorities other than the leadership?

**Mr McAveety:** I would encourage the committee to visit and exchange views with as many councils as possible. I know that resources are tight, so you might want to prioritise three or four councils.

I made the rash commitment, Michael, to visit all local councils in Scotland. My private secretary has told me that every previous minister who tried that either found themselves out of office before they went round or was transferred. I leave you to determine my future in that respect—answers on a postcard please.

Local authorities have welcomed my visits. Some of them have said that they had spent two years trying to get a minister from the previous Government to visit them. They were delighted to see me, even when they were giving me a hard time. I participated in question and answer sessions in front of the full council. I made efforts to meet all the senior council figures. Wherever possible, I have tried to address full council meetings. I have also met the wider public.

I am also considering whether to put out an information newsletter to elected members in Scotland, which would address the key priorities that the Executive has identified. In my local area, I have had to fend off questions about the subtext behind our response to McIntosh. One of the lovely questions that I was asked was whether the leadership advisory panel was a quango, in which everyone was getting well paid. I want to reassure the committee that everyone on the panel is participating voluntarily; the only costs will relate to their expenses for the panel's meetings or visits. No one is getting paid. I think that that is a unique achievement.

The more that we get out and reassure people that this is about genuine partnership the better. We should set exacting standards. Just because someone on a local authority says that they do something wonderfully does not mean that we should accept their word for it; we should ask them to demonstrate it. One of the key issues is the way in which we use the Parliament and this committee to engage in that process. It is important that we celebrate those people who are innovative and forward thinking and that we bring them forward through good practice and development.

As elected members, members of the committee can hold the debate with local elected councillors and try to engage with them in a mutually beneficial process. People like to have the opportunity to exchange views. I have found that, once I speak to people, I can disabuse them of

some of the myths that are too easily peddled at a local level.

**Mr Harding:** The forthcoming legislation on ethical standards in local government has been extended to cover other public bodies. Are you considering extending surcharging to other public bodies or removing it from local government?

**Mr McAveety:** I have not considered that, so I cannot give a definite answer.

**The Convener:** To sum up, Frank, you have probably got the message that we are concerned that we have been reading about matters in the newspapers when we think that we should have heard about them directly. We are concerned about the make-up of advisory forums and the selection of the champions for change—again, things that we have read about in the press.

I hope that you will take those concerns on board, because until now, the committee has been very dedicated. We want to get the message out to representatives of local government that we are for them, not against them. Looking around the room, you will see that we have a few visitors from local government. They may have different opinions about local government, but they certainly believe that it is the right way of delivering services to the people of Scotland. We want that to continue.

We have some major concerns. Although the members of the committee apply themselves and know their subject, at times we wonder why we are here. We have asked that question and it needs to be answered.

I support what you said about the comments made at the meeting of the leadership forum, which, according to council leaders, was the first time that ministers and civil servants had stayed with them for the whole day. That is a step forward.

This has been a constructive meeting. Having expressed our concerns, we have begun to get to the meat of the matter. As I said to Jack McConnell, we will have you back. I hope that, when we invite you back, your diary will have a bigger space and you will be able to be with us for longer. I am aware that I allowed members only one question and a quick supplementary—that was unfair, as it did not allow them to pursue issues.

With the committee's agreement, we will now take a break for five minutes.

11:15

*Meeting suspended.*



11:29

*On resuming—*

**The Convener:** Now that we are all friends again, can we return—

**Colin Campbell:** I want to say something about my earlier intervention. I did not intend to abuse the chair, but I felt very strongly that, if I made my point then, it would be reinforced as the meeting wore on. I will do that again only in exceptional circumstances.

**The Convener:** I am sure that that is true.

**Mr Gibson:** Colin is not exactly famous for his bad temper and rancour—are you, darling?

**Colin Campbell:** Take your hands off me—do not minute that.

**Mr Gibson:** Convener, there was genuine concern. I thought that we would go through the briefing paper systematically, and I asked two questions that arose from it. However, we were then presented with the Executive's response to McIntosh, which Keith and I received only this morning. I understand that Sylvia and Johann did not get it at all. That leaves us asking roundabout questions about documents that we have not had a chance to see. If we are going to discuss a document, we need a few days to consider it and absorb what it says. That would enable us to ask questions that are relevant to the minister and to us.

Furthermore, we did not know until we arrived at the meeting how long the minister would be with us, because that was not specified on the agenda. I would not have prepared so many questions if I had known how long he was going to be here.

**The Convener:** I appreciate that. You will accept that we let Frank know that we are not happy about that.

You are absolutely right. I did not get the paper until this morning, but I had asked that it be sent to your homes on Saturday at the latest because Monday was a holiday in Glasgow and there was no mail.

To give Frank his due, he came back to me three times to say that it was other departments that were holding up delivery. None of us is happy about the situation; it was not the right way to proceed.

**Mr Paterson:** I am sorry that I raised the matter of the remit of the committee early in the meeting. I will just let that matter drop. Having heard what you said at the end of the meeting, I am encouraged by the attitude that you are taking. You speak for us all on this.

**Colin Campbell:** That should destroy your political career.

**Mr Paterson:** Far from it.

**The Convener:** What political career?

## Consultation

**The Convener:** We now move on to ways of consulting councils and council service users. We have a briefing paper on this item, which reflects the discussion that we had at our previous meeting.

Is there anything in the paper about which you are not happy?

**Donald Gorrie:** In the briefing paper or in the Executive's response to McIntosh?

**The Convener:** In the briefing paper on ways of consulting councils and council service users.

**Dr Sylvia Jackson:** The first point that I wish to make is on the section on targets for the consultation programme and on the scope of visits to groups that are external to councils. We talked about extending consideration of community councils to include area forums, civic assemblies and so on. You have perhaps encompassed such things.

After our discussion this morning, there may be things to be added. Do members think that a mapping exercise would be useful? We could get a diagrammatic representation of the areas that the Scottish Executive is considering and, as Johann asked, to whom the groups that have been set up will report—to Parliament or whatever. I understood from previous papers that the Kerley group, for example, would report directly to ministers, but Frank said that it would report to Parliament. Does he mean that the report will go to ministers and then to Parliament? We need to clarify issues such as where the report goes and how it will be taken forward.

In the mapping exercise, can we examine McIntosh's main recommendations, where the Executive fits into those and which are the priority areas. I do not know whether I am looking at this as a scientist, but it is about getting the bigger picture and finding a way of bringing all those threads together. We have already identified what we see as priorities—I am sure that there will be more. I do not know if that is possible; maybe Eugene is in a better position to do it.

**The Convener:** Does anybody have any objection to that, or any other comments on it?

**Donald Gorrie:** I am not objecting, but I have other comments. First, in addition to what is recommended here—it may happen anyway—individual members can have discussions with political colleagues and with councils in their own areas. Some of us are party spokesmen on local government; we will have discussions with party

colleagues and can feed that into the system. We can get a lot of feedback from councils without much expense.

Secondly, I am not suggesting that we career all over the continent, but we could get feedback from the continent by post or, even better, electronically. For example, almost all European countries have signed up to the granting of the power of general competence. They do not have revolutions every day and the world does not collapse. It will be interesting to see how it works for them. In many countries on the continent, local government is held in higher regard than it is in Britain. I suggest some consultation. I do not know whether the relevant embassies would give us information, or what the best mechanism is. We can learn from the continent.

**The Convener:** It is a good idea to compare that with what goes on here. Morag Brown from the Scottish Parliament information centre might be interested in putting something together for the committee—*[Interruption.]* Could you stop talking at the other end of the room, please?

**Mr Gibson:** We were discussing our holiday plans.

**The Convener:** Then could you discuss them outside?

**Mr McMahon:** I fully support the briefing paper. However, although it sounds like a great idea, I am concerned that if three people with backgrounds in one type of authority visit a different type of authority—for example three people from urban authorities might visit Highland Council—they would not have enough background knowledge. Perhaps the group should be mixed.

**The Convener:** That is a fair point. We can look at that.

**Johann Lamont:** Which members of the committee have been councillors?

**The Convener:** Six have been councillors.

**Mr Gibson:** Colin, Gil and I were councillors. Bristow was, and Donald and Jamie, too. Keith still is. You were a councillor, too, convener. So that is eight.

**Colin Campbell:** How many of us have rural council experience? Just Jamie, I think, so he would have to visit all the rural councils.

**Dr Jackson:** I am from a semi-rural area.

**The Convener:** But you were not a councillor.

**Bristow Muldoon:** I think that Michael McMahon's point is appropriate. There is a problem of balance and we might not be able to resolve it absolutely. We should definitely avoid sending anyone to a council on which they have

served or in an area that they represent. That would be very unhelpful.

**Mr Gibson:** Colin would resign from Parliament before he would go back to Renfrewshire.

**Bristow Muldoon:** In that case, I think we should send him there.

**The Convener:** Do we have some agreement about that? We will consider sending the SNP members everywhere, we will mix members with urban and rural experience and we will not go to a council either that we served on or that is in an area that we represent.

**Mr Gibson:** If three people are going to be doing that, I think that they should represent three different parties. We might want to have one or two former councillors, but there is no reason why we cannot mix and match.

**Colin Campbell:** Och, behave yourself.

**Mr Gibson:** I am trying to say that it does not have to be the same three people every time. It does not have to be a set group visiting each authority. For example, Johann, Donald and I could visit one council and Keith, Sylvia and I could visit another.

What is the time scale for starting and completing those visits?

**The Convener:** There is a programme further on in the briefing note. We should tie in the recommendations with the timetable because there may be something to be added next week. We will broaden out the recommendations following the discussion of the past few minutes. Are there any comments on that?

**Donald Gorrie:** Just for my own clarification, the briefing says that the reporter system should be adopted. Does that mean one of the three members acting as a scribe, or a member of staff?

**Eugene Windsor (Committee Clerk):** Some members will be aware that the reporter system is used in many Parliaments. In that system, a member of a committee is given specific responsibility for an agreed task. Yesterday, the European Committee considered a report on the system and I can get copies of that report if members are interested.

The member of the committee would be responsible for the task, but there would be some scope for staff assistance. However, that raises some resource issues.

**The Convener:** We will get that report to members; it will be helpful. The reporter system works well.

**Bristow Muldoon:** I have a point that was made in Neil McIntosh's report, and which Eugene

alluded to in his paper, about the way in which we decide a framework of questions so that there is consistency between each of the groups. Will we do that today or at a subsequent meeting? Obviously, that framework will be based largely on the McIntosh report, but there might be a series of key questions that we want to ask all the bodies that we visit to ensure a degree of comparability between the reports.

**Mr Paterson:** I suspect that the questions that we will want to ask of rural authorities will be different from those that we will want to ask of urban ones.

**Dr Jackson:** I suppose that builds on paragraph 3.3 of the briefing paper, which deals with the subjects that we will consider. Could we add the question of civic education? That came up this morning and I think that it is an important subject to consider, particularly as local authorities may be asked to set targets for its inclusion.

**Mr Gibson:** That is important. We have to ask councillors and voluntary groups different questions, but we must operate within a reasonably tight framework otherwise there will be no correlation between reports.

**The Convener:** Right, there are two ways of doing this: we can either use a committee meeting to consider the questions that we would like to ask everyone, or we can ask the clerk to pull together questions to create a base from which we can work.

11:45

**Mr Paterson:** The problem is the time frame within which we will operate. Can officials say how many visits we might make, and what kinds of locations we might want to visit? It would be worth while having a briefing paper on that.

**Eugene Windsor:** If the recommendations in this paper are agreed today, we will try to come up with a programme that suggests who will do what, based on interests that committee members can indicate to us at the end of the meeting. We will then return with recommendations, probably at the next meeting, which members can approve.

**Colin Campbell:** We will not visit all the councils anyway. Eugene can pick out councils that are representative of their type: totally urban, semi-urban, totally rural, and so on. There will be a core of questions that we will ask them all.

**Dr Jackson:** There is also the aspect of areas of good practice in councils. How are we going to get at that? How will we find out which councils are known to show good practice in certain areas?

**Mr Paterson:** There is a league table, is there not?

**Bristow Muldoon:** Did the electorate not give their judgment on that league table at this year's election?

**Mr Paterson:** The league table is based on the delivery of services, but it is a model that the officials could consider. We do not need to accept it.

**Eugene Windsor:** The Scottish Parliament information centre has information on where models of good practice have been developed. We hope to draw on that and other knowledge to find specific examples of good practice.

**Craig Harper (Assistant Clerk):** Morag Brown has suggested that we might want to liaise with COSLA, to determine which councils are the best ones to visit.

**Bristow Muldoon:** Some of the areas that we want to explore are mentioned in section 3.3 of Eugene's report, but we will probably want to broaden our investigations considerably. Electoral reform is not included in section 3.3 of the report, partly because that would duplicate the work of the Kerley group, but it would be a huge missed opportunity if the Local Government Committee visited local authorities and did not discuss that issue.

We need to broaden our investigations, even if we might be seen to be straying into some areas that the various commissions and groups are examining. I do not want us to do that extensively, but we should explore some of those issues.

**Donald Gorrie:** I was going to suggest that COSLA might have information concerning good practice.

I hope that the list of official questions will not be exhaustive. If, whenever we go somewhere, there are eight questions that we are supposed to ask, I hope that we will not have to limit ourselves to those eight questions. The essence of the thing is that one answer should lead to probing a bit further.

**The Convener:** Yes, I accept that.

**Dr Jackson:** I am trying to think about the matter logically. We must agree which of the areas in section 3.3 of the report we want to cover—that was Bristow's point. We must then move on to think about questions that will be phrased slightly differently to different groups. Eugene, is that how you are thinking of developing the process?

**Eugene Windsor:** Yes. I do not think that we should do that today. I suggest that, once we have an idea of which subjects committee members are interested in, and of which geographical areas they might want to consider, we will try to pull together some kind of programme. If that is agreed, the rapporteurs who are appointed could

then get together as a group and try to build consistency into the process.

**Johann Lamont:** It is all about the messages that we send out. We should be careful not to go about with a tick box, saying "Huh. You think you are good? Well, we are going to tell you something different." Nor should we prejudge which councils are good, bad or indifferent. There have been adverse reactions to the advisory panel in certain local authorities. We do not want to be seen to come in on the back of that panel, doing that kind of job. We should genuinely try to establish some kind of dialogue.

It is about trying to get a representative impression of local government throughout the country. There are obvious places where we want to touch base, but I am anxious that we should not be prescriptive. We should not say, "We are coming to meet you because you have good practice," or, "We are coming to meet you because you have bad practice." We are trying to build a dialogue, and that is slightly different from what has been done by the Executive.

**Colin Campbell:** Presumably we will send people a list of the subjects that we want to discuss, but our basic function is to listen and learn, not to judge. We must have a dialogue.

**Mr Gibson:** Convener, there are only 32 local authorities in Scotland. How many do you suggest we visit? Will we see 10 or 11 each?

**The Convener:** Certainly not 32—we must be selective. I would want as much variety as possible in terms of size and geographical area. Perhaps you could tell Eugene Windsor what kinds of things you are interested in, and that could guide our programme. There are some that we obviously must visit. It goes without saying that someone—not you, Kenny, or me—would have to go to Glasgow and see what is going on there. We could begin with those that it is clear we must visit—Inverness would be another. The inquiry must not be narrow, but it must not be too wide either. Perhaps we should visit about 10?

**Mr Gibson:** A dozen maybe?

**The Convener:** If that. That is a lot—perhaps eight to 10. We are not going to listen only to councillors and officials; most important, we will listen to the people who receive the services. What is the point of fixing things if people do not get their services delivered?

We must get more information from members about what they are interested in and then think about which authorities we should visit and what the timetable will be. The committee must remember that the ethical standards bill will go before Parliament towards the end of the year and that we will have to scrutinise it. At the moment,

the bill is timetabled for three committee meetings, but as a result of discussion with the clerk yesterday, we will probably cut that to two. We have to scrutinise that bill before Christmas.

**Mr Gibson:** I would like to suggest that we see a dozen councils. That would mean four each.

**Mr Paterson:** The kind of authority that we visit has a bearing on this. I was born and brought up on the islands—being in an urban situation seems a bit odd—and there are peculiar situations in island authorities. I suggest that we go to at least one island authority—although I should not go. The problems of island authorities are quite different.

**The Convener:** That is an interesting point. During that long holiday when we did nothing I spent a week listening to the local government committee in the House of Commons. I can assure you that it is very interesting.

**Mr Gibson:** I think mind-numbing is the phrase you are looking for. Frank was up in Orkney a couple of weeks ago.

**Johann Lamont:** He was also in the Western Isles.

**The Convener:** It might be worth looking at the House of Commons local government committee report—its recommendations are interesting.

**Mr McMahon:** My point is similar to Kenny's. The Accounts Commission broke the local authorities down into four different kinds: rural, urban, mixed and island. If we do two of each, that will give us eight, and then Edinburgh and Glasgow—which we must look at because of their particular difficulties—will take us up to 10.

**Mr Gibson:** We should look at Highland, because it is the biggest. That makes 11.

**Mr McMahon:** If we work the visits out on that basis, we would be covering a fair spread.

**Colin Campbell:** Yes.

**The Convener:** Also, if something crops up during the process that we think we really ought to look at, it can be included. At the moment, it is important to establish a number.

**Dr Jackson:** In addition to Michael's criteria, we should remember that size is also important.

**The Convener:** There is no answer to that. *[Laughter.]*

**Mr Gibson:** Colin will burst into tears. *[Laughter.]*

**Dr Jackson:** I am sorry about that. The paper also mentions political control, which should be added to our list of criteria.

**The Convener:** Is that your last question for the

day, Sylvia? Does anyone wish to raise anything else in respect of this paper? If not, can we formally approve these recommendations, including the items that we have added?

**Dr Jackson:** I think that the point that I raised earlier about mapping was raised in the wrong context.

**The Convener:** Here we go again.

**Dr Jackson:** Do not go to sleep. The discussion on the briefing paper was not the right place to mention it.

**The Convener:** I will speak to that when I sum up.

**Dr Jackson:** Will you? I have four headings now.

**Colin Campbell:** Four headings and a funeral.

**The Convener:** We move now to the programme of committee dates. Ah, members do not have that piece of paper.

**Mr McMahon:** Does the press have it? *[Laughter.]*

**The Convener:** No, no, the press does not have it. I will formally close this part of the meeting to allow the official report to go away and then we can discuss the diary.

*Meeting closed at 11:57.*



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