

LOCAL GOVERNMENT COMMITTEE

Monday 17 January 2000
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE

2nd Meeting 2000 (Committee Room 1)

CONVENER

*Trish Godman (West Renfrew shire) (Lab)

DEPUTY CONVENER

*Johann Lamont (Glasgow Pollok) (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)

*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

WITNESSES

Richard Kerley (Renewing Local Democracy Working Party)

Trudi Sharp (Scottish Executive Development Department)

Andy O'Neill (Convention of Scottish Local Authorities)

THE FOLLOWING ALSO ATTENDED :

Morag Brown (Scottish Parliament Information Centre)

COMMITTEE CLERK

Eugene Windsor

ASSISTANT CLERK

Craig Harper

Scottish Parliament

Local Government Committee

Monday 17 January 2000

(Afternoon)

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

The Convener (Trish Godman): Good afternoon, comrades. I apologise for my voice, which is coming and going—although that will be a great delight to other members of the committee. If any of you get up my nose, I will rule you out of order; that will save me from speaking.

Renewing Local Democracy Working Party

The Convener: I welcome Richard Kerley, Andy O'Neill and Trudi Sharp to the committee. Richard has spoken to us before, and we have met him—or at least I have—on other occasions. He will talk about the work that he has been asked to do relating to the McIntosh report. Andy is here from the Convention of Scottish Local Authorities, and Trudi is here from the Scottish Executive.

The procedure will be as before: witnesses will tell us what they want to tell us, then we will open up the meeting for questions. I appreciate that Richard wants to be away by a certain time, so I will ensure that we keep to that.

Richard Kerley (Renewing Local Democracy Working Party): Thank you for inviting me. Trudi Sharp and Andy O'Neill are with me to emphasise the fact that the renewing local democracy working party is a joint initiative involving the Parliament, the Executive and COSLA; the secretariat is joint in form. That has enabled us to draw on the expertise of local government as well as the expertise in the Scottish Executive.

Like yours, convener, my voice is coming and going, so I may break off on occasion. It is one of those annoying, end-of-flu coughs and I am trying to get rid of it.

In any event, I do not intend to speak at great length. I will take members through our remit and explain, or outline, a number of different elements. I want to draw attention to what we consider to be the key items in our remit, and to develop some of them in a bit more detail, because a first reading may pass over some aspects that are very significant for our report.

I want to describe what we have done to date, and to acknowledge fully the extent to which we

are building on the work of the McIntosh commission. Indeed, Neil McIntosh and Maureen Watt are both members of the working party as well as having been on the McIntosh commission.

I also want to make an observation on the way in which our work, once we have reported, may be progressed. It involves complex elements that have implications for you as members of the Parliament, and that may also have implications for the Westminster Parliament. I will say a little more about that later.

I will also draw your attention to what I consider to be the critical issues that we are trying to think and talk about, and to those issues that we believe must be debated at more length. That further debate will perhaps take place here, perhaps in the Parliament, and perhaps more broadly in the wider community, because everyone has an interest in the way in which local government operates.

You have all received a sheet of paper on which I have tried to put headlines on the different items. Our remit is expressed very clearly: it is to build on the report of the McIntosh commission. We all have copies of that and everybody here will have read it. I happily acknowledge that it is a very good piece of work. The report has drawn on the strengths of local government and pointed out the extent to which it is a vital institution in our community; it has also pointed out that the Parliament and local government must think afresh about the relationship between them and about the relationship between local government as an executive body and the Scottish Executive as a decision-making governmental institution.

However, as was said when the report was received initially and debated in Parliament, some elements of it require further work. Therefore, the throwaway remark that I heard someone make—"They should just implement the McIntosh report"—clearly failed to take into account the fact that the commission itself acknowledged that some areas would need further work and exploration. That is part of what we are trying to do.

Our remit is expressed in a particular order in both the minister's statement and in print, but it is important to say that that is not necessarily the order in which we have been discussing it; nor is it the one in which we will collectively come to a view and make recommendations. I will give you a brief example of that: a phrase in the remit refers to the

"appropriate numbers of members for each council".

It seemed foolish to take a view on that at the outset, and to say, for example, that 79 members in Glasgow is too many and should be reduced, while 18 in Midlothian, Clackmannanshire or

wherever is too few and should be increased. The number of members on a council is a consequence of a number of views of different elements of what a council does—that is, what councillors do, how they are elected, how what councillors do relates to what permanent officials do, and what, overall, we expect of our councils. I have approached today's explanation in the order in which the remit is written, but we will not necessarily form our views in that order.

The starting point—and in some ways the most difficult part of our remit because it is affected by a variety of social factors—is the requirement that we consider ways of widening access to council membership, thus making membership more representative. That poses many serious challenges, but I am in no doubt, and neither is the working party, that we must do something. For example, the representation of women among elected members in local authorities is nothing short of lamentable; that of members of minority ethnic communities is by and large fairly poor; and that of young people—what that means depends on where you are looking from, but let us say under 30—is not good.

If anybody tries to find a councillor who is under 25, they invariably turn to the same one, two or possibly three people in Scotland. As the father of an 18-year-old, I am not sure that I would have any great enthusiasm for him being elected to public office, but on the other hand people of that age form part of the work force and can engage in every other activity that adults are entitled to engage in. It is a bit of problem that they are not represented in our public decision-making bodies.

The position of women and of people from minority ethnic communities is equally clear, and that is important in terms both of equity and of the practicality of decision making. From my experience as a councillor and an official, I am aware that predominantly male bodies make decisions that are different from the ones that bodies with a better gender balance, or a better age balance, would make.

The McIntosh commission collected much evidence and listened to many different views from different local authorities. The working party has the results in front of it—we have reports, documents, research and so on.

We are reviewing the limitations to council membership, which, although not in our brief, are part of the Executive's consultation. Clearly, one factor in broadening council membership must be the qualification and disqualification of people, especially those who are local authority employees. We will also consider the age limit, because people can vote at 18, but cannot be candidates for election to a local authority. They are adults—we can put them in jail, they can join

the armed forces, and we expect them to do a variety of things. Closing the 18 to 21 gap—in principle, if not in practice—is something that we might at least consider.

Over the past two months, we have been involved in research. People at Victoria Quay have commissioned a couple of organisations to talk to, listen to and explore the views of people in a number of categories on the attractiveness of public service. Those categories include people who have been councillors, who are being asked, for example, "You became a councillor—why? Voluntarily, and not because you were kicked out by the electorate, you stopped being a councillor—why? What were the barriers to continuing as a councillor? What motivated you in the first place?"

Those same organisations have conducted what the press still refers to as focus groups, but what the organisation calls research groups. I have sat quietly at the back of the room during some of those discussions, as have other members of the working party. Different groups in different parts of the country have included people who already give a commitment to public service—members of bodies such as health boards, local enterprise companies, tenants associations, school boards, voluntary organisations, neighbourhood watch programmes and trade unions. They have been asked to think about why they are willing to give up time to commit themselves to demanding public or quasi-public activity and whether they have considered standing for election to a local authority.

The research groups have also covered groups of people, selected on a demographic profile, who have no public involvement. They have been asked for their perception of councils, their views about councillors, their understanding of how the council works and why they think that people do not express a greater interest in standing for public election.

It is possible that any recommendations will involve a small measure of legislation, some of which may affect the Scottish Parliament and some of which may have implications for the United Kingdom Parliament. I am not sure which measures would affect which Parliament; Trudi Sharp keeps us right about that, as it can be problematic. For example, the possibility of opening up candidature to those who are currently debarred by employment is a matter for this Parliament. Lowering the age at which one can seek public office is covered by the Representation of the People Act 1989 and is therefore, I presume, a reserved matter.

However, a large part of our recommendations will, in a sense, be a matter of exhortation and encouragement to councils to follow good practice. Some of that is highly problematic and difficult to

be confident and firm about. A popular suggestion is that more councils should meet in the evening, but my recollection of being a parent of younger children is that a 7 o'clock start for meetings coincides precisely with the time when one is coping with food and getting kids to bed. Moving meetings to evenings may be attractive to some people, but does not benefit others.

It may be helpful for every council in Scotland to examine the practices that other councils follow to make it easier for people to be members of a local authority. The critical debates are about employment, employee status, age, council practice and, more broadly, about why more and more people are disengaging from public life. That is a question not just for Scotland or the UK, but for the whole developed world. The phenomenon is found in a variety of societies. We live in a more individualistic and atomised society, in which people are less and less enthusiastic about engaging in traditional forms of democratic activity. That enthusiasm can be, and has been, revived in some parts of the country, but achieving that revival is a wider problem than we can discuss in this committee room or this Parliament.

I said that some parts of our remit are not as obvious at first glance as they become with fuller consideration. It would not be revealing a secret to tell you that one member of the working party told me the other day that he did not realise that we had to consider the appropriate number of councillors and the size of councils. The second paragraph on the document before the committee refers to the

"appropriate numbers of members for each council".

I assume that that requires a report that details from A to Z—or rather from A to W for West Lothian—the recommendation on the number of members for each council. I cannot envisage my putting my name to a report that says that, although Glasgow currently has 79 councillors, the working party considers that 77 is a more appropriate number. I envisage a recommendation of an in-the-order-of figure.

14:15

It is no secret that all members of the working party consider the matter of councillor numbers to be the most problematic and difficult question. Answering it is not helped by asking councils, "What is the appropriate number of members for your council?" If I had a penny for every time that someone answered, "About the number we've got at the moment," I would be a very wealthy person. When I have asked councillors whether the number could be reduced or increased by one, some of them have been tied to the stake, saying that the current figure is spot on.

Some councillors, in particular senior councillors such as council leaders and the leaders of major opposition parties, have admitted that they could probably cope with somewhat fewer people than they have at the moment when it comes to decision making or sitting round a room and talking. However, that poses a representation challenge that is particularly difficult for the more remote areas of the country in which the population is sparsely distributed across a wide area.

We have been working our way through the research evidence on council size. We have also been talking to people from the Local Government Boundary Commission for Scotland, which has been severely traduced by many councils—quite unfairly, in my opinion. The boundary commission has been criticised for observing the parity principle as its guiding criterion in working out boundaries, without the acknowledgement that it was, after all, a Government that insisted, for obvious democratic reasons, that parity be the commission's key principle.

We were also surprised by the relative weakness and lack of robustness that surround the regulations under which the boundary commission works. That those regulations need to be reviewed is something that should be written into our recommendations. I can elaborate on that later, if members would find that useful.

Legislation may be required. I have used the phrase "primary/secondary", as I am not sure whether members would make the legislative changes by an act of the Scottish Parliament or as secondary legislation. I assume that officials will advise members on that as part of the Parliament's developing protocol.

The number of councillors is clearly a controversial issue. If councillors think that current local authority numbers are about right, doubling or halving those numbers will cause a lot of fuss. It is interesting that people are comfortable with what they know. For example, in Aberdeenshire, there were complaints about the substantial increase in the number of members on Aberdeenshire Council. Those members who were members prior to May 1999 still think that the numbers are too high. However, those elected anew in 1999 are beginning to think that the numbers are about right. Whatever way one cuts it, someone is likely to be upset, so we anticipate that that will be a controversial part of our recommendations.

Equally controversial, or perhaps more so, is the choice of electoral system. In considering that, we must address certain criteria. Again, I assume that those criteria will be ordered to reflect their relative importance or the Executive's priorities. We have a good deal of research evidence and have

benefited from material that has been sent to us spontaneously by a number of organisations. We have seen presentations from two or three groups about different forms of electoral system and we have held discussions with representatives of all Scottish local authorities, meeting in closed forums with people from different parties. We also have, from the McIntosh report, the views of the public.

Although we will make recommendations, I do not know what they will be. I do not have any particular preferences. It is possible that there will be a continuing debate and, as I have indicated in my handout, such a debate might be progressed through different legislation by different legislative bodies. For example, the current legislation for local government in Scotland requires each council to be divided into a number of wards, each of which returns one councillor. Different forms of electoral system—the current system and the alternative vote system—could return one councillor for one ward. If legislation were to require the introduction of the alternative vote system, I presume that that would be channelled through the Representation of the People Act 1989, which is a reserved matter. The introduction of the additional member system or the single transferable vote system might require legislation both here and at Westminster.

This is getting into difficult territory for me; however, it seems clear that there are two different decision-making forums for those different elements. Although matters concerning local government in Scotland are devolved, I am not sure about matters concerning the Representation of the People Act 1989.

Trudi Sharp (Scottish Executive Development Department): They would be a matter for the Scottish Parliament.

Richard Kerley: Which means that it is a matter for you, convener.

The issue is clearly controversial. Just as members of this committee and other MSPs will have different views, there are different views in local government. Such different views do not simply divide down party lines, but exist within parties. Some councillors have told us, "My party's view is that we should do X; however, I—and my party group—think that we should Y, or certainly not do X". That seems to be relatively widely accepted. No council representative has ever told us, "My council is opposed to or is in favour of such a measure" and they have all openly acknowledged that different views exist within their councils.

The final point on the handout concerns the remuneration of councillors. We have collected a variety of data and have examined comparative arrangements. Early in our work, a member of the

working party, Vikram Lall, helped us to consider councillor remuneration as a total package, rather than as a case of cash in hand or received through a bank's automated clearing system on a Friday morning. As a result, we have been discussing benefits and superannuation and pension arrangements for councillors. I have been very impressed by people's strong views on this issue, usually about others than themselves. They have described cases in which people who have served as councillors for 25 or 30 years give up—or, as we once heard, drop dead—and receive nothing, which seems inequitable. After all, councillors pay national insurance and tax on their allowances, in which sense they are treated as employees; however, they are not allowed the benefits of employment unless they make very complicated individual arrangements.

That said, we are discussing a number of issues that need to be considered. For example, what do councillors do and what should they do? I believe that someone who chooses to spend all day every day at the council office is not necessarily a full-time councillor. However, it is difficult to define a councillor's public service as not a job in the sense that most of us would understand a job. The legal position is extremely complicated.

Some members might know—I see that Mr Jamie Stone is not here today—that Highland region is engaged in a complex industrial tribunal case about whether seeking to be a candidate for this Parliament can be defined as a job. Aberdeenshire Council and Aberdeen City Council have a complicated arrangement whereby a person can be eligible to be a councillor if his or her place of work has been within the council boundaries for 12 months. The person concerned had been a councillor and the returning officer deemed that the council office could be defined as a place of work. This very complicated area might lead to debate and regulation with UK-wide implications, as employment matters tend to be treated on that basis.

Although one of the critical debates centres on overall resources, which are always limited in some way, the other area of debate is the possible consequences for employment legislation. For example, on the subject of the draft Ethical Standards in Public Life etc (Scotland) Bill, the Scottish Trades Union Congress quite rightly drew to the committee's attention the lack of appeal for debarred councillors. At a time when we are extending people's employment rights, we have to define what rights might be appropriate to councillors if we think that they are quasi-employed.

I have been asked whether the working party report has been written and I have wished that it had been, because it would make things a lot

easier. In two or three recent meetings, I have said that I think I see some shapes in the mist, some of which are more clearly defined to me than to other members of the working party, who see other shapes in that mist more clearly. I am confident that we will reach a conclusion and will produce a report for the Executive. I hope that we will be able to extend our reporting period into March or April, because it will make matters difficult if we rush our work. Although I understand that the ministers are reasonably fine with that, I have to agree it formally with them.

I will stop there, convener, and will be happy to answer any questions.

The Convener: Thank you very much for that full report. I was interested in your comments about the representation of women, people from black and ethnic minorities and young people, and you asked how we can engage such people in the political process. You have suggested that councils might learn lessons from one another through horizontal networking. Would COSLA have a role in that? Although the idea is good, how can we implement it?

Richard Kerley: COSLA could and should have a role in that, as should local authorities in their working relationships with each other. Local authorities are often prey to the not-invented-here syndrome, in which one authority will not do something because another authority is already doing it. Given that local authorities are not competitors, they could learn more from each other than they generally do. That is a generalisation; local authorities can be extremely good at sharing learning across boundaries in some domains and disciplines.

14:30

That said, practice could be spread across different councils. For example, councillors are generally poorly supported in their representative functions. By that I mean that the typical councillor, who is chairing the four-person sub-sub-sub-committee on licensing, will find himself or herself in a room such as this one surrounded by half a dozen officials who keep a meticulous record of proceedings and ensure that everything is carried out properly. Once that person steps outside the council chamber—often to engage in important business, both individually or collectively—they are left to sink or swim.

What struck me when I listened to the discussion groups was the extent to which people seriously underestimated their own ability to take on some form of public responsibility. Furthermore, they were anxious, afraid and concerned about what might be expected of them and how they would respond to that.

The Convener: I know that this is not part of your remit, but given what you have said about support, what is your opinion on training for councillors?

Richard Kerley: That is difficult because it crosses barriers of both practice and emotion. In terms of practice, there is a shared set of values that all representatives in a democratic institution should have, as well as a shared capacity to influence that institution, yet there is clearly a party advantage to be had by leaving some people ill equipped to do that. Members should consider the nature of the debates in the Scottish Parliament or at Westminster—the brighter and the quicker will use that to the disadvantage of those who are less equipped to handle the challenge or who do not have the experience.

That situation is most observable when local authority finance is under discussion. If asked, councillors will say that they want more training in local authority finance. However, in most local authorities, the broad budget strategy is run by three or four people, only two of whom are elected. Often, there is no desire on the part of council leaders and senior officials to extend that understanding of finance across the body. In academic jargon, differential information is never an accident. We hang on to more information because we can use it to put one over on someone else.

The emotional aspect of training is more difficult because it reflects on our assumption that if a person occupies the office, they should be able to do the job and, from another point of view, if someone admits that they cannot do it, it is seen as a weakness. The experience of providing training for councillors in several councils has been that people do not turn up, even though it is offered and tailored to suit time and location.

Bristow Muldoon (Livingston) (Lab): I have two brief questions. The first follows on from Trish's original question about the lack of women, young people and representatives from ethnic minorities. Is that something that could be solved by legislation? Does it require action by the political parties and, if so, do we need to amend legislation in order for parties to put forward balanced tickets of men and women, for example? I know that there was a question about the legality of what the Labour party did for the Scottish Parliament elections, which was successful in increasing the representation of women.

Secondly, in terms of trying to get more people involved in local government, have you thought about sabbaticals from employment, underpinned by legislation?

Richard Kerley: Not all members of the working party share my view, but I would say that,

notwithstanding that our remit refers to the position of independent councillors, to have more women, younger people and representatives of ethnic minorities on our councils would require action by all four of the political parties that are represented here. It is a party question. If someone wants to be a councillor in Glasgow, Edinburgh, North Lanarkshire or West Lothian, unless there are particular and curious local circumstances, they must be connected to a political party. I would argue that parties must review their arrangements for encouraging and motivating people to stand for election. I find the question of legislation hard to answer. Personally, I do not favour the suggestion that parties must have a balanced ticket. That gets extremely complicated—it would be easy for gender, but less easy for age and far more difficult for ethnic origin.

In relation to sabbaticals, we are currently considering employment legislation, which appears to have clustered around the provisions made in the Local Government and Housing Act 1989. Where organisations give time off, they seem to have homed in on that act. The general view is that the time suggested in the act is inadequate. That might be something to which we could turn our attention. The working party would have to discuss that. To move to a position where people take more time off work to be a councillor—or more time out—would require a wider debate among democratic institutions and major employers. While it may be straightforward to offer that arrangement to employees of a large organisation that employs 5,000 people in Scotland, it would be extremely difficult for companies with 4 or 5 employees'.

Johann Lamont (Glasgow Pollok) (Lab): I was very interested in what you had to say about the lack of representation of the black and ethnic minority communities and of women. There might be lessons to be learned from the way in which that was managed in the Scottish Parliament, which was very successful in terms of gender, but clearly failed in several other areas.

If people are disengaging from public life, the party structures will be weaker. In the past, it would have been those party structures that supported someone in their work as a councillor. I get the impression that much of the training is about how to be a good manager of representative business, whereas there was a time when a clear agenda emerged from the community through the local party structure, which supported councillors against officials. Do you have any sense of that across the parties? Is that disengagement reflected in party structures?

In your research on representation, did you make particular efforts to ensure that you were interviewing people other than the usual suspects?

Did you look towards women's groups, for example—they are very strong, but that is not necessarily reflected in political life—and the extent to which they might have been suggesting something other than exhortation?

Richard Kerley: I can answer that in both general and specific terms. Generally, the demands that are made on councillors now are dramatically different from those that were made 20 to 40 years ago. Those demands do not necessarily relate to their role in the council, but they might relate to their role outside it. If, for example, someone is elected to ward X in council Y, he or she might then—depending on circumstances—be sent off to be a representative on another outside body, such as a statutory body or, as happens increasingly, a private limited company. There, they might find themselves carrying out the responsibilities of a company director which, technically, take precedence over their position as a councillor, yet they are often left unsupported in that role.

Increasing demands are made on councillors through the fragmentation of society. One councillor told us that he spends time acting as a marriage councillor. He has had to resolve disputes between a separating husband and wife over property, because those people have nobody else to go to. Often the elected representative—particularly at council level—represents an interface with the world that otherwise ill-equipped people, who are under great stress, do not have.

There are examples of councillors who have taken on singularly inappropriate tasks—one councillor was reputed to fix plugs in constituents' houses. I made the obvious observations that that reflected poorly on the council's maintenance system, and that I hoped that they had a damned good insurance policy. The last thing that you want to do is electrocute a constituent through the actions of a councillor. The demands on councillors are changing and I am not sure that anybody has an easy answer as to how we re-engage and re-support councillors.

Mr Keith Harding (Mid Scotland and Fife) (Con): I do not know whether I must, but I had better declare an interest as I am still a serving councillor—although I do not think that that affects my question.

When you questioned people who were already in public service as to why they did not wish to go into councils, did it come over that councils had become too polarised politically and that the overriding influence of political parties was putting people off?

Richard Kerley: Different views were expressed. I was impressed with the way in which those research groups were conducted. I have

read in the papers about focus groups driving parties along and have thought, "Oh, yeah." However, I sat in on discussions and was in awe of how those who conducted the groups managed to lead an animated discussion involving eight or nine people in a way that I certainly could not do. As a teacher, I wish that I could.

What came out of the research groups was that some people have a critical view of politics with a small p, but not necessarily of party politics, although some did. They referred to the fact that there was so much hassle. If councillors have a good idea, someone will always criticise it. Whatever choice a councillor makes, someone will criticise it. At one group that I sat in on, two people had attended a public meeting at which they felt that a man had been given stick unfairly over an issue that was not his fault and which could not be resolved, but for which people were looking for somebody to blame. The overwhelming theme was the sheer hassle that is involved in holding elected public office.

One other observer commented that it is easy to be a citizen who thinks that we should do something about a road on which a child was killed. When someone has been elected to public office, they must choose between that road and one on the other side of town. They then have to consider what to do about a particular road. Going to people and saying, "I know that your child was killed, but he is the only child killed on that road in 50 years" is tough. Campaigning on a community platform is—emotionally and practically—a lot easier than having to make choices, which is what a councillor does, whether in opposition to, or in control of, a council.

The Convener: Donald Gorrie will ask the next question. Before he does so, I will hand the chair over to Johann Lamont for two minutes.

14:45

Donald Gorrie (Central Scotland) (LD): I should also declare an interest, as nearly 20 years ago I was a vociferous critic and opponent of Richard Kerley in the council in Edinburgh across the road. It seems to me that he has improved a lot since then.

Richard Kerley: I wish that I could reciprocate. *[Laughter.]*

Donald Gorrie: First, in England, quite a long time ago a system of political advisers was established, so that in the English equivalent of the Convention of Scottish Local Authorities, and in individual councils, the ruling group and the other groups get political advice on a pro rata basis. Some of my information comes from people who are seeking a job from me and who, therefore, doubtless talked up the contribution that

they made. I think, however, that some of these advisers make a good contribution, although I know that our friends in the press are not keen on special advisers and spin-doctors. Did your committee examine the issue of paid support—other than from council officials—as a source of advice for councillors?

Secondly, I was interested, metaphysically, in your remark—with which I have not yet come to terms—that somebody who worked at a desk in a council all day was not necessarily a full-time councillor. There has been a lot of talk about having a system whereby someone could sign on to be a full-time or part-time councillor and be remunerated accordingly. Is that on your agenda?

Richard Kerley: Donald refers to the provisions in the Local Government and Housing Act 1989 to provide policy support for councils. I have always found it curious that the Government that introduced the act, which was a UK-wide provision, did not implement significant sections of the act in Scotland. I never understood that. I do not say that as a criticism of the then secretary of state, whom I believe was Ian Lang. We have those documents in front of us and are examining that issue.

There is a case to be made for saying that councillors are generally poorly supported in a number of the different functions that they are expected to perform. We do not spend enough money on supporting democracy in local government. We spend a lot of money on supporting service and bureaucracy. I do not say that in a dismissive sense—I mean it in terms of the council machine. When it comes to councillors, however, support is provided on the cheap and it should not be. Those are the people to whom the Wheatley commission referred as the very hub of the machine. They must make very hard decisions—if they are scrabbling around to get letters typed and are unable to deal with business because they do not have access to facilities and resources, they will make poor decisions.

On Donald Gorrie's second question, I was attempting to suggest that what most of the people to whom we have spoken have said, and what we have observed—based on many of us having a knowledge of local government—is that there is a minority of councillors, typically in the ruling group but sometimes in other parties, for whom running the council is a full-time commitment. It might take up 40, 50 or 60 hours a week. I do not know how many hours a week those men and women put in, but their work involves attending meetings seven days a week. Our view is that those councillors should be remunerated in a way that acknowledges their contribution.

Some other people do not wish to be full-time councillors and they combine being a councillor

with running a business or working in other employment. Recently, in Glasgow, I spoke to two people who wanted to continue their careers and continue to be councillors. They have to juggle their holidays, lunch times and evenings to do that.

I referred to the phenomenon in some councils—not in all and not in great numbers—of councillors who defined themselves as full-time by turning up for a large number of hours even if, to put it bluntly, there was not much for them to do. They stretch out their activities to fill up the time. I am not a gambler any more, but if I were I would bet that every leading councillor in every council in Scotland could nominate at least two or three people who fall into that category.

I do not think that such self-definition entitles one to be paid as much as someone who rushes around doing things for 40, 50 or 60 hours a week—that was the distinction that I was trying to make.

Mr Gil Paterson (Central Scotland) (SNP): Leaving aside the responsibility of the political parties for gender balance, have you found evidence that local government is addressing—perhaps by providing crèches, child minders, or a salary—the problem of women being unable to stand for office?

On the issue of the number of people that is required to elect someone in a ward, would it be possible to have two sizes of wards? For instance, wards in rural areas might need 2,500 electors, and wards in urban areas might need 5,000 electors. Would that square the circle with regard to the size of councils and the number of councillors?

Richard Kerley: I will try to answer, but I think that you have asked about five different questions, which it might be difficult to answer all at once.

I do not think that the actions and operations of councils as institutions militate against the involvement of women to a greater extent than do those of other institutions. This society generally assumes that child care is the responsibility of the mother. I am sure that some people will disagree with that, but many people, including many men, assume that the parent on whom the first call should be made to give up their time when a child is sick is the mother. We have to accept that there is a problem. A number of local authorities have crèche facilities, nurseries or related provision in or around their headquarters, which allows some form of child care for councillors. We have examined and discussed the notion of child care allowance, but that issue is quite complicated and, at the moment, I do not think that there is an easy way to deal with that.

A factor that militates more against the participation of women is that institutions are not

family friendly. The routine in most organisations is to have evening meetings that start at 7.30, which is a lousy time for people who have youngsters who are aged about two or three years old. Facilities and attitudes could be improved, but incorporating additional complexities into the electoral system would not necessarily improve the position of women in that system. It would depend on who is nominated for election and on which party nominates candidates. Having two places up for grabs will not resolve the problem, unless parties decide internally to handle matters differently.

Perhaps that does not answer everything that you asked about.

Mr Paterson: Did you hear any evidence on whether a system could operate in Scotland whereby the number of electors required in wards in rural areas was different from the number of electors required in wards in urban areas?

Richard Kerley: I now understand what you mean. The Boundary Commission for Scotland operates on the basis that representation of urban areas allows a councillor to represent a greater number of people than does representation in rural areas. In considering the figures, I feel that the dilemma is about the extent to which areas are defined as urban, rural or as something in between.

I talked about the weakness of regulation surrounding the Boundary Commission. We were surprised to discover that the Boundary Commission relies on the co-operation of local authorities to get the necessary data that would allow it to make recommendations on ward boundaries. However, local authorities are not obliged to co-operate. Our attention was drawn to one local authority, which I had thought of as being indisputably urban—mainly because it is a city—but which claimed that it was rural because it had a large chunk of countryside within its boundaries. There is to-ing and fro-ing.

Some rural councils think that the current electoral system suits them. They argue, therefore, that if there is a change in the electoral system, there should be different systems for rural and urban areas. Again, the issue is complicated; although Highland Council is an indisputably rural local authority, at its heart is Inverness, which is clearly an urban area. The reason why we hold parity to be very important in a democracy—this might add more to my answer than you wanted—is that, traditionally, departures from parity have favoured rural rather than urban areas. Such departures have favoured, broadly, small-c conservative parties. Therefore, such departures lead to the potential for the manipulation of boundaries and the sizes of wards to achieve an outcome that suits whoever happens to be in

control.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I wish to ask a question about electoral reform, which might still be a cloudy issue. The alternative vote system creates potential problems—much depends on how great a transformation is brought about by the top-up element of that system. In selling that system to political parties, that information might be important because a top-up of 15 per cent would have a radically different effect from a top-up of 40 per cent to 50 per cent. Have you examined such questions, or is the issue of electoral reform still up in the air? I do not mind if you tell me that you cannot answer the question, as long as you do not tell me that the matter will be decided by a focus group.

Richard Kerley: This morning I asked a colleague how he knew when he was stressed. He asked me why I had asked and I replied that I woke up this morning at 4 o'clock and could not get back to sleep because I was thinking about the difference between the alternative vote and the single transferable vote.

I am not an enthusiast for any particular electoral system and—until I took on responsibility for this report—I was not as well informed as I am now. I am somewhat better informed now than I thought that I would ever want to be. Being informed is important and I do not say that facetiously, as there is a lot of poor information available about different electoral systems. Such information is found in every party—even in those that advocate particular systems. On 3 July, Donald Gorrie spoke of a former leader of the Liberal party who did not understand STV, and I recently heard a Liberal referring to the mayor of London being elected by single transferable vote, which struck me as a misunderstanding.

However, people are aware that, in addition to the current arrangements, there is the option of some sort of system of proportional representation. The evidence that we have seen, read and ground our way through illustrates how many different alternative forms of electoral system there could be.

I am not answering your question directly, but I am coming at it from a different direction; what we have seen and heard has brought it home to me that the choice of electoral system depends on what one wants the system to do. Although the working party has certainly not come to a view, as we have different opinions, I can say confidently that none of us has any time for the list system that was employed for the European Parliament elections. Such a system is a possibility, and indeed it is commonplace in continental Europe where, for example, 23 Christian democrats and 34 social democrats might be elected from a list.

The difficulty that this Parliament is experiencing seems to arise from the dilemma of having the top-up list being intended to redress the disproportionality of the constituency list.

The notion that emerged a few years ago—that we should use a top-up system to produce the people who run the council—is therefore foolish. The problem in most parts of Scotland would be that if there were single-member constituencies plus a top-up list, single-member constituencies would—predominantly—elect one party or the other, while the top-up list would elect the parties that were not elected through the other mechanism. That points to STV as the system that best meets our brief. That is what I think, although I am not sure. In two or three weeks' time, we are going to sit down for two days to argue our way through this and consider the different elements. Does that get us anywhere?

15:00

Mr McMahon: It does, as it leads me to ask a supplementary question.

In the evidence that this committee has taken, other people have discussed STV and some anomalies have been raised regarding who does what job in a multi-member constituency. People can pick and choose what areas they want to specialise in. They can choose whether they want to concentrate on the strategic level of the council or on the nuts and bolts—the fixing of doors and windows and that type of thing. Have you considered the practicalities of that in your deliberations?

Richard Kerley: That is part of what we are talking about. It is extremely complex and difficult, as it turns on a number of different factors, including personal preference and party balance. It also turns on what jobs councillors should do.

It is not unusual to have more than one councillor representing a single area. In Scotland, we have only had three years of one councillor representing one area: we had 21 years of two councillors representing one area. The reality of region and district differentiation was that the consumer—the citizen—did not differentiate. The citizen went to the councillor with whom he or she was most comfortable, the one who happened to be available, or the one they disliked less than the other—there were all manner of factors.

At one point, I asked the directors of housing of the four cities—some years ago—about the number of housing inquiries they received and where they came from. More than 35 per cent of inquiries in each city came from regional councillors. Your discussion about protocols suggests that they might have been told, "Go away. It is not your function." None the less, those

people were treated as representatives.

Prior to 1974, all the cities had three councillors per ward. The county councils, burghs and districts were even more complicated—several representatives were involved. I do not know whether that caused a big problem for anybody. We just do not know. I do not mean that the working group does not know, but that our society does not know. People just get on with it.

The Convener: Four members still want to ask questions. I am conscious of the time—it is approaching half-past 3—and I do not want to hold Richard Kerley back. I remind members to bear that in mind when they ask their questions.

Colin Campbell (West of Scotland) (SNP): I shall keep my question short, as I think you have, in part, answered it already. It relates to the Boundary Commission.

I am sure you are aware that councillors in every ward throughout the country grind their teeth every time they think of the Boundary Commission. The Boundary Commission took my ward, which was half a village in a small community, and stuck it in with another half village a mile and a half away. That did not altogether make community sense. I was fascinated to hear you suggest that there might be a strengthening of Boundary Commission powers. Can you elaborate on that and explain to what end that would occur? A big PR job would be necessary, or perhaps the criteria under which the commission operates would have to be more sympathetically and clearly defined.

Richard Kerley: Yes, I can clarify that remark. Several facts, which emerged in discussion with the Boundary Commission, surprised me. One is the fact that councils are not required to co-operate with the Boundary Commission. For example, one council attempted to sell a copy of its electoral register to the Boundary Commission for £4,500. Several other councils used different bases on which to calculate the likely population. The Boundary Commission operates on a five-year horizon, so its previous review was projected to 2001.

Some councils made ambitious claims about the rate of housing development in their areas, and in particular parts of their areas. The Boundary Commission can give you chapter and verse if you want it. For example, when a ward of 3,000 people had outline planning permission for an additional 2,000 houses in the area, at least one council said, "They will all be built." The Boundary Commission said—not unreasonably, because that is life—"Well, that will depend on the state of the economy, the ownership of the land, and so on."

Another council made modest claims about the impact of demolition and clearance in one area,

and said, "The same number of people will continue to live there, although we are tearing down 450 houses." I have mentioned the council that claimed to be rural, on the ground that there was a large lump of green in its boundaries. All those claims surprised me.

The Boundary Commission has a good case for saying that it has often had to propose solutions at short notice because of prevarication by councils. Small technical matters should be sorted out, such as the agreement and regulation of consistency in household projection, and councils should be told that if they compile an electoral register they have a duty to give it to the Boundary Commission electronically each year, instead of trying to sell it.

Colin Campbell: So there is a bit of pauchling going on?

Richard Kerley: Yes.

I have also received two or three letters, addressed to me personally, in which the Boundary Commission is blamed for choices that were made by the council. For example, councils set polling stations. I received a letter of complaint about the fact that somebody had to vote in a different polling station. That is nothing to do with the Boundary Commission, but it is blamed for it.

Mr Kenneth Gibson (Glasgow) (SNP): I apologise for having to leave the room during your presentation, Mr Kerley.

Have you examined the social composition of wards? If an urban ward contains a large number of deprived people, or a large number of council houses, the elected member may have to spend 70 or 80 per cent of their time dealing with the nuts and bolts—inquiries about the leaky gutters and broken pavements. Colin Campbell and I were councillors. Colin represented a ward that had half the population of mine; one person a month came to his surgery whereas I held surgeries eight times a month, to which 20-odd folk came. How important is the issue of social composition?

Do you think that having wards of equal population in areas of social deprivation militates against the people who represent such areas playing a full part on the council? If the elected member has to deal with such cases relentlessly, they do not have time to consider the overall strategic vision of the local authority.

Richard Kerley: There are several ways in which I can answer that question. First, on a general level, some councillors say that they do not hold surgeries, as they represent areas in which either there is not the same demand for individual advocacy or the population is predominantly phone owning, articulate and letter writing. At our meeting the other day, Daphne Sleigh said—quite openly, in the course of

discussion—that she no longer holds surgeries, as people did not come to them. If people want to speak to her, they have her phone number: they can phone up and she will deal with their inquiry in that way.

The second level is more interesting. We asked the Scottish local government information unit to conduct a diary study into what councillors did, and it asked councillors to co-operate. The return rates were not as good as we hoped, but the data that were generated were consistent with many other studies of the usage of councillors' time. The responses to all such studies suggest that councillors do not describe themselves as spending a lot of time dealing with constituents.

The greater proportion of councillors' time is taken up sitting in committee meetings. Depending on which part of the country a councillor represents, a significant proportion of time is taken up by travelling. If a councillor represents Wick and has to attend an education committee in Inverness, unless they drive fast, travelling will take them about five hours.

We do not have any analysis of the demands of representing Possilpark as opposed to Newton Mearns. Although we are trying to do that, the numbers are not big enough to make it easy. Intuitively, one would think that a constituency such as Possilpark would be more demanding, but it would be difficult—and potentially quite dangerous for democracy—if we began to vary numbers according to some sense of an area being more deprived and therefore more demanding.

Mr Gibson: We have visited a number of councils; one of the most contentious issues has been the possibility of PR in local government. You talked about officials' and elected members' lack of familiarity with the different systems. To what extent have you discounted vested interests?

I have found that people of all political parties are familiar with the system that may have put them in an advantageous position. When I have been to local authorities where the Liberals are in power, they do not want to change the system, whereas when they are in opposition they do. The SNP opposition groups I have spoken to want a change in the system, but if I visit a strong SNP group that is about 3 or 4 per cent behind the Labour party, it does not want a change because it thinks it might win next time.

It is not just the Labour party that has vested interests; the SNP and the Liberals do too. I do not have enough evidence of vested interests among the Conservatives—that is not intended as a nasty comment. Are you looking beyond that, or are you taking things at a two-dimensional level when this issue is being discussed?

Richard Kerley: A large pinch of salt would be useful in many circumstances, would it not? To be fair, we have had the same reaction as you. In our discussions with various councils, Liberal Democrat and SNP councillors have said, quite deliberately, "My party's view is that we should be in favour of STV." Only one person had the unabashed gall to say, "Given my particular circumstances, I favour the current system." When asked why, he said, "Well, it elected me."

People will have a personal preference at two or three levels. One level is when people have committed themselves to the kind of demanding public service that being a councillor involves. I do not want to tell you how to suck eggs, but we are talking about people who get called at 7 o'clock in the morning and 11 o'clock at night. They cannot do their shopping without somebody saying, "Hey, what about such-and-such?" They cannot play golf—one councillor described having somebody shout across the fairway, "Have you done anything about that planning proposal yet?" He thought, "Should there not be a rule that one can at least play golf without being asked about council business?" It is a demanding job; people take that job on and give it their time, energy and commitment. More important, they drain their family's energy and time. At that level—the commitment involved—they think that the system is okay.

There is also the institutional conservatism that we all have. Any change has to be proven, rather than just, "This would be a good idea." The other side of that is that people may genuinely think that there are alternatives. I am not thirled to any system. There are arguments for our current system and arguments for alternative systems of voting. It depends what the Executive or the Parliament wishes to achieve and what we want to happen in local government.

15:15

Johann Lamont: I am interested in how we manage needy areas. In political life generally, the most needy areas are not necessarily the most demanding. In fact, areas with few problems are often the ones that make the most fuss about marginal issues. I would like to hear your comments on the link between councillors and their wards. If a councillor is not rooted in their local work, they are less likely to get strategy right. I am uneasy about the really bright folk getting all the interesting work while someone else is sorting out the gutters. To have a sense of the job as a whole, councillors should work on all aspects of it.

My specific question concerns the intake of evidence on electoral systems. Time and again, we return to disengagement from public life. How do we get an electoral system that does not

become part of the problem? Some would suggest that the system that we already have is part of the problem. Are you taking into account the idea of having different electoral systems in different structures—at the Westminster, Scottish Parliament and local authority levels? Would you contemplate that, or do you think it would present difficulties?

Equally, have you considered different electoral systems within local government? You have already mentioned certain areas of Scotland where the first-past-the-post system can be helpful. Small communities and so on can live with having one representative and are more anxious about other electoral systems. Would there be a huge problem with that? Might there be a knock-on effect, in terms of people's ability to understand the electoral system that is in operation and, therefore, their ability to participate in it?

Richard Kerley: There are several questions there—it is easier if I start with the last one. I live in Mayfield Road in Edinburgh, which is in Newington ward, the Edinburgh South constituency and the Lothians constituency. I had access, fortuitously, to polling information that party representatives collected when they considered the count for the Scottish Parliament and council elections. In Newington, the electorate did not elect a Conservative councillor, although a Conservative had represented the area for 30 or more years. It elected a Liberal to the council and Angus MacKay as the Edinburgh South constituency MSP. I suspect that a significant proportion of the electorate cast its list vote for Robin Harper.

The evidence in Edinburgh, the Lothians, and Glasgow was that a significant proportion of the electorate voted in different ways at the different elections. Somebody said to me the other day that the electorate could just have been mistaken. I said, "Yes, but it seems more likely that the electorate deliberately cast its vote in different ways." I do not think that the electorate would struggle that much with a system such as the one that was used for the Scottish Parliament elections. It did not appear to be insuperable, compared with the first-past-the-post system for the council. Plenty of countries use different electoral systems for different tiers of government. Indeed, I think that I am right in saying that after the Greater London Authority and mayoral elections, we will have six or seven different systems in the United Kingdom. People will not have to deal with all of them.

On rural and urban areas, my view is that we should start from the presumption that one institution should have a common electoral system, but I could be persuaded that parts of rural Scotland in particular might be different.

However, any argument for that might not be based on the rurality or the remoteness of such areas, because different proportional systems are based predominantly on party definition. Most people would find a ballot paper that says, "Rank these six people: Ian McDonald, independent; David McDonald, independent; Jill McDonald, independent; Joe McDonald, independent," and so on, quite complicated. While there might be a case for rural areas having a different method, it is not overwhelming as it is possible to reconcile different elements. The ward link is important, as it is a tradition in Scotland. I happened to be in Holland and spoke to representatives of the city council in Amsterdam where, as with most European countries, there is a list system. During the conversation I asked, "If I had a complaint, how would I speak to my councillor?" They replied, "Why would you bother?" They did not mean that dismissively: they said, "If you had a complaint about planning, you would speak to the person responsible for planning." Their perception was that the ward-councillor link was not particularly important. One would speak to the planning person or, if one felt strongly about being a social democrat, Christian democrat or whatever, one might speak to a party representative.

In this country, in the UK as a whole and in the Republic of Ireland, for that matter, the notion of a representative is important. People think, "Who can I phone up? Who can I shout at if I am not happy? Who can I go to?" Therefore, we must have an element of identification with the ward. The representative might also have a leadership role—every council leader I know spends time dealing with individual complaints, because it helps them to understand the broader pattern, which is important. Tony Blair holds surgeries—although not as often as Mr Gibson.

Johann Lamont: He is quicker at solving problems.

Richard Kerley: He has a bit more power.

Bristow Muldoon: Keith has reminded me that I should declare an interest, which should be attached to my previous declaration; my wife is a local authority councillor.

I was interested in the area covered by Johann's question about different systems in Scotland. I would be concerned about the impact on particular political parties if we accepted the argument that, say, the first-past-the-post system should apply in rural areas and a form of proportional representation should apply in urban areas. Historically, it would have had an impact, although perhaps it would not have so much impact now. That would lead me to the conclusion you just reached, starting from the presumption that a common system should be applied to an institution, irrespective of where it is located, so

that bias is not in the system.

Has it been suggested to you that people should be given the opportunity to vote on any change to the electoral system in a referendum? People have suggested to me, "If it is appropriate to have a referendum before we change the Westminster electoral system, why should we not have one for local government electoral reform?"

Richard Kerley: I do not want to get drawn into a contemporary argument.

To take your first question first, I suggest that in this country we traditionally attempt to create a common pattern of institutional framework across the country and then acknowledge individual circumstances. Thus there are separate members of the Scottish Parliament for Orkney and for Shetland, which is justified by a number of factors, including the relative remoteness of those island groups and the requirement to balance out numbers, although that arrangement is not justifiable in terms of the broader, organisational framework. One area has a population of 20,000 and the other a population of 21,000 or 22,000.

There is, of course, one member for the Western Isles, but that was always the case with Westminster. I have tried to indicate that I have a difficulty with thinking that such arrangements should apply to large chunks of the country. My first presumption is that we should strive to find an arrangement that is common to all parts of the country, justifying any departure from that on specific circumstances.

Referendums are difficult—they seem to lend themselves to yes or no questions. As I said earlier, if there is a proposed change to the electoral system, how would we phrase the question? Do we say to people, "In principle, are you in favour of a change?" or, "Here are particular proposals—which one are you in favour of?" After all, the working group was not asked to make recommendations about referendums—we were asked to make recommendations about possible changes to the electoral system. Governments govern and this committee advises. At some point, the matter will end up back in the chamber up the road. You might decide that you favour a referendum, Bristow.

Bristow Muldoon: I have not reached a conclusion on a referendum—some people have made the point to me that politicians are the last people who should choose the electoral system.

Richard Kerley: No comment.

The Convener: I do not have to declare as an interest that I used to be a councillor, but apart from phone calls at 11 o'clock in the evening and 7 o'clock in the morning, I remember being harangued at a football match in a certain area of

Glasgow that will be nameless. A group of people pointed at me, screaming that I was totally responsible for the rise in council tax in Glasgow. On top of that, my team lost—it was not a particularly good day. However, we all have that kind of experience.

Thank you very much for coming along. I particularly want to thank Trudi Sharp and Andy O'Neill who, I hope, found the discussion interesting although, as it turned out, we did not ask them to clarify anything.

I also feel that I should apologise. I am sure it is not just me who thinks that it is very cold in here. I think that that complaint has been raised before, so I apologise on behalf of whoever should have put the heating on, because it is not on.

Richard Kerley: Blame your councillor.

The Convener: I have found the discussion interesting. It is good to know that your group is hearing the same views we hear when we go out on visits. If nothing else, at least we are painting a similar picture, if you like. I was also interested to hear that you are hoping to move the production of your report to March.

Richard Kerley: We are still working on it. The research people are collecting information and tidying it up. The McIntosh commission found that some of the evidence it collected was received only as the document was going to press. I do not want our group to be in that position. I have asked to defer the report.

The Convener: I support that, as it probably means that we will have a bit more time to produce our report. We are finding the same problem with evidence. We may go back to some councils and we have added councils to our list because, as you will be aware, as one goes around getting the full picture, one needs more information.

Thank you again for coming. If we need to have you back, I hope you will come along.

Richard Kerley: I have timed the journey—we are only eight minutes along the road.

The Convener: Before the meeting continues, I wish to record in the *Official Report* that both Jamie Stone and Sylvia Jackson have submitted apologies. Sylvia wishes me to say that her absence is caused by a clash with the European Committee.

Visits to Councils

The Convener: We now move to our reports. We will start with the visit to East Lothian Council by Gil Paterson and Johann Lamont, for which Gil was the reporter.

Mr Paterson: At the outset, I wish to say that McIntosh came at a particularly good time, both for us and for councils. It is safe to say that I was surprised at the attitude from East Lothian Council, which was the first council that I visited. I was a wee bit taken aback that the council's representatives were quite pleased that we had taken the trouble to see them. It was a revelation. I think that they were surprised and, because it was early in the Parliament's life, they helped us a lot, and a lot of bridges have been built. The same thing applies to the other visits that I made but the feeling was more pronounced after the first visit, obviously.

15:30

I will speak about the visit from the notes that I made. Perhaps Johann Lamont will fill in anything I miss out. I will probably miss out a lot since I am not good at writing and thinking at the same time.

The Convener: Do you want that recorded?

Mr Paterson: It is a matter of public record now.

The council felt that a power of general competence would help a great deal. The council got into trouble after taking on some community projects—I do not recall them telling us what the projects were. The councillors felt that they were persecuted by the Accounts Commission. The council had to expend a considerable amount of energy and money on extra work because of that. After some time, the council's approach was vindicated. They told us that a power of general competence would have meant that there would have been no interference. The power of general competence would also allow the council greater flexibility in arranging to share investment in equipment contracts across council boundaries. Sharing with other authorities would allow big money to be spent.

The council agreed with the McIntosh commission's recommendation for an independent review of local government finance. The councillors were somewhat saddened by the Executive's decision on the matter. It was felt that rural deprivation was not properly recognised by the present grant system. Councillors said that the Government did not consider the different forms that deprivation takes and sees it as an urban problem that does not affect rural areas. The council also believes that rural population levels

are not taken into account when the Government decides on grants. The councillors believed that rates that are gathered in a council area should be spent exclusively in that area and that they should have total control over how the funds are spent.

The councillors spoke about decision-making structures. They had examined the cabinet system. Although they had not yet decided whether they would like to adopt a cabinet system, they were positive about the idea. They said that they imagined that the cabinet would be scrutinised by committees and that the cabinet and the committees would meet in private to allow free thinking and the easy development of ideas. There was no ulterior motive behind the wish to meet in private, just the old saying that two heads are better than one. It was felt that councillors would perform better if the public scrutiny part of the process took place at the end. I think that they are a wee bit frightened of their own shadows.

Like other councillors, the East Lothian Council members expressed strong views on the link between members and wards. Whatever system developed, they wanted a clear link to remain. They were opposed to the idea of directly elected council leaders but believed that other councils should be able to adopt that system if they wanted to.

On community planning, the councillors told us that they had 19 community councils. However, it was felt that the councils were not representative of the communities. The council shares £100,000 between the community councils and has passed certain responsibilities to them. It was noted that more—though not many—elections have taken place since the community councils have been given budgets.

The councillors said that the area still felt the effects of the long-ago teachers action. It was felt that schools had lost the benefit of teachers being helpful in their own time by taking sports and so on. The council is targeting kids who are falling off the edge.

The meeting with the members of this committee was welcomed by the councillors. With regard to the council's budget, they felt that the pips are squeaking under the pressure for budget squeezes and that there was not a lot of room to move. They believe that councils are left to pick up the pieces after decisions are taken here and in Westminster and that they do not have the resources to do so properly.

The councillors had come up with an innovative idea, although I am not sure that it would work in terms of the practicalities. They suggested that it would be useful if local authority officials and Scottish Executive officials could swap places. That might help them better understand each

other's position. They accepted that politicians make decisions that Scottish Executive officials follow.

One of the best experiences on the visit was when we went to Haddington Infants School. It is a long time since I have been in an infants school and it was humbling to see a school practising social inclusion. Children with severe learning difficulties were integrated into the class but also had a small room off one classroom that was in full view of the rest of the children and in which they were given particular tuition. I was struck by the commitment that was shown by all members of staff.

Johann Lamont: I would like to echo that point. We visited a primary school and a secondary school because East Lothian Council has effectively mainstreamed its support structures for youngsters with learning disabilities and we were interested to see how that is working. There is a lot of doubt among the public about whether such a move would be possible, but I found the situation to be encouraging. The pre-school children were mixed together and the staff were able to target those who needed support at certain stages of the day. The council is very proud of the model.

I should point out that many more councillors and council officials from all parties were present than the front of our report indicates. We should thank East Lothian Council for taking our visit so seriously, especially since there were only two representatives from this committee. I think that they were surprised that there were only two of us; they expected a bit of an entourage. We might want to consider sending more of us to meet people in future. Two seems too small a number, and it would be helpful if one person took overall responsibility for taking notes.

The council was keen to emphasise to the Scottish Executive that local authorities are suffering in so far as aspirations and obligations are set at a Scottish level but are not properly funded. There appears to have been a shorthand agreement whereby the local authority says that a project will cost so much and the Executive says that it should cost a different amount and that it will split the difference. However, council representatives said that they were beginning to experience a major problem in not getting enough money to meet their obligations. They feel frustrated by that, and believe that the situation should be examined.

The fact that East Lothian has a growing population has caused problems for the council, which has to meet the cost of a population growth and of the greater demand on services. The problems are only recognised at a later stage; the moneys received do not match the increase, and that has major implications.

The council was very frustrated about the question of ring-fencing. They felt it important that there should be local flexibility in making choices. For example, the council has a social inclusion partnership in Tranent, and would have wished more flexibility in what they could target money on instead of having to bid within the parameters that had been defined elsewhere. That is an issue that arose time and again. The council questioned the implications of the cost of putting in bids, and asked whether having to squeeze or tweak local needs to meet the bidding and putting in an inordinate amount of officials' time was best value.

Council representatives highlighted the need for deprivation to be factored into distribution mechanisms, and spoke of some needs not being met. Simple population figures do not necessarily reflect the fact that East Lothian is a growth area, nor do they reflect the proportion of elderly people among the population. Other local authorities might identify with that point.

Problems with consultation were discussed, and the council talked about consultation overload. Local authorities expect to consult, but are concerned about the importance of quality.

The council greatly stressed the need for stability, and the need for the Executive to listen to the councils about their financial pressures. They emphasised that their comments are not simply made to get more money, but to describe and explain genuine problems. For our part, we were very impressed by the seriousness with which the council took our visit. At one point, council representatives said that they needed at least their present number of councillors to deal with the work that they had to get through.

There was some specific information provided, which I should perhaps have passed on to the clerk. The director of education and community services had attended a conference on education for citizenship, organised by the Gordon Cook Foundation. I think that it was held in America somewhere. He gave me the relevant document, which I think could usefully be made available, and was enthusiastic about the ideas that had been generated about active citizenship, something that we may not be promoting so successfully in this country.

I want to underline once again the degree to which East Lothian Council took seriously our visit. Many of the points that were made are, I believe, echoed by members' experiences elsewhere.

The Convener: Thank you for that, Johann. I was particularly interested in the council's suggestion about an exchange or secondment of staff. I think it is quite a good one.

As Johann Lamont and Gil Paterson have both said, the question of whether to ring-fence the

amount of time spent putting in bids has been raised many times. The Executive makes decisions, thinking that it is doing things the right way, and gets an official to go to a council and see how difficult it is. The councils often get no money in the end.

I was also interested in what I thought was a particularly large amount of money going to community councils.

Mr Gibson: I was also going to ask about that.

The Convener: The allocation is just over £5,000 to each one. If the council is now considering elections, I would have thought that allocating that much money would be tightly tied in. It will be interesting to see how they deal with that.

15:45

Mr Gibson: It seems bizarre that the community councils receive well over £5,000 each, despite their not being representative. Did the council say how it planned to make community councils more representative?

Mr Paterson: The general comment, which members have also heard elsewhere, is that no elections take place at community council level. However, some light has been seen at the end of the tunnel: when community councils are given some responsibilities—and some dosh—that seems to attract one or two elections.

Johann Lamont: It was also thought that other organisations and structures, not just the community councils, had a contribution to make. Particular experiences were recounted of community councils in areas that had coloured the council's judgment. The council was not of the opinion that all community councils were a problem.

The Convener: We will move on to our next report, which is on Perth and Kinross Council. As Sylvia is not here, Colin has kindly said that he will make the report.

Colin Campbell: When I woke up this morning, I did not expect to be making this report, so it will involve an element of a wing and a prayer.

We first met all the council directors in a big room. We were introduced to some of the major themes that they agreed were important. At an anecdotal level, one bloke eyeballed me—the clerks need not minute this—and said, "Greenock Academy, 1968, higher history: you taught me." That was a bit unnerving—but he was the finance director of Perth and Kinross Council. He got his higher, which was something.

We met all the council officials first, then the council members in the chamber. On general

competence, some council members expressed the view that they felt powerless under current arrangements, although they have considerable power. They were perhaps looking forward to a day when Scottish Enterprise, hospitals and water authorities might slip back into wholly democratic control, under the council. They were also worried about the lack of democracy in quangos.

Council members felt that little had changed in local government finance. They had gone through a considerable public consultation exercise before setting the council charge for the financial year 1999-2000. They had met 700 people, in a variety of meetings to which they had brought a range of options. The outcome was that most of the citizenry were in favour of the council tax going up by a given amount. They put up the tax, but then the Scottish Executive said that they could not do that. I think that that disturbed them a little; they felt that capping still existed and they were universally miffed.

Council members did not fancy the cabinet system at all. They were not hostile to proportional representation, probably because the council is a more mixed, less one-party regime than many others. They insisted, however, that the councillor-ward link had to be maintained and, so that communities could be better represented, they did not see a need to have equal sizes of wards. They were against directly elected council leaders.

By the end of our visit, I think that council members were keen to have us there and I contest what Johann said about the number of people who turned up. The very fact that people from the Scottish Parliament were coming to the council was much appreciated. Although a delegation of 10 might look more impressive, it might also be deemed to be a bit wasteful. The council felt that an enthusiasm was coming from the Parliament, which was expressed partly by the fact that we were there listening to them instead of pontificating from a great height.

It is interesting to see, in the notes that members have before them, that council members felt that there was too close a relationship between COSLA and the Scottish Parliament. We got a wee whisper of that last week in the report on the visit to Aberdeen City Council.

We then had two visits. We were taken to Birch Avenue, Scone, to a centre that combines various local authority services, such as education and social work. The local hospital trust also has an input. The centre deals with adults with learning difficulties and gives respite care to those who need it. It aims to be a one-stop shop for people who have problems that require them to deal with the administrative processes of several organisations, and that result in a duplication of work. Old and frail people can have a one-stop

induction there, instead of going to the social work department and telling staff their name, date of birth and so on, and then providing the same information to the hospital service. The centre provides those services for the ease of the citizens it serves.

Later in the day we were briefed by the education committee on a consortium of primary schools and Blairgowrie High School. The consortium identifies best practice and co-ordinates education among its members. It promotes social inclusion and has improved education in the area. The consortium has also examined practices in the low countries and has made links with them so that staff can visit those countries.

The Convener: Thank you. I, too, was interested in the comment that the relationship between COSLA and the Scottish Parliament is too close.

Mr Gibson: Norman Murray would probably not agree with it.

Why did the officials or the councillors not answer question 9, on civic education?

The Convener: I noticed that, too.

Colin Campbell: Perhaps we missed out that question as we were going along.

Mr Gibson: The comments on question 9 state:

"No additions to the written responses."

However, there was no written response.

The Convener: There is some confusion. Question 9 on our sheet is about the covenant, but question 9 on the council's question sheet was on civic education. However, the council has not answered either of those questions.

Colin Campbell: I do not know why it did not answer those questions. Michael McMahon says that Kenny Gibson can read between the lines.

The Convener: Are there any other sensible comments?

Johann Lamont: On the number of members who should attend meetings with councils, I was not suggesting that we send 10 members, or anything like that number.

Colin Campbell: I know that.

Johann Lamont: We should discuss at some stage whether there is a minimum number of members who should go to meetings to ensure that all points are picked up. Councils should be clear about who is meeting them. A joke was made about the fact that when Frank McAveety met the council, 10 people went with him. We looked rather puny, because a lot of people were at the other end of the room.

Colin Campbell: You will just have to work your way up the system, Johann.

Johann Lamont: We must consider how we can hear most effectively everything that the councils are telling us. Should we decide on a minimum number of MSPs who should attend such meetings? Leaving aside members who call off at the last minute, councils should know whom to expect.

The council responded well to the idea that we might visit it again. Return visits could be made regularly during our period of office, so that we do not get just a one-off snapshot. We could then determine whether progress was being made.

The Convener: Most councils would accept repeat visits. Once our reports are finished and any necessary legislation has been passed, we can revisit councils. Councils have a year to examine their structures and determine how they will change them to make them tighter than they are at present. We would want to know whether that process is working.

Mr Paterson: It is essential that we go back to the councils. I support everything that you said. I found it difficult to write down information and take and answer questions. Two members were not enough. Three or four members would have been fine.

I did not mind the fact that a lot of people were facing us. At first I thought, "My God, look at the number of them," but as time went on I felt more relaxed, as did they. We do not need to match the number of MSPs with the number of people we speak to. The process is not a battle.

Mr Gibson: Did the people you spoke to comment on the innovative alliance between new Labour, the Conservatives, the Liberal Democrats and independents, and was it proposed as a possible model for the Scottish Parliament, or for other local authorities? [*Laughter.*]

The Convener: Do not answer that.

Colin Campbell: Convener, he is winding you up.

The value of such meetings is that they diminish councils' suspicions that we are involved in a centralist plot. They are important bridge-building exercises. The more often we cross that bridge to revisit people, the better, and the more those people will trust us.

The Convener: Thank you, Colin. I remind members that we are back in this room tomorrow at 2 o'clock.

Colin Campbell: Will the heating be on?

The Convener: I hope so; I am being signalled that it will be on.

Last, but not least, I wish to record my thanks to Morag Brown for her paper, which I read 18 times. I still do not understand the ins and outs of it, but it is helpful when we are comparing what is happening here with the rest of the European Union. Do you have a question, Kenny?

Mr Gibson: I wish to raise one point. Like you, convener, I found the paper fascinating and mind boggling, but I would like to know how the countries in the paper were chosen. Were they the only countries for which information was available? I noticed that Germany and Sweden are not included, for example, but that the Slovak Republic is.

Morag Brown (Scottish Parliament Information Centre): The information for the European countries was taken from a Council of Europe report that compared different local electoral systems at a single point in time.

Bristow Muldoon: May I ask a question on the Hagenbach-Bischof quota system?

The Convener: Yes, but quickly. It sounds like an ice cream to me.

Mr Gibson: I must say one last thing. Colin Campbell has been bothered by the Droop quota for a considerable time—

The Convener: Excuse me. The official reporters are still reporting. I thought that we were finished. We are now.

Meeting closed at 15:57.

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