

LOCAL GOVERNMENT COMMITTEE

Monday 24 January 2000
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE 4th Meeting 2000 (Glasgow)

CONVENER :

Trish Godman (West Renfrewshire) (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

THE FOLLOWING MEMBER ALSO ATTENDED :

Tommy Sheridan (Glasgow) (SSP)

COMMITTEE CLERK:

Eugene Windsor

ASSISTANT CLERK

Craig Harper

Scottish Parliament

Local Government Committee

Monday 24 January 2000

(Afternoon)

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

The Deputy Convener (Johann Lamont): I welcome everybody to this meeting of the Local Government Committee. It is a matter of pride to me that we are meeting in Glasgow. I hope that this meeting augurs well for our meetings here in May.

Trish Godman, the convener of this committee, is still unwell. We send her our best wishes for a speedy return to fitness.

Ethical Standards in Public Life etc (Scotland) Bill

The Deputy Convener: Members will recall that we agreed to produce a report on the ethical standards in public life bill that would reflect the evidence that we have heard and would include the *Official Report* and the minutes of the meeting during which we considered the draft bill.

The Forum of Private Business has sent further correspondence in relation to the bill. Given that it was not notified in time, members should take the correspondence into account and bear in mind that it is relevant at the next stage when members consider amendments.

At our last meeting, we did not go over the main points of the report as the meeting had gone on for quite a long time. We will go through the draft report today. I propose that we go through the report section by section. I would like members to make specific suggestions about changes, rather than general contributions.

Are we agreed that the facts as reported in the introduction are correct?

Members indicated agreement.

The Deputy Convener: Are there any comments on the next part of the report?

Mr Kenneth Gibson (Glasgow) (SNP): We need to tighten up the bill with regard to the harassment of elected members and officers. The report suggests that members might be harassed for party political reasons, but every member has constituents who cause substantial difficulties. When I was a member of Glasgow City Council,

members of a number of parties had problems with certain constituents who came to every surgery and pursued them relentlessly at their homes and places of work. It is important that the bill, as well as providing protection for the public, provides protection for elected members against certain members of the public.

The Deputy Convener: Does your point relate to paragraph 8?

Mr Gibson: Yes. The paragraph says that:

"in particular circumstances there may be potential for malevolent claims to be made".

That part should be expanded somewhat.

The Deputy Convener: Are members agreed that the point should be expanded?

Members indicated agreement.

The Deputy Convener: Are there any more comments on the report?

Mr Gibson: With regard to paragraph 17, I think that there was a broad view that MSPs should be included in the legislation. I voiced that opinion a couple of times and I know that others have. I know that, although the minister pointed out the Executive's position, members of quangos and local authorities would be happier if it were clear that MSPs were included in the legislation. If that is not clear, it will look like we are saying "Do as we say, not as we do".

The Deputy Convener: I feel that that should be explored further. There is some anxiety about the fact that legislation that applies to some does not apply to us. We have to think about the message that is sent by that. Perhaps the Standards Committee will consider the matter.

Eugene Windsor (Committee Clerk): Could I clarify that point? Has the committee decided that the matter should be explored further or that MSPs should be included?

Mr Gibson: My view is that it should be explored with a view to including MSPs in the legislation.

The Deputy Convener: Are members agreed on that point?

Members indicated agreement.

Mr Gibson: On paragraph 18, given the furore that there has been about section 2A of the Local Government Act 1986, it is important that the Executive should define the word "promote". It means different things to different people.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): If the teaching guidelines are to be reviewed, it is important to say that they should be seen prior to repeal of the section.

Colin Campbell (West of Scotland) (SNP):

The other day in the chamber, Alex Salmond and Donald Dewar agreed that. That should make everybody feel better.

Mr Gibson: Last Tuesday, Frank McAveety indicated that that would be the situation. Obviously, we would like that to be clarified in writing as soon as possible, so that we can put this behind us and move forward.

Eugene Windsor: Can I confirm that the committee is happy with the sentence as it stands, if we add in some comment to the effect that "The committee would like there to be consultation on proposed guidelines before the repeal"?

Colin Campbell: We would like there to be "consultation and proposed guidelines before the repeal".

The Deputy Convener: The *Official Report* will reflect the position taken by committee members at our previous meeting, when we discussed this.

Are members happy with paragraph 19?

Members indicated agreement.

The Deputy Convener: We have two choices. We can either bring another draft to a future meeting to be agreed, or we can delegate authority to the clerk and convener to tighten up what has been said. The report could then be progressed more speedily.

Mr Gibson: I am happy with that.

Dr Sylvia Jackson (Stirling) (Lab): Could I have two seconds to check that the points that I wanted to make have been covered already? I am sorry, but the reason that I am late is that ScotRail cancelled my train.

In paragraph 11, have we taken on board what Mr Marks was saying the other week about whether the chief investigating officer and the standards committee should be nominated by the Scottish Executive? I do not think that the paragraph is phrased very clearly.

The Deputy Convener: The committee has directed the Executive's attention to the comments that Mr Marks made, but we have said that we do not agree with his view that the proposals are fundamentally flawed. However, we have asked the Executive to consider the specific points that he made.

Dr Jackson: In paragraph 15, the roles of the bodies involved need to be clarified, to ensure that there is no overlap between the different organisations.

The Deputy Convener: The paragraph states that

"the Committee is concerned that there may be potential for

overlap, and notes that the minister recognises that this is an area which needs to be "tightened up."

Dr Jackson: We are concerned specifically with the roles of these organisations—what they will be doing. We need to be very clear about that.

The Deputy Convener: How would you change the wording?

Dr Jackson: At the end of the paragraph I would say "and notes the potential for overlap and the need to be clear about the roles of the different organisations".

Mr Gibson: Are we allowed at this point to add things that we have not been able to discuss through evidence received or with the minister? Is it possible to consider other parts of the bill at this stage?

The Deputy Convener: I would not have thought so. I think that this report should reflect what we have heard so far. It is an attempt to pull together what has been said at our previous meetings, rather than to introduce new issues. This is not the end of the story.

Mr Gibson: I am happy with that, because there are a number of issues that I would like to raise on which we have not yet been able to take evidence.

Dr Jackson: That is fine.

The Deputy Convener: Do we agree to give authority to the clerk and the convener to produce a final draft and present it?

Members indicated agreement.

Abolition of Poindings and Warrant Sales Bill

The Deputy Convener: Members will remember that we agreed to produce a letter to be sent to the Justice and Home Affairs Committee, reflecting the evidence that we have received in this area and our thoughts on it. At our previous meeting we discussed this item more than the item that we have just dealt with, so many amendments may not be required. However, I will go through the document paragraph by paragraph, and members can indicate if they wish to make changes.

Are there any comments on paragraph 1? Paragraph 2?

Dr Jackson: Paragraph 2 uses the words "not necessary to delay", but I think that there was some disagreement about that.

Paragraph 3 mentions a three-year period, which is far too long.

14:15

Tommy Sheridan (Glasgow) (SSP): I wanted to make a similar point. The statement

"it is not necessary to delay the abolition of poindings and warrant sales until this has happened"

is very important. Although at the committee's previous meeting genuine concerns were expressed, you made the point that if change does not happen now, there may be no spur for putting an alternative in place. It is much more important to take the step of abolishing poindings and warrant sales, as the committee is confident that if it is necessary to develop alternative methods of protecting creditors' interests, that will happen.

In recognition of that, I have circled the word "vital". Does the committee agree that including that word is overegging the pudding? A word such as "hoped" or "expected" might be more appropriate. Although the committee would welcome the development of alternative methods, to say that it is vital would be to suggest that they should be in place before abolition. I am worried that that might rebound on those members of the committee who want this bill to be passed as soon as possible.

Mr Gibson: I am absolutely happy with the wording of paragraph 2, because I think that it is vital that alternative methods are developed.

My understanding is that the only person to suggest a three-year time scale was Donald Gorrie, and that the rest of the committee—with the exception of Keith Harding, who dissented—was quite happy with the wording of paragraph 2.

Dr Jackson: Jamie Stone and I were a little concerned. I take the deputy convener's point that the abolition of poindings and warrant sales will force the development of alternative methods. However, it would be more sensible to start introducing those first, although I do not suggest a time scale of anything like three years—perhaps six months. We need to think about the resource implications and practicalities of alternative methods of creditor protection.

The Deputy Convener: I was concerned that the people who argued for the current system were not energetic in their search for alternatives. Although it is logical to say that poindings and warrant sales should not be abolished until a new system is in place, I did not detect any great urgency to do that. Perhaps that should not be used as an excuse to delay the legislation. However, the committee has to make a balanced judgment about whether paragraphs 2 and 3 reflect the seriousness with which we addressed that question. This is the main issue with which the Parliament has to wrestle when it decides whether to support the bill.

Mr Gibson: I agree. I do not think that there was any widespread support in the committee for a three-year timetable, which was a time period that was almost plucked out of thin air. As Sylvia Jackson pointed out, such a time scale is ludicrous. Six months or a year might be acceptable; if people had three years, they would wait for a couple of them before rushing out an alternative. If people realise that the bill is likely to become law, they will probably start to focus very quickly on finding alternatives. If everything goes to plan, Tommy, when is the earliest that the bill could become law?

Tommy Sheridan: A stage 2 committee report will probably come before Parliament in April or early May, which means that the legislation could come into effect in the new local government financial year.

Mr Gibson: So if the bill were to be implemented in the next few months, there is no reason why alternatives could not be in place for 2001 or 2002.

Tommy Sheridan: The deputy convener's point about that issue is critical. I am worried that if poindings and warrant sales remain in place, alternatives will not be found; however, if those measures are abolished, the energy to find alternatives might emerge.

Colin Campbell: I think that the word "vital" should remain in paragraph 2, because creditors might feel that we are deserting them if we say only that it is hoped that alternatives will be found. It was made clear to the committee that both creditors and debtors have a problem, and I am sure that abolishing poindings and warrant sales will sharpen the wits of the people who are owed money or who are charged with coming up with alternatives. The present system is not working well, and another needs to be found. As a result, paragraph 2 should stay as it is.

The Deputy Convener: In an effort to reflect the debate within the committee, should we leave the wording of paragraph 2, but change the phrase "three years' time" in paragraph 3 to "a specified time"?

Colin Campbell: A short time.

The Deputy Convener: At least that would express our view that there should be a transitional working-in time to find alternatives, which is the balance of the argument, not whether poindings and warrant sales should be abolished before an alternative is in place.

Mr Gibson: My only concern is that if we say that alternatives should be found at the earliest practical opportunity, people might reply that the earliest practical opportunity is three years away. We should remove the reference to a three-year

time scale in that paragraph so that it reads, "An alternative view within the committee is that the Bill should abolish poindings and warrant sales to allow for alternatives to be introduced at the start of the financial year 2001-02". That gives a very specific time scale and allows reasonable time for alternatives to be found.

Mr Keith Harding (Mid Scotland and Fife) (Con): I apologise for being late—it was the railways' fault, not mine. As I was not here for the first item of business, I wish to register my dissent to paragraph 18 on the paper on section 2A. As for this paper, I agree that we should not specify a time scale, but should still express our concern that alternatives need to be found.

Mr McMahon: My point is similar to Kenny Gibson's. If we are going to specify a time scale in paragraph 3, it should be the beginning of the next financial year, which, according to Tommy, sets the most achievable deadline.

The Deputy Convener: As we are trying to reflect the committee's discussions in this report, it is reasonable to include the fact that some members believe that the bill should be put on hold to make sure that alternatives are in place, but that that should be done as speedily as possible. Members who think that the only way to find alternatives is to get rid of poindings and warrant sales support paragraph 2; paragraph 3 only reflects the alternative view. Those members might accept the insertion of a phrase such as "as speedily as possible" or "within as tight a time scale as possible" in that paragraph.

Dr Jackson: My concern is that people might have the best will in the world to find alternatives, but might find it difficult if there are no resources. It might be better to move paragraph 6 on adequate resources so that it follows the paragraphs on the alternative views of committee members.

The Deputy Convener: Paragraph 6 is about support for debtors, not about dealing with creditors.

Dr Jackson: Does paragraph 3 include creditors?

The Deputy Convener: Yes.

Dr Jackson: I did not realise that. I thought that it was general.

Mr Harding: It might defeat the object to start talking about resources, because a member's bill cannot have any cost implications.

The Deputy Convener: We are talking about two separate issues. Paragraphs 2 and 3 are about the time scale for abolishing poindings and warrant sales and the impact on people's ability to recover the money that they are owed. Paragraph 6 refers to the provision of support for debtors to

prevent their situation becoming a crisis. People should receive such support early enough to be able to negotiate alternative forms of payment so that they do not reach the stage where a poinding or warrant sale might be used.

Mr Gibson: I am sure that that issue will be debated whether or not the bill becomes law.

Tommy Sheridan: On a point of clarification, convener. Private members' bills are allowed to require resources; the only difference is that any financial element must be discussed within three months of the bill's introduction. There is no such time scale if there are no cost implications.

The Deputy Convener: We still need to find a form of words for paragraphs 2 and 3 which reflects the committee's debate about which should come first. Most members feel that if poindings or warrant sales are abolished, an alternative system must emerge. However, that view needs to be set against people's slight anxiety that alternatives will not be in place if poindings and warrant sales are abolished, which will have implications for local authorities in particular.

We were coming to the conclusion that paragraph 2 should remain the same, but that the phrase "three years' time" in paragraph 3 should be replaced either by a phrase such as "as speedily as possible" or by a specific year. However, that does not reflect the views of the members who took that position.

Mr Gibson: Unfortunately, not all the committee members—and none of the Liberals—are here today. If they were, there might be some opportunity for compromise. I am concerned that, if paragraph 3 does not give a specific time scale, people may give that paragraph more weight than the committee intended. People will think that poindings and warrant sales may be abolished only after three years, yet that date was plucked out of thin air. I do not think that Donald Gorrie was thinking of three years specifically—he could have said two years. If we say "at the earliest practical opportunity" we face the question, "How long is a piece of string?" A set timetable is important.

I understand your point, convener—you want to reflect what was said. However, given today's discussions, perhaps we could tweak the paragraph to include a specific period.

The Deputy Convener: Would it be reasonable to include "within a specified timetable" and to expect the Justice and Home Affairs Committee to specify that timetable when it revisits the bill?

Mr Gibson: That would be a fair compromise.

Tommy Sheridan: This is an official meeting, which will be recorded in the *Official Report*, so we

will be able to refer to our discussion and so clarify that we had the shortest time scale in mind, rather than the longest. No one will be able to say that the Local Government Committee was worried about the time scale in the sense that it thought that it should be elongated.

Colin Campbell: If we specified “for the start of financial year 2001-02”, would that reflect the view of committee members—including those who are absent?

Mr Gibson: Donald Gorrie was considering the practicalities—he thought that it might be difficult to come up with an alternative system before a specified time. Obviously, we cannot read his mind, but I think that he was broadly sympathetic to the bill—as are at least 10 of the committee’s 11 members.

The Deputy Convener: Colin, are you suggesting that we include a specific time scale?

Colin Campbell: Yes. Let us make it specific; that will allow those people who want an end to warrant sales to feel more comfortable. I suggest that we include “for the start of financial year 2001-02” or “in time for financial year 2001-02”.

Tommy Sheridan: That would concentrate minds.

Dr Jackson: Yes, it would.

The Deputy Convener: Is that agreed?

Members indicated agreement.

The Deputy Convener: Thank you. Is everyone happy with paragraphs 4, 5 and 6?

Members: Yes.

14:30

The Deputy Convener: What about paragraph 7?

Colin Campbell: This may seem pedantic, but I think that we could amalgamate paragraphs 7 and 1. Paragraph 1 says that we believe in the principles and paragraph 7 outlines the fundamental principle—the letter seems to repeat itself.

The Deputy Convener: I am happy with that. I am glad that we specify the impact of the sales on families. Does the committee agree to combine paragraph 7 with paragraph 1 and renumber the remaining paragraphs accordingly?

Members indicated agreement.

Dr Jackson: As paragraphs 2 and 3 are linked, perhaps we could label them 2(a) and 2(b). That would make it clear that both paragraphs related to creditors.

The Deputy Convener: That seems to be a fair

suggestion. The convener and the clerk will consider the way in which the paper reads and ensure that it hangs together.

Do members have any comments on paragraphs 8 and 9?

Tommy Sheridan: I ask the committee to consider a change in wording of paragraph 9, so that it would read “The committee notes”, rather than “The committee accepts”. I do not think that it has been proven that the bill would have a major adverse effect on council tax collection levels, although everyone accepts that it might have that effect. It is important that we say that the committee “notes” rather than “accepts” that. If the committee is said to accept that the abolition of poindings and warrant sales would have a major adverse effect, it might be argued that the committee was irresponsible to support the bill and its early implementation.

I am asking the committee to note, rather than accept, the point about the adverse effect on council tax collections made in “It pays to pay”. Like most members, I am sure, I have read that document—it makes that claim, but does not back it up. I have not heard any evidence—in this committee or at any other meeting that I have attended—that proved that point.

Bristow Muldoon (Livingston) (Lab): I was going to make the same point. I endorse Tommy’s comments. We should amend the paragraph to read “notes the assertion”.

Mr Gibson: I was going to say something along the same lines. During the discussion, I asked the Scottish Law Commission whether collection levels were lower in areas where poindings and warrant sales were not enforced. Its representatives said yes, but gave no specific examples, and there was no evidence to show whether the poverty or deprivation of those council areas had been taken into account.

We need to compare council tax collection levels between those local authorities that enforce poindings and warrant sales and those that do not. We must consider the fact that some local authorities may have lower collection levels for other reasons. That may end up a subjective exercise, but I still think that it would be worth considering when we return to the bill.

We should also consider how other countries and societies deal with similar circumstances. I do not believe that there is no system anywhere on the planet that we could adopt. The Scottish Law Commission seemed to imply that every society on earth used something similar to poindings and warrant sales, but that cannot be the case.

The Deputy Convener: Members seem to take the view that the paragraph should read “notes”,

rather than “accepts”. The fact that the paragraph refers to the joint Executive-COSLA officer group, rather than to COSLA itself—COSLA is still developing its position—is a ground for not simply accepting the assertion. I suggest that we take on board Kenny’s points and replace “accepts” with “notes”.

Bristow Muldoon: I checked this with the West Lothian Council representative in COSLA, who told me that he was not aware that the views referred to were COSLA’s position—he intends to raise the matter with COSLA. The abolition of poindings and warrant sales is a highly political issue and there is concern that the political representatives in COSLA may not have been consulted appropriately.

The Deputy Convener: Of all committees in the Parliament, the Local Government Committee will give the most significance to what COSLA has to say on the matter. COSLA members are being consulted this week and will report next week.

Tommy Sheridan: I want to add to Bristow’s point about consultation. Alex Neil, John McAllion and I, as the sponsors of the bill, will visit West Dunbartonshire Council next Monday to meet the council leader and the staff from the central recovery unit. We will discuss how they are able to cope with the abolition of poindings and warrant sales in the area. Our visit will demonstrate the cross-party thrust of this legislation.

The Deputy Convener: Are there any other comments on this report? If not, do members agree that we should submit it to the Justice and Home Affairs Committee?

Members indicated agreement.

Work Plan

The Deputy Convener: Members have been provided with a briefing paper—LG/00/4/2—that shows our future work plan. I intend to go through it and to spend some time on section 3, which deals with future business. We will reach an agreement on the summary of recommendations given in annexe 1, and members may comment on the timetable in annexe 2. Sections 1 and 2 give some background to what we have done so far.

As section 3 says, future business may be considered in terms of: items that require to be concluded or otherwise disposed of; legislation that is scheduled to come before the committee; items that the committee has agreed to consider in future; and other business.

I will go through items under those headings; if members have points to make about either the wording or the recommendation reached, they should do so. We can then resolve the point and

move on.

The first item yet to be disposed of is the McIntosh report.

Mr Gibson: Our plan seems to be that we will not meet for a couple of weeks. To give ourselves a wee bit of slack, and to avoid having to have two meetings in a week, as we did last week, perhaps we should bring some of the discussions forward, rather than wait until other items land in our lap. Instead of cancelling the meeting on 1 February, as is proposed, we could have the final discussion of McIntosh. We are tied up almost until June, but if we bring the discussions forward and have an additional meeting, we will not have to have two in one week, because we will always have one in reserve.

The Deputy Convener: Part of the reason for suggesting cancelling the meeting on 1 February is the extra time that the committee has put in this week and last week. This is a matter for the committee, but it was felt that cancelling the meeting on 1 February still meant that the committee could easily manage the business as laid out in the timetable.

Mr Gibson: I certainly do not want to move a motion on this, but I hope that we can meet on 1 February. Who knows what will end up in our laps over the next four or five months? If the clerks and the researchers are overloaded, I will take that on board, but I feel that we need some room to manoeuvre. Having a meeting next week might help us to get through some of the backlog of issues on which we have yet to take final decisions.

Mr McMahon: Kenny, do you think that we need an extra day to discuss McIntosh?

Mr Gibson: The timetable in annexe 2 on page 7 shows that we will discuss McIntosh on 8 February and have a final consideration on 15 February. I am not suggesting that we discuss McIntosh on 1 February, 8 February and 15 February; I am suggesting that if we discuss it on 1 February and 8 February, we can bring other things forward, such as the non-domestic rating inquiry. In that way, if the committee is asked to take a view on other issues, perhaps in March or April, we will, in effect, have created a free week in which to discuss those issues. That would make life easier for the committee. I am concerned that, if we cancel next week’s meeting and do not meet again for a couple of weeks, we might suddenly find ourselves having to have two meetings in one week in order to talk about other issues. I do not think that anybody wants that.

The Deputy Convener: Some items on the timetable are fixed and cannot be done any earlier—for example, meeting the adviser on the non-domestic rating inquiry or dealing with the

stages of the ethics bill. Do we need three meetings to deal with McIntosh, or two?

Dr Jackson: I find that there is often a timing clash between this committee and the European Committee, of which I am also a member. I would prefer to have a meeting on 1 February and not on 8 February, if that is possible. We might need to accept Kenny's point.

Bristow Muldoon: I agree with the proposal to bring forward the consideration of McIntosh. An issue that is not on the timetable—although I presume that we will be discussing it at some stage—is the Kerley report. We are not sure when that report will be issued but, although we are talking about a final discussion on McIntosh, we will discuss Kerley once he reports. Kenny's proposal may be sensible. If we bring forward our discussion on McIntosh, it will create some space later on.

Mr Gibson: A lot of our discussions so far have been on the nuts and bolts, rather than on day-to-day local government issues. I know that, to discuss education or housing or whatever, we can go to the meetings of the relevant committees but, now and again, if our timetable is flexible, I would like this committee to discuss those issues, instead of only the structures of local government.

Eugene Windsor: Morag Brown of the Scottish Parliament information centre is doing some preparatory work on McIntosh. Cancelling the meeting next week would give her a bit more time; if the committee wishes to discuss McIntosh over two meetings, we might have to accept that some of the research work would be available for the first meeting and some for the second meeting. I presume that we could work around that.

Mr Gibson: I was not suggesting for a second that we should discuss McIntosh at three meetings. I am suggesting that we have two meetings—as is presently suggested—but that we have them on 1 February and 8 February, rather than on 8 February and 15 February. We do not know what other commitments we will have at the end of February but, even if we cannot bring forward the stage 1 discussions on the ethical standards bill, we can bring forward the non-domestic rating inquiry.

14:45

The Deputy Convener: Would it be reasonable to discuss McIntosh on 1 February and 8 February, and, by the end of the meeting on 1 February, to decide whether we need to meet on 15 February? I think that most people would prefer a fairly heavy agenda that dealt with items speedily to having bits of items spread over a number of meetings. We are not setting our face against the idea of cancelling a meeting; we could

decide on 1 February whether to cancel on 15 February. Are members agreed?

Members indicated agreement.

Eugene Windsor: Is the committee agreed that it does not require any further evidence on McIntosh?

Members: Yes.

The Deputy Convener: Unless someone is beating a path to our door with something illuminating to tell us.

Bristow Muldoon: Do we have the written evidence from the local authorities that we did not visit? Could that be distributed to members?

Eugene Windsor: Yes. It is obviously a big bundle.

Bristow Muldoon: E-mail would be fine, if that is possible.

Mr McMahon: Rather than all of us getting information from all the authorities, another option is to make available to any member specific information from one authority. That would leave it up to us to chase Eugene for the information.

Mr Gibson: That might help to save Amazonia.

Eugene Windsor: On some of the questions that we asked local authorities, the position is clear and fairly unanimous. Would it be helpful to try to summarise things? That would avoid everyone having to plough through 30 reports.

Mr McMahon: Yes—and if we wanted individual reports, we could ask for them.

Members indicated agreement.

The Deputy Convener: All right. We have agreed on how we will action McIntosh; let us move on to the next item in section 3, which is the inquiry into non-domestic rating revaluation. We will be having a meeting with the adviser, and members can decide when that should be. The timetable suggests 23 February.

Eugene Windsor: The adviser will be appointed next week. Having the meeting on 23 February will give the adviser two or three weeks to do some work before coming to the committee with an initial report.

The Deputy Convener: The next item is petition PE26. We are still waiting for comments from COSLA. Then comes the item on students and council tax. We are waiting for a research note on that, after which we can allocate time to discuss it.

Mr Gibson: That is the kind of thing for which it would be useful to have a free week; otherwise, it could just hang over us.

The Deputy Convener: Does anyone have any

comments on the special islands needs allowance? The Executive is reviewing the matter. Once it has done that, we may want to comment on SINA within the broader context of an inquiry into local government finance, although to some extent we are waiting for the Executive to determine what will happen on that, too.

Mr Gibson: SINA is a more clear-cut issue. I hope that we will not have to rely on an independent review of local government finance to deal with it, given some of the difficulties in the island areas that do not receive the allowance. If possible, we should consider SINA independently, because the issues in some of the islands are pressing. If we want to take a decision on SINA in time for 2001-02—which I doubt we would be able to do if we considered it as part of a full review of local government finance—we must review it separately.

Money that goes to SINA is top-sliced from the existing budget. If we were to recommend—and the Executive were to accept—that additional areas, such as Argyll and Bute, should get SINA money, that decision should not be tied up with anything else. That would just complicate matters. If the Executive agrees that such areas should get additional resources, that could be implemented fairly quickly to reverse the decline in some of the islands.

The Deputy Convener: Those who were pushing for this matter to be considered were making the point that the unfairness exists within the current system. Therefore, if the system does not change, we will need to address the issue, regardless of the ultimate findings of any inquiry into local government finance.

It would be reasonable to suggest that we will respond once the Executive has completed its review. The evidence may become so hugely complicated that it will make sense to carry the matter forward, but at this stage there is nothing to prevent us from dealing with it on its own.

The next item is the completion of visits to councils. Are there any comments?

Mr McMahon: What is happening about the visit to South Ayrshire Council? There was a problem on Friday and we did not go.

The Deputy Convener: We will deal with that as part of our housekeeping business at the end of the meeting. We have agreed to proceed in the way that is suggested in the paper.

The next part of section 3 deals with legislation that is scheduled to come before the committee, including the Abolition of Poindings and Warrant Sales Bill, which we have dealt with today. We have finished with stage 1 of the bill.

Are there any observations about the ethical

standards in public life bill?

Mr Gibson: Given the comments made by a number of committee members when we went through the bill earlier, I do not think that it is necessary to consider taking evidence on the section of the bill that deals with the repeal of section 2A of the Local Government Act 1986. The committee has a clear view on the issue and I do not think that taking further evidence would be productive.

We must ensure that that aspect of the bill is kept in proportion. Section 2A is completely dominating the public's perception of the bill and we need a reality check. People should know that it forms part of a bill about a wider subject. It may be worth taking evidence on the proposed guidelines, but not as a separate entity—it should be done as part of our consideration of the bill as a whole.

The Deputy Convener: My understanding is that the Education, Culture and Sport Committee will take evidence on that area; that seems to be the most sensible locus for it. I agree that the issues raised in section 2A are important and that their significance has triggered a lot of discussion, but they have been raised within the context of a bill that seeks to set fairly high expectations of the people who represent us in public life. Local government's part in that needs to be seen as important in itself. If people contact the Parliament because they want to make representations to us on that aspect of the bill, we will consider those representations. That is the best way of proceeding for now.

Mr Gibson: We will discuss the guidelines for parents anyway and can take evidence as part of our discussion of the bill at the next stage; it would not be appropriate to detach that issue from the rest of the bill.

The Deputy Convener: Are we agreed?

Members indicated agreement.

The Deputy Convener: We move on to items that the committee has agreed to consider in future, including evidence from trade unions that are active in local government and the implementation of the Immigration and Asylum Act 1999 in relation to local government. The trade union meeting is timetabled, and we will timetable discussion of the Immigration and Asylum Act 1999 for a time when it will be most productive.

Other business that we have agreed to consider includes local government finance. Are there any comments on that?

Mr Gibson: I think that we should have an independent inquiry into local government finance. As I said to the Minister for Finance when we discussed the issue some months ago, the results

of the inquiry may or may not suggest that the system that is in place is the most effective. Nevertheless, given the pressure to examine the issue from everyone in local government—from elected representatives to officials and trade unionists—it would be remiss of the committee not to consider it, regardless of the outcome of the inquiry. We should start to timetable that in and decide on the best way of taking evidence.

Dr Jackson: I support that view. All the feedback from the councils suggests that we need to examine this area.

Mr McMahon: Does Kenny mean that this committee should undertake an inquiry or that the committee should call for an independent inquiry, which the Executive has ruled out? I do not have a problem with our doing that, but we need to clarify what we are saying.

Bristow Muldoon: My view—which I think is what Kenny is suggesting, although he can confirm that himself—is that, when we make our submission on McIntosh, we should record our view that there should be an independent inquiry. The Executive has already indicated that it does not believe that such an inquiry would be necessary or helpful. Kenny's suggestion—which I support—is that this committee should take a lead in analysing local government finance issues and in taking representations from all the relevant parties, including the Executive, local authorities, trade unions and anyone else who is interested. Business will be an important part of that if we are to consider business rates.

My only other suggestion at this stage is that there are two parts to local government finance. One aspect is the distribution of resources. There are a number of issues to do with that, which the Executive will consider over the next year. However, that issue should be detached from the other issue—the size of the cake and how resources can be raised—which is far more difficult to resolve.

Mr Gibson: I agree with Bristow. He is spot on. The two issues should be detached from each other. Regardless of how the money is raised, distribution is separate. We do not want to get tangled up and make the matter more complex than it already is.

Colin Campbell: I agree that we should have an inquiry, not so much because it proves that this committee exists as a distinct entity, but because so many local authorities have made it clear to us that local government finance is an issue. If we do not represent them by carrying out an inquiry that otherwise will not take place, that could undermine our credibility in their eyes, which would not be a good idea. We are in the business of building bridges with local authorities. The inquiry will give

us a lot of extra hassle, but we should do it.

The Deputy Convener: Sitting in the city of Glasgow, we would be remiss not to take on our responsibility in relation to the whole question of local government finance and distribution. The question is how we manage that. We cannot just say, "Yes, it's a really good idea to have an inquiry" if two years on we are still carrying it out.

Can we consider the shape of such an inquiry after we have discussed McIntosh? Logically, the issue will arise in our response to McIntosh. The Executive should take the issue of local government finance out of McIntosh and review it through an independent body; failing that, this committee would be willing to consider the matter, certainly in response to what local authorities have said to us. However, we need a clear idea of what an inquiry into local government finance would involve, as it would be a huge task. Does the committee agree to revisit the issue after we have responded to McIntosh?

Members indicated agreement.

The Deputy Convener: Are there any comments on the programme expenditure proposals for 2001-02? Clearly, we have a role in responding to those and time has been identified for us to do that.

Are there any comments on the paragraph about visits to local authorities in certain European countries? We are not allowed to specify the temperature of the countries that we will visit.

Colin Campbell: Unless it is colder than the average temperature here.

Mr Gibson: Colin has asked that he be sent to a country in which he can display the new leather thong that he got for Christmas.

Colin Campbell: Behave yourself.

The Deputy Convener: I shall not comment. If we visit classrooms, you might discover the belt outside the door.

The process is to be managed by the convener, the deputy convener and the clerk.

Dr Jackson: I suggest that it would be useful to examine countries with devolved arrangements.

The Deputy Convener: We should emphasise that we can do some work on local authorities in other countries without visiting them—we are not necessarily going on a grand tour around Europe as people did in Victorian times. It may be possible to get information from the internet and other unglamorous sources. I agree that countries with devolved arrangements will be significant for us.

The next part of the briefing paper is on visits to other UK legislatures.

Mr Gibson: We need to get dates for proposed visits to other UK legislatures or to local authorities in other countries—or for visits to the Scottish Parliament by people from those institutions—as soon as possible, as our diaries are starting to fill up. The legislative programme will affect local government, so we must not schedule visits for times when we have to discuss legislation in Parliament.

15:00

The Deputy Convener: Work on local authorities in other countries and on other UK legislatures must be balanced by our important work building structures between Parliament and local government in Scotland.

I agree with the conclusion in the briefing paper that our work load is heavy, but it must also be productive. We must deal with the matters that we have to address as well as those that are simply interesting.

Subject to what has been said at this meeting, I assume that the recommendations that are summarised in annexe 1 of the briefing paper are acceptable.

Members *indicated agreement.*

The Deputy Convener: Members should note the draft forward programme, from which the proposal to cancel the meeting on 1 February has been removed. The programme remains flexible.

Subordinate Legislation

The Deputy Convener: The last item of business is subordinate legislation, on which I am, of course, a great expert.

Our options are either to agree that we are content with the statutory instruments or to recommend that they be annulled. If there is a recommendation that an instrument be annulled, we will not be able to discuss it at this meeting but will have to do so later. If anybody has concerns about either of these instruments, discussion will be deferred and a report will be passed to the Executive.

If there are no problems, we have to agree that this committee is content with the instruments and I will ask you to record that you make no recommendation.

Are we content with the Breeding of Dogs (Licensing Records) (Scotland) Regulations 1999 (SSI 1999/176)? The weight of power is on members' shoulders. Is it agreed that the committee has no recommendation on that instrument? If you agree, please say yes.

Members: Yes.

The Deputy Convener: Are there any concerns about the Sale of Dogs (Identification Tag) (Scotland) Regulations 1999 (SSI 1999/177)?

As there are not, is it agreed that the committee has no recommendation on that instrument?

Members: Yes.

The Deputy Convener: We will ask Kenny to explain in fewer than 100 words what we have just agreed to.

15:05

Meeting continued in public until 15:15.

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