

LOCAL GOVERNMENT COMMITTEE

Tuesday 14 March 2000
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE

9th Meeting 2000, Session 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

Gordon Jeyes (Association of Directors of Education in Scotland)

Bob McKay (Association of Directors of Education in Scotland)

CLERK TEAM LEADER

Eugene Windsor

ASSISTANT CLERK

Craig Harper

LOCATION

The Chamber

Scottish Parliament

Local Government Committee

Tuesday 14 March 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:03*]

Ethical Standards in Public Life etc (Scotland) Bill: Stage 1

The Convener (Trish Godman): Okay, comrades, it is time to begin. We are three minutes late, which is probably my fault.

The first item on the agenda is evidence from the Association of Directors of Education in Scotland. We will hear from Gordon Jeyes, who is the general secretary of the ADES, and Bob McKay, who is a member of the executive and the director of education services in Perth and Kinross.

Before I ask you to give your presentation, I apologise for the absence this afternoon of Bristow Muldoon and Keith Harding.

You will have to use your electronic cards as we are on TV; if you do not want to be on TV, do not use your card. With those housekeeping matters out of the way, I ask Gordon and Bob to give their presentation, after which the committee will ask questions.

Gordon Jeyes (Association of Directors of Education in Scotland): Thank you, convener. I will make a brief statement first and then I am happy to respond to questions.

It would be easy to believe that more than enough has been said about the repeal of section 2A of the Local Government Act 1986. However, I must intimate briefly the view of the Association of Directors of Education in Scotland on this issue.

The section that the Executive seeks to repeal is based on discrimination. If one believes that discrimination is dangerous and that there should be no discrimination against homosexuals, repeal of that section is entirely rational.

Any approach to sex education in schools should be child centred and age and stage appropriate. I am the director of children's services at Stirling Council and we need to bear in mind children's needs and to listen to their voices. If discrimination and fear are allowed to predominate, ignorance will be the victor, which surely is not acceptable.

We note that the opponents of repeal have caused considerable anxiety. Materials have been circulated that have never been, and should never be, used in Scottish schools. Some of the materials, which have been around for quite a while, were prepared by health boards for targeted use with adults as part of anti-AIDS initiatives—they are not school materials.

My second difficulty with those who oppose repeal is their descriptions of public opinion. Of course, any test of public opinion depends on the question asked. Promotion of sexuality of any nature in school is not appropriate. All relationships depend on equality, justice and respect, and Scottish teachers set sexuality in its appropriate context. Any discussion of lifestyle should be based on decision making and building the capacity of young people to make decisions. That approach is used for health and careers education, and for other personal development matters.

We retain the feeling that the political debate on section 2A has been done by mirrors, as it has never quite been about the issue as presented. We must not let the debate be about intolerance, prejudice and ignorance. However, it will be beneficial if we can retain the level of interest in school-parent partnership on all matters of children's personal and social education. Such matters can be dealt with only by an effective partnership between home and school. Parents need and deserve continuing reassurance, which can be delivered only at school level and which should not be based on a piece of paper, even if that piece of paper is statutory.

Moreover, it seems to us that repeal is no longer the sole issue. It is a signal that we make to civil Scotland and, more important, to tomorrow's citizens. The future is not what older people think, but what younger people do. Therefore, the Association of Directors of Education in Scotland wishes to make a commitment to resisting prejudice and ignorance. Within that, the proposed section 26 of the Ethical Standards in Public Life etc Bill, is helpful and sensible, but we would argue that further detail would not be appropriate.

I am more than happy to answer questions on my statement and on other matters relating to proposed guidance.

The Convener: Thank you, Gordon. I will open up the discussion for questions.

On a point of clarification, you referred to the materials, which are really targeted at adults, which have been circulated already. Do you have any information that those materials have been sent elsewhere?

Gordon Jeyes: None at all. I was responsible for a division of the education department of

Strathclyde Regional Council and, for the past four years, I have been in Stirling. I have been in education management for more than 10 years. I have never received any complaints about materials and I am not aware of any complaints from colleagues. The only issues about sex education that were ever raised with me as a director were when youngsters said that the materials were not effective or when others raised concerns about certain sexual health matters such as unacceptable levels of teenage pregnancy.

When I referred to those materials, I meant the materials circulated by those opposing the repeal of section 2A as if they were school materials, when everyone knows that they are not school materials. That led to anxiety and to misinformation. I do not doubt the integrity of the people who were collecting signatures, but their anxieties are not based on reality, or on the way in which the matters are dealt with by Scottish teachers.

Bob McKay (Association of Directors of Education in Scotland): I worked in Strathclyde and in Tayside, and now work in Perth and Kinross. In those areas, there is no evidence from the past 15 years that any such material has ever been forwarded or presented to schools.

There are a number of major issues beneath the generality of this matter. If any such materials were ever to appear in a school, head teachers and teachers, who are highly competent professionals, would get in touch with their authority. The likelihood of the material secretly appearing and no one knowing about it is unsubstantiated by evidence and, more important, our experience as directors of education makes it clear to us that schools and head teachers would respond intelligently by contacting their authority.

Unfortunately, we have been sidetracked into an arid debate that has no real substance. As Gordon Jeyes was saying earlier, we are in danger of becoming punch-drunk from shadow boxing on this important issue. We need to engage instead in tolerance and equality. If we are to engage in discussions about sex education, it should be on an informed basis rather than on one of fear and paranoia, generated by an assertion that has no substance.

Johann Lamont (Glasgow Pollok) (Lab): The argument from the other side is that the material that has been discussed is awaiting repeal, and that, once repeal comes, the danger is that the material could flood into schools. You have said that there are clear safeguards to prevent inappropriate materials coming in. Is there any evidence of inappropriate materials being used before 1988, in the experience of your association? Was section 2A necessary for Scottish schools in 1988?

Gordon Jeyes: Not that we are aware of. As has been well noted, concerns were expressed about the behaviour and the circulation of material in a couple of London boroughs. That led to a reaction which was specifically intended to polarise the debate. That has happened very successfully, 12 years later. However, that does not lead to a clarification of the issues.

There are many things that we would not wish to be promoted in schools. We wish there to be child-centred education, with young people being given the capacity to express themselves in a democracy. We should not be singling out any particular issue as an item of special fear. In the original discussion paper about the ethics bill, the strong argument was that section 2A was not just irrelevant, which we believe it is, but discriminatory, singling out homosexuals in a discriminatory clause, on no justification; that is, that it is a bad example. Children should not judge people by labels. None of us should do that. To make unacceptability the starting point in legislation is itself unacceptable.

Bob McKay: A spurious logic seems to have emerged: that if it had not been for the 1988 legislation, the material talked about would have appeared. Anybody who went to their first class in their first year of logic at university would understand that the premise and the logic are false—apart from that it is a very sound argument. There was no such material before 1988; there has been nothing since 1988.

I would argue, on the basis of sound professionalism from teachers, sound direction from authorities and an effective parent partnership, that the 1988 legislation has been irrelevant to Scotland. It is unfortunate, therefore, that in a debate that is really about equity we get sucked into what are purportedly factual considerations, which are in fact the expression of prejudice.

Johann Lamont: You talked about empowering and working with parents. What is your advice to schools on managing differences of views among parents in relation to sex education? What options are available to parents if they remain unhappy with what is offered in schools?

14:15

Gordon Jeyes: Potentially, the most optimistic outcome of this debate would be if we could continue this level of parental interest in personal and social educational and encourage debate where it matters most—in schools.

I offer a comment on parental participation. School boards in Stirling, irrespective of their point of view on this issue, are unanimously of the opinion that they do not want the Scottish School

Board Association to take a policy perspective. They find the association a helpful source of advice on the detail of running a school board, and useful in providing training or administrative back-up. The Parliament should be wary of the notion of parents' participation as that of the professional parent: self-evidently, there are as many different parents' views as there are citizens' views. After all, even directors and MSPs have children and do not necessarily agree on every matter.

The association also believes that the School Boards (Scotland) Act 1988 is an example of legislation that is far too prescriptive and detailed. I do not know of a school board that disagrees with me on that issue. That leads to all sorts of bureaucratic difficulties. Because school boards are sometimes set in their procedures, they can get in the way of parental participation. Parental participation should be based on the dynamic of the home-school partnership, to raise the level of achievement of the child at home and to support and help learning and the achievement of the child in the school.

The association will want to put forward a proposal on the Standards in Scotland's Schools etc Bill, much of which is welcomed. However, ahead of the revision of the powers of schools boards, there should be a duty on schools and local authorities to encourage and enhance parental participation. It is difficult to get parents involved unless there is a threat that their school will be closed or that its budget will be cut.

We are all busy people. However, we must be serious about the way in which we transmit values from one generation to the next. Teachers cannot do that on their own. We need to have that debate, much of which will involve some compromise. The way in which I transmit values to my son, for example, is personal to me and will not be replicated exactly in the school that he attends. Nevertheless, I want him to be part of a well-educated society, and want him to attend a school with neighbours' children, even the children of those who have different views on this issue. For years, schools have dealt with that kind of compromise well, but increased parental participation will allow them to deal with it even better.

Bob McKay: As former modern studies teachers, Gordon and I have already encountered challenges to what teachers teach. Thirty years ago, we were the *enfants terribles* of the secondary school curriculum.

I would like to approach your question from a slightly different angle. In part, the answer is open forward planning: we must tell parents what will be taught and we must involve them. Difficulties will arise if parents find out what is being taught by accident or by a partial account from their child, a

neighbour or a helpful friend in the supermarket. Schools should be open to involving parents not only on this issue, but on all issues that concern the curriculum: the way in which young people learn, the way in which we assess young people and the way in which parents can contribute to that.

This issue should not be separated off as a special issue. Consultation with parents should be integral to the way in which we work. If we really believe that parents can make a difference, we should involve them as early and as often as possible. That is only one of the issues. If there are gaps in that strategy area, there are gaps in the whole strategy concerning the engagement with parents, their role in education and their contribution to it.

Some press coverage has given the impression that this is a bilateral issue, and there is a danger that we consider it in that way. I would like to remind everyone that young people have rights. They have the right to be educated and to be informed, and to have enough information to allow them to make choices and decisions. Part of the Scottish tradition has been to bring up young people in a system of autocracy, so that they will appreciate democracy when they get there. We should recognise that education has a dynamic; it has a triangulation involving young people, teachers and parents. We talk about ages and stages in education; part of that should involve education about growing into citizenship.

Last week, at a conference of school representatives, one of my colleagues commented on how mature and informed the young people were, and another commented on how worrying it was that we had to have such a conference to find that out. We do not afford young people enough opportunities to express their opinions. One of the gaps in the debate over the past few weeks has been the failure to consider young people as a legitimate constituency in this matter.

During a television programme last week, one young person from, I think, Balerno expressed some reservations on the repeal of section 28 and wished to see a balance. The rest had entirely sensible views on discrimination and of their right to know. They should be heard as loudly as some others have been heard.

Donald Gorrie (Central Scotland) (LD): Autocracy still reigns in the Scottish Executive; democracy has yet to penetrate. We will have to work on that—it is what we are here for.

My question covers some of the same ground as Johann Lamont's second question. Could you sketch out for me the present system of guidelines and how it might be improved? What part do the Scottish Executive education department, people

such as yourselves, the head teachers, the teachers, the pupils and the parents play at present, and how could that be improved?

Gordon Jeyes: At present, there are detailed curricular guidelines on not only sex education but all aspects of health education, media studies, social subjects and other matters relating to a person's social education. There is also supplementary guidance on respect for the views of religious minorities, because once we get into the details of the transmission of values, there may be issues that the families of particular children do not wish to be addressed. For example, with children from the Muslim community, it is established practice that withdrawal from classes is possible. As Bob McKay has already said, it is existing good practice that the lesson discussion topics, the materials used and the videos watched should be shared with parents in advance, and the majority of schools are doing that.

We should move forward in the new circumstances of heightened awareness. That should begin at school level, with reassurances for parents based on the structure of devolved school management. We should ensure that everything is based on partnership, because these are matters for a primary school child that will not be addressed in five hours each school day. There should be a source of communication that they can take everywhere. I am talking about the way in which the school can help the family, as opposed to the other way around. I hope that guidance will stress the positive aspects of partnership and the way in which that has improved and developed over the past 10 years or so. The good practice of sharing information about sex education and values in education should become universal. If people are not reassured after having met guidance staff or other staff members, and if they raise objections, withdrawal always remains legitimate.

Donald Gorrie: Is it possible for Perth or Stirling to develop slightly different guidelines or for schools within an authority to develop slightly different guidelines from each other's?

Gordon Jeyes: ADES would argue that prescriptive guidelines coming down from the centre do not work and that there must be a sense of ownership, which must be felt by parents as well as by schools. The responsibility for ensuring that the guidelines are fully reasoned out must rest with the community. My work in educational management has involved me with many rural communities and I believe that individual communities, too, must resolve the issue themselves.

Guidelines could vary between schools, provided that all shades of opinion are taken into

account. Majority groups have to be careful that they do not prescribe in too much detail the values in the guidelines. Minority groups must not be excluded or alienated and intolerance must not be encouraged.

Bob McKay: It is important to state that guidelines and guidance should provide parameters, not prescription. There must be a degree of flexibility to allow the diversity of communities in Scotland to be recognised.

For the last 30 or 40 years, Scottish education has worked well with a system of guidelines and guidance. Bearing in mind the principle of subsidiarity, we can see that the system rightly encourages dialogue. Bottom-up development can inform central development. Prescription destroys that two-way process and undermines the local authority and, consequently, the discretion of the head teacher.

There is a suggestion that we should try to find neat and easy solutions, but democracy means that the majority rule should have regard for the minority right. We have to have in place models that allow us to do that. There are as many reasons for an issue to be raised in a school as there are parents and we need parameters within which we can engage in dialogue with the parents. We seek to persuade and inform; prescription inhibits that.

We have to have a well-informed, self-regulating profession that informs up the way, not one that obeys a cascading set of prescriptions. Scottish education can be proud of the way in which it has taken forward guidance and guidelines. We have done better than other countries where an ethos of prescription has reigned. When we have got into difficulties in the past 10 to 15 years, it has been because prescription has been more apparent than guidelines. There has to be dialogue with young people and parents, not centralised prescription.

Mr Kenneth Gibson (Glasgow) (SNP): I agree with what Bob McKay said about the piece of legislation being an irrelevant one that was imposed on Scotland. What impact, if any, has section 2A had on the social development of children?

Gordon Jeyes: For many schools, the repeal will have no effect whatsoever because the section has been largely ignored. However, members of parent forums have informed us that, as a consequence of this debate, schools have become anxious about dealing with cases of homophobic bullying because of their understanding—or misunderstanding—of the legislation. Repeal will not have an immediate effect, apart from sending a message that we do not want legislation that is based on

discrimination; but it will have an eventual effect on the way in which incidents of bullying are addressed. Labelling and name-calling are insidious and language is powerful.

Bob McKay: I suspect that if, before the possibility of repeal arose, we had asked teachers in Scotland to write down everything that they knew about section 2A, 95 per cent would not have been able to write down much. That is a demonstration of the impact that the legislation had in Scotland.

However, on the occasions when it has surfaced, it has had a negative effect. It is a piece of legislation that focuses in a discriminatory way on a group of people and it is from that point that all of the caricatures emerge. Although the section had no impact most of the time, on the occasions that it did, it undermined teachers' professional judgment. Guidance and guidelines should have a positive purpose rather than a negative and discriminatory one.

14:30

Mr Gibson: Do you agree that, where there has been an awareness of the legislation, the social development of children has been hindered as they have been unable to discuss their feelings with teachers?

Bob McKay: Yes.

Gordon Jeyes: Yes.

Colin Campbell (West of Scotland) (SNP): While Bob McKay might have been an enfant terrible 30 years ago, I recall Gordon Jeyes as an élève normal. As an historian, it is interesting to be faced by two modern studies aficionados.

We have all given a lot of consideration to this matter. I have cast my mind back to my 12 years as a head teacher in Glasgow and thought of how members of my staff would have dealt with this topic. I do not want to suggest that my staff was perfect—and I would not want any of them to pick up that notion now—but I can think of no member of my staff whom I would not have trusted to handle the topic sensitively and appropriately. I believe that the teacher and the parent have to co-operate to work out how to deal with the matter.

I welcome the fact that you have said that the guidelines could differ according to the context in which teachers found themselves. It might be useful, however, if you could explain to us how people who transgress the guidelines would be handled.

Gordon Jeyes: That area is improving and developing. We want to have a culture that encourages complaint so that we are aware of areas that could be improved. Many authorities

have mechanisms whereby parents can share concerns. However, work still needs to be done, as parents in many parts of the country still feel hesitant about doing so for fear of how their child might be viewed.

If a teacher was judged to be promoting a lifestyle or activity that was considered to be inappropriate, that would be taken up in the teacher's review and, if necessary, the teacher would be subject to disciplinary procedures. As I said before, there are many areas of life that it would be inappropriate for teachers to promote. Promotion of such areas, including aspects of heterosexual activity, would have to be tackled robustly, and use of things such as the internet will have to be scrutinised closely.

Bob McKay: The legitimate dimension of professional autonomy is informed by an explicit expectation of professional behaviour. I want to make sure that every parent, teacher and young person is conversant with the guidelines, because that will lead to informed discussion and will both reduce the number of complaints that turn out not to be complaints and legitimise justifiable ones. Where such a complaint arises, the head teacher should deal with it as manager of the school. However, the local authority has a clear responsibility if the complaint is so serious that the sanctions to be considered fall outwith the head teacher's powers.

We would endorse the current review of disciplinary procedures within a framework that ensures that parents, teachers and young people understand the interdependence of their responsibilities. However, such cases should be dealt with no differently from other circumstances where teachers do not behave properly. The procedure should be integral to the operation of our schools and educational authorities instead of being a new detailed mechanism for a specific issue. That would not work.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Organisations opposed to repeal have given evidence that some authorities and schools in Scotland—I think that one of the schools was in Inverness—have seized materials that they have considered inappropriate. Do you have any information on that?

We have also heard evidence that parents are not aware of the right to withdraw children from sex education classes and that there is a general misunderstanding about parents' rights to have a say on what is taught in schools. Can you expand on that?

Gordon Jeyes: The answer to your first question is straightforward—there are no examples of any Scottish school using the materials that have caused offence. Although I am

not aware of the Inverness example that you mention, I know that Fife Council was pilloried for ordering the material so that officers could find out what the fuss was about, which seemed only reasonable. When the council finally received an apology from the press, it was at the foot of page 10. That is an example of how the matter can be misrepresented.

As for your second question, sections of the community that hold strong views on these matters—in multi-ethnic schools in Glasgow, for example—will know about the right to withdraw from certain aspects of sex education. However, when parents are given the opportunity to examine the material, they are often reassured. When it comes to sex, everyone in Scotland has their Calvinist side—although I do not mean that in a religious sense. In particular, when it comes to homosexuality, tolerance and the challenge of equal opportunities, people who are more than 40 years old have to reinvent themselves daily and learn how to judge others by their character and attributes instead of by labels. Although that is difficult and demanding, parents are reassured when they read the material. Sex education material used in Scotland is within a Scottish tradition that many people might describe as tame, and that situation will stay that way for a long time yet.

Mr Gil Paterson (Central Scotland) (SNP): Are there any cases where teachers might have been inhibited in teaching sex education, or where they felt that they could not teach certain aspects of sex education because section 2A put them under threat?

Gordon Jeyes: I have responded to that to some extent already. Some parents have told me that, when they expressed concerns about homophobic bullying, the school's response was not satisfactory.

I chair the steering group of the Scottish Executive's anti-bullying network, and it could be argued that some name calling is harmless. For example, most of the pupils called me a poof when I first started teaching in the east end of Glasgow, and the other teachers said, "If that's the worst thing that they call you, it's okay." However, language is powerful. In the same school, because I was recruited the day before term started, I was given the classes that nobody else wanted. Other teachers read my timetable and said, "Ah, you've got the third-year slashers today, and tomorrow you've got the fourth-year slashers"; I could not understand where such pejorative slang came from. In fact, the timetabler listed O-grade classes with an O and non-certificate classes with an O with a stroke through it. The power of language and the way in which young people are labelled are very important; children throw labels at other

children because of their lack of understanding of sexuality, and teachers' ability to tackle that problem is inhibited by this unnecessary section.

Mr Paterson: Do teachers currently wait until they receive a complaint about bullying before they take action? Would the repeal of section 2A mean that steps could be taken before bullying happened?

Gordon Jeyes: The section causes unnecessary uncertainty which makes dealing with incidents of bullying less straightforward. Because it creates such inhibition, it should be repealed.

Bob McKay: When dealing with a case of homophobic bullying, a teacher who is informed about section 28 could be unnecessarily prescribed by it. The fundamental problem with this legislation is that it means that recognition is unacceptable. It is difficult to see how a guidance teacher tackling this problem with a teenager can be professionally supportive without recognising that homosexuality exists and should be considered equitably in our society. If teachers responsible for social education had been aware of section 28, it would have inhibited them to the detriment of the interests of young people, not the interests of supposed homosexual teachers who wished to promote their sexuality. At the heart of the argument for repeal is the right of children and young people to be supported and to be educated in a non-discriminatory environment.

Dr Sylvia Jackson (Stirling) (Lab): Thank you for your evidence. This has developed into an informative and rational debate, and I hope that the media will take note of some of the points that you raise.

I want to ask about the guidelines. First, the guidelines for five to 14-year-olds are relatively recent. Although Bob McKay said that there was a lot of flexibility within the current parameters, is not it true that commentators and teachers have said that the five-to-14 guidelines are far more prescriptive than before? I say that as a former secondary school science teacher, and I know that primary school teachers have said the same.

Secondly, what happens at the post-14 stage? Much of the debate has been about the guidelines for those aged between five and 14. I think that people are unclear about what guidelines there are at secondary school. The post-14 stage is very important, particularly for personal and social development.

Thirdly, Donald Gorrie raised an important point to which I do not think we received an answer: what is the role of Her Majesty's inspectorate in this process, particularly in relation to upholding the guidelines?

14:45

Bob McKay: In a recent constructive discussion with Her Majesty's chief inspector, it was agreed that the role of inspectors should be to seek effectiveness rather than compliance. There have been difficulties in recent years because guidelines have become prescriptive. We alluded to the fact earlier that, where the process becomes more centralised and prescriptive, it becomes less effective. There have been tensions in some areas in the past 10, 12 or 15 years—what have purported to be guidelines have been straitjackets rather than parameters. We are having an on-going and constructive professional dialogue with HMI.

Some authorities have sought greater flexibility than others. That is inevitable in the way in which we work. On the five-to-14 guidelines and the argument about flexibility and prescription, prescription has been perceived in some areas—science or whatever must be included in a particular form—but there is a wide range of areas in which there is greater flexibility for the classroom teacher, in terms of exemplar material, the order of development and so on. However, that is a professional debate, which begins from the premise that we are trying to work out the best way of using guidelines. I have difficulty with the term “statutory guidelines” because it is an oxymoron. By its nature, anything statutory will be prescriptive.

The opportunity should be taken to get a consistency of flexibility, which, I agree, is not present at the moment. The availability of guidelines rather than prescription has allowed greater flexibility. For example, in the debate on assessment and testing, the five-to-14 guidelines have allowed Scottish teachers to argue for the wider dimensions of assessment and to use testing as a part of assessment at a certain stage. We do not always get it right but, as long as there are guidelines, we have the opportunity to get it right—we have a negotiated model at local level. If the principle of guidelines is taken away, the possibility of having that diversity and flexibility is removed.

Gordon Jeyes: I am happy to admit that guidelines for post-14s are more difficult. There will be schools in which social education and sex education have room for improvement. I think that good practice will develop in some of the community school models—not least because teachers become anxious about these issues with older teenagers—in which multi-disciplinary teams and a health presence, subject to the usual caveats of parental knowledge, can have a greater input. We should try not to be dependent on the teachers; we should give the teachers scope to do what they are good at, and leave scope for others

to become involved. In the next few years, as we examine core skills and the way in which we help the development of the young person, there will be a balancing out rather than the total domination of attainment evidence. There will be consideration of the whole citizen, who is ready to participate and to be a learner for life rather than to jump through hoops to hit their targets and to help the school hit its targets. There is big debate to be had about effective sex education.

I agree that the five-to-14 guidelines are far too detailed—death by 1,000 attainment targets. However, they include a lot of sound advice. We should keep the model straightforward. Society, through its representatives, should say what it expects. On this issue, it is quite clear that parents expect reassurance, children expect involvement and there should be a system without discrimination. The process of how that is achieved in detail can be let go of, provided that there is good-quality assurance in place and that we measure success by the outcome that young people make decisions based on evidence and on a clear value system and that they are tolerant and respectful—as they are. We must base our education system on a set of entitlements. Young people must take responsibility for themselves, for their learning, for each other, for their school and for their community so that they graduate as young citizens.

That may seem a far cry from what we are here to discuss, but I do not think that it is. This issue is not just about trusting teachers, about which we have heard throughout this debate, but about trusting young people to make sense of all the messages that they receive from the world, with assistance from the family and teachers. We should not leave everything to the internet or some late-night television programme.

Bob McKay: I will add a small rider to that. At the post-14 stage, the rights of young people and the individual needs that arise are more involved. The guidance connection is important, as well as general social education. The ages and stages are about young people—how they progress and how their needs are met. On Gordon's last point, Daniel Goleman argues that what we aspire to within any organisation is trustworthiness, which is a competence that is based on self-regulation. At the post-14 stage, and generally, we should allow professionals to self-regulate and young people increasingly to self-regulate. That framework will give us positive citizenship. On the evidence that we have from across the world, the prescriptive model does not work, although it sometimes make the older adults happy that they are seen to be prescribing.

The Convener: In the final analysis, parents can remove children from sex education if that is what

they wish to do. I have been impressed, as were Sylvia Jackson and other members, by the fact that this has been a civilised and child-centred debate—that is what this committee is about. You said that good practice means sharing with parents in advance so that they do not learn about things from their children. I am sure that there is much good practice in schools. Children should be at the heart of the issue; the committee or another committee may want to address the fact, which you pointed out, that young people have not been involved in this dialogue. As one of the witnesses said, this is about not what older people think but what younger people do. We cannot make a statement such as that without asking the views of young people. This has been a very informative session and I thank you for coming.

We will now have an initial discussion to crystallise our thoughts on what we will ask Frank McAveety when he comes to the committee on 28 March. I know that members have received a paper that was produced by Morag Brown. Members may wish to take a couple of minutes to look at it before we discuss it.

Mr Gibson: Given the fact that we have just received this paper and most, if not all members, have not had the chance to read it, it would be inappropriate for members to try to absorb it in a couple of minutes and then respond to it. I realise that we do not have a committee meeting scheduled for next week—although we did have—but if the matter is urgent I do not see why we cannot meet for half an hour, once we have had a chance to absorb what is in the paper. I do not think that it would be appropriate to deal with it now, as we have not had time to consider it.

The Convener: We may not be able to meet for half an hour next week, because you and I are away for three days.

Mr Gibson: We are not away on Tuesday—only on Wednesday, Thursday and Friday.

The Convener: We could get round that by having a private meeting on Tuesday, at which the official reporters would not need to be present.

Mr Gibson: I am happy with that, if everyone else is.

The Convener: Would that suit everybody else?

Dr Jackson: As long as the meeting is not at 2 o'clock, when the European Committee is meeting. I have already missed one meeting of that committee.

Mr Gibson: I would be happy for us to meet at a time that would suit everybody.

The Convener: When we get on to housekeeping issues, we can argue about when we should meet.

Students and Council Tax

The Convener: The next item is the paper on student council tax. Members will recall that City of Edinburgh Council wrote to us to point out the anomalies in council tax that arose when students were living in flats with non-students. Morag Brown has prepared a paper on the issue that was sent out with committee papers. I suggest that we hold a short inquiry into the issue, as it is quite complex. However, we would not need to do that immediately; if members agree, we could hold it over until the committee has a quieter moment—if that day ever arrives.

Johann Lamont: I would like us to clarify the terms of the inquiry. Would we be dealing specifically with the way in which students are affected by council tax, or would there be an opportunity to consider other anomalies? One of my constituents has on a number of occasions raised with me the inability of a broad banding system to reflect specific issues, such as the M77 being built next door to somebody's home. In those circumstances, people might not drop down a band but the value of their property might be affected. We would need to be clear about the terms of the inquiry, so that it did not spread into other areas.

The Convener: Eugene Windsor will come back with terms of reference. If we undertook a much wider inquiry, we might start to stray into the area of finance—on which there may be an independent review. The terms of the inquiry might be narrow to start with but, if we were to extend it to finance, such an issue would be noted.

Mr Gibson: I support what you have just said, convener. I am well aware of the case to which Johann Lamont is referring, which has been a long-running saga in Pollok. I am very sympathetic to pursuing proposals for legislative change to exempt students from or reduce their liability for council tax. However, we need to consider not only how individuals are affected, but how local authorities are affected. If there is to be legislation that would deprive local authorities of income, we must discuss how that shortfall would be made good. I hope that we would receive information indicating how much of local authorities' income is derived from students and how they would be affected by any changes. I imagine that certain local authorities, particularly Glasgow City Council, City of Edinburgh Council and other authorities with large student populations, would be affected disproportionately. I realise that it would be not be very cost-effective to collect that information, but we would need it.

The Convener: Morag Brown says in her paper that the issue of student council tax is particularly relevant to larger cities.

Donald Gorrie: The inquiry should have a narrow focus. Johann Lamont deserves a brownie point from her constituent, but we should stick to the issue of student council tax. The proportion of council tax that goes to cover water charges will increase much more than ordinary council tax and is treated in a totally different way. That is another serious issue that deserves careful thought.

15:00

Mr Paterson: Would we take on board the impact of any changes on other people in a residence where students were living?

The Convener: Yes.

Do we agree that as soon as we get a quiet moment we will hold an inquiry into student council tax? That does not mean that the issue is not important, but we have tight schedule until the summer. It is unclear whether we will be able to hold the inquiry before then.

Members *indicated agreement.*

Visits to Councils

The Convener: The first report is from Shetland Islands Council; Johann Lamont is the reporter. Kenny Gibson, Colin Campbell and I were also on the visit, but I do not remember much about it. The people there were rather liberal with the whisky.

Johann Lamont: I have total recall.

The Convener: Of course.

Colin Campbell: Calvinist.

Johann Lamont: The delay in reporting back on the visit is entirely my fault. It has been suggested that it would be interesting to compare the situation in Shetland with that in the Western Isles, and we may want to do that as I go on.

The councillors and officials that we met were very positive about the meeting and felt that it was useful. That accords with the response that we have received elsewhere in the country. The report includes their responses to individual questions, the detailed outline of their structures and some additional comments of my own.

We must always be aware of the context of the Shetland Islands—both the distance from the mainland and the differences between the islands. From its consultations locally, the council is aware that the centre is sometimes perceived as getting a great deal more than the peripheral islands. That reflects some of the tensions between rural and urban areas that exist in Scotland as a whole. Managing travel and transport within the islands places a significant burden on the authority.

The situation in the Shetland Islands also needs to be seen in the context of the oil industry, both past and present. Because of the money that it generates, community facilities are available in Shetland that would not be available in equivalent rural or island communities in Scotland. Some of the facilities are substantial. However, as the oil industry has moved on, that has had an impact on small communities. In some areas, houses were built to accommodate a larger number of workers, but when those workers leave the houses are still there, which affects the housing market and a range of other issues.

During my visit to Sullom Voe, I was struck by the extent to which the industry still has to wrestle with the elements. That challenges the idea that we can run our industry and economy on a virtual basis, through e-mail. We need to be conscious that people will still have to lay pipes on the sea bed.

In contrast with that more elemental nature, I had my first opportunity to teleconference in a small community. In Shetland, teleconferencing and modern technology have been used to sustain

the community, which has been affected by the oil industry. We teleconferenced with Unst. Perhaps one of the other members who were there would like to expand on the impact of Ministry of Defence decisions in Unst.

Themes were consistently raised with us, such as the desire for an independent review of local authority finance and general opposition to proportional representation but, again, the emphasis was on close links to disparate communities. We have heard that view in rural areas, where first past the post is seen as the best way of representing small and distinct communities within large rural areas. There is opposition to directly elected leaders. There were concerns about ring fencing, such as that inappropriate amounts of money would be available, given the nature of such communities.

Council representatives also talked about the problems of the increasing amount of paperwork and administration in relation to the bidding system and best value, the pursuit of which they felt was creating work that was not productive and so did not represent best value. They used the example of the amount of time and energy that teachers were expected to use to clarify how much better their new systems were, which increased their work load.

Mr Gibson: An interesting feature, which they highlighted, is that although they are a small island community of approximately 20,000 inhabitants, they still have to go through the same hoops as larger authorities with significantly larger populations, so a disproportionate amount of work is spent on fulfilling some obligations.

The visit was an interesting contrast with that to Western Isles. Although some of the issues were similar, we found Shetland very Lerwick-centred and that the periphery of the islands is suffering for a variety of reasons. The fact that it costs £340 for a return flight from Glasgow militates against the development of the islands' economy. Just as with the western isles, communication with the mainland has to be addressed if the islands are to develop further.

There appeared to be a big divide between the administration and the opposition. I found that interesting. Of 22 councillors, we met the 12 who are administration councillors. The opposition was not invited to meet us. The opposition is 10 independents, and the administration is eight Liberals and four independents. There seemed to be a bit of tension between those two groups.

What councillors said about PR was interesting. It is a Liberal-dominated council—certainly the Liberals seemed to pull the strings. They talked about councillors having good links with their communities, but it seemed that people often do

not have much choice—about a third of the councillors were elected unopposed. Where there was competition for seats, just as in Western Isles, most of the sitting councillors lost their seats. It appears that many people are unhappy with their elected representatives.

Our view of the council was positive; it seemed dynamic and forward thinking, yet when I spoke to fishermen, taxi drivers and other members of the public, some of them did not share that view. If there is not a communications gap between the public and the council, there is at least suspicion about how the council is run. On the positive side, the council has its eye on the ball on innovation: it wants to look at new ideas. There was some concern about how the new executive is being appointed, which gave me cause for concern, but, generally speaking, it seems a prosperous area—the oil money may have something to do with that—and the council is doing what it can to ensure that it remains prosperous.

The community that we visited, which is about 25 miles north of Lerwick, is an area in which the council and the local community want to work in partnership to attract people. They seem to be trying to galvanise as many people in the community as possible to participate in ensuring that the community works together.

I found the teleconferencing useful. They talked about it in Western Isles, but they are not as far forward with it as they are in Shetland. They also seem to have invested money in recreation wisely—there are something like nine sports centres and swimming pools in the islands. They have developed that area well.

I found the visit interesting. We would want to go back to the area to see how it develops. It must be said that the administration is fairly new. There was a sea change after the elections in May, and it may take a wee while for the structures to settle down before we can see how they are working. However, I am concerned about how involved the opposition is in the decision-making process.

Colin Campbell: As with Johann Lamont, this was my first use of videoconferencing.

I spoke with a couple of community activists in Unst. There are difficulties that arise from the draw-down of the Ministry of Defence facility there and they are looking for as much help as they can get. They highlighted the fact that the transport difficulties there are even worse than they are in the western isles. We were two ferry rides away from Unst. That is a deterrent to trade and tourism in the area.

In an informal discussion, someone said that there are difficulties with mainland legislation—made with the best will in the world for all our best interests—when it is applied to some of these

areas. For example, if someone knocks down a house in Unst, they have to take the entire house on lorries on two ferry journeys to dump it in the landfill site near Lerwick. I share the sense of absurdity at such legislation applying in that way. There is probably a case for different—not more lax—legislation for such areas, where at present unnecessary burdens are put on communities that are in straitened circumstances.

The Convener: I certainly enjoyed the visit. They gave us the interesting example of the Braer incident and how it related to the power of general competence. After the Braer incident, they had to have an impact assessment, which was funded neither by insurance nor by the Scottish Office. They think that if the council had had the power of general competence, it could have dealt with the matter in a different, less costly, way. I understand why the council is saying no to proportional representation: there are approximately 800 constituents per constituency and McIntosh made it clear that if we do go to a system of PR, it will be different for different parts of Scotland.

It was interesting to see that the council is trying to encourage young people to play more of a role in the community. Council representatives said that they are giving support through cultural and musical heritage, which is good, because in those islands, as in the western isles and elsewhere, young people should be encouraged to stay and become more involved in their culture.

Like Kenny Gibson, I was surprised that there are nine sports centres and swimming pools, but when I thought about it I thought, so what? That is good. I also think that if we talk to taxi drivers and other people anywhere they will complain about the council. They just like to do that. As politicians, we should know that if we are going to get a complaint, it will be directed towards us. All in all, it was an interesting visit and, like Kenny, I would like to go back, because it is a new council and once it is more settled in it may have different things to say.

Johann Lamont: I wish to say something on what Kenny Gibson picked up anecdotally. To be fair to the council, one of the themes it raised is its awareness, from consulting local people, that there are anxieties about how services are being delivered. It hopes to tap in to the forum system and the community council structure to address that. The election gave people an opportunity to express a view on what had gone on before.

Mr Gibson: To be fair to the council, the views that were expressed by the people I spoke to were directed more at its predecessor. The visit took place only about six months after the May 1999 elections, so what we heard was a hangover from before then. There seems to be a residue of bad feeling about the previous administration, which

has carried over to this one.

Johann Lamont is right: we could go anywhere and people would criticise the council—but these were specific points. It was interesting to consider the contrast between what was being said by members of the public and what was being said by the administration.

15:15

Dr Sylvia Jackson: Is the council saying that there are difficulties with the ring fencing and that there is a need for more flexibility in terms of the transport system and the rurality of the area?

There is a feeling that it takes time to get consultation working. Perhaps the council is not doing it in the right way. Is that the flavour of what it was saying about consultation? That concern has appeared before but perhaps not quite as strongly.

Can you give us an overview of the committee structure in operation?

Johann Lamont: It is all in the paper.

Dr Jackson: I know, but it looks complex. Can someone describe it in simple terms?

Johann Lamont: I recollect that there are three committees. Technically, everyone is entitled to be on every committee. The committees are underpinned by forums. The idea is that they derive information from local communities and feed it into the committees. The chairs of the committees are all members of the ruling administration. I think that there is a chairs committee, which effectively operates as an executive.

Dr Jackson: Having forums feeding into committees is quite different from what we have seen before, is it not?

The Convener: Yes.

Dr Jackson: That is interesting. Can you say something about the consultation? It appears that the process needs to be worked at, because the council is not happy with it.

Johann Lamont: The council is considering when the forums should meet. It is going to monitor who comes along, who contributes and so on. I think it is Shetland where it is felt that the structure allows the council to revisit the debate at every level: the forum, the committee and the executive. It is conscious that it has to decide whether to allow a discussion that has already taken place to be revisited. My impression is that it is trying something new and that it needs to monitor progress carefully.

The Convener: Kenny is right—there has been such a change in the council that in a sense it is

only six months old. It is still finding its way.

Johann Lamont: The council is trying to draw a distinction between its policy development role and delegation to officers of the authority to implement policy.

Mr Gibson: It is interesting that two of the main drivers behind the council are former directors of social work and education. They are very up to date with many of the Executive's ideas.

The Convener: We now move on to the Western Isles Council visit by Colin Campbell, Kenny Gibson, Johann Lamont and me. If the plane had fallen out of the sky, there would have been two by-elections—that is one form of proportional representation that we do not want. Kenny is the reporter for that visit.

Mr Gibson: The council is in favour of a power of general competence. The Berneray and Eriskay causeway project took 18 months to secure. The council felt that it would not have had to go through so many hoops if it had had a power of general competence.

The council strongly favours an independent review of finance. We got somewhat different views on hypothecation from councillors and officers. Councillors took the view that hypothecated funding removes the council's responsibility to determine its own priorities. They certainly choose to be more flexible about how they spend resources allocated under grant-aided expenditure. They said that hypothecation is a way of imposing priorities. As has already been said with regard to Shetland, it is a case of one size fits all. Ideas relating to hypothecation tend to focus on west, central or urban Scotland. With regard to priorities, rural Scotland and the islands are far down the list.

However, the director of social work said that in some ways he favours hypothecation, because if funds are not hypothecated for social work training and so on, money might not be spent on such vital but less sexy areas. Everyone said that if hypothecation were to take place, they hoped that the money would follow it, rather than being hypothecated out of existing budgets.

There does not appear to be much of a structure for scrutiny. There is not really an administration group at all—the Labour and Scottish National party groups do not act as political party groups—and although councillors may be elected under the Labour or Scottish National party ticket, they all act as independents. There is no group, even within the independents, that operates as an administration. From the well organised west of Scotland perspective it seems fairly anarchic, but there is certainly a view that it works well. They oppose an executive system.

The officers take a different view, however. They are frustrated that strategic decisions might not be implemented. Even if a committee takes a decision, the same people are on the full council and a decision can be overturned following pressure from wards. That makes it more difficult to take a strategic overview. However, the Berneray and Eriskay causeway project is an example of everyone pulling together on a project that helps the isles overall.

The council's views on PR are similar to those in Shetland. It feels that multi-member wards would be difficult to operate in island areas and that if PR were implemented, the single transferable vote would be the best of a bad bunch. To a certain extent, it did not understand exactly how the system would work, so that was explained.

As in Shetland, there has been a cull of councillors: 17 of the 31 councillors are new. About eight wards were uncontested, so if there was a multi-member system, there would be more competition. With regard to question 5, the council wants more flexibility in the size of the electorate. Yet again, everything is directed towards Stornoway. I asked whether local repair teams could be moved away from Stornoway so that local authority jobs can be spread more evenly throughout the island chain. That is being considered.

Curiously, when asked about their number, councillors said that 31 is about right. The officers took the view that 10 or 12 should probably be the maximum. That caused a bit of a wry smile from the MSPs. The officers find it hard to get decisions from a local authority of that size, given that there does not seem to be any real political structure.

The council said that meetings in Stornoway sometimes involve two overnight stays. It may not have considered rotating council meetings throughout the island chain so that, for example, it meets on Barra on one occasion and Stornoway the next. The council said that it is increasingly difficult for members with full-time jobs to get time off for council duties. Indeed, the Labour leader could not meet us because, although he works for a public company, he was not allowed time off. Like everybody else, the council opposes directly elected leaders.

There were other issues of specific interest. Unemployment is very high; employment is about 8 per cent less than anywhere else. The area has the highest death rate and the lowest birth rate in Scotland. It is important that the council considers other modes of inward investment; it should perhaps compare how peripheral areas in Scandinavia are addressing job creation. However, although it appears that 60 information technology jobs may be created, there is a downward trend that I hope that the local

authority—and the Executive—will address directly.

The council wants the isles' special circumstances and peripheral nature to be taken into account. We also received a statement from the SNP group leader saying that he does not particularly want there to be full-time councillors, because that might not suit him. Perhaps he misread the facts: we are not trying to impose full-time councillors; it is just something that should be considered as an option.

The officers said that the departments in the council have not operated in a methodical, joined-up way. They are trying to address that. There is still a fair way to go, but they are trying to get away from the old business of empire building. They realise that those days are over and that they must work together. Those we met seem to have many ideas in common.

Officers talked about the tensions when they try to match funding from the Highlands and Islands special programme. The situation worries them. They were also quite vociferous about challenge funding. They feel that for the private finance initiative and public-private partnerships to be successful, land values need to be high, so they are at a disadvantage in relation to more prosperous areas of mainland Scotland. They also feel that the key priorities of Western Isles Council, such as the roads network, do not fit into current challenge funding priorities, which makes innovation difficult. We should remember that Western Isles has only 27,000 inhabitants, so putting in a challenge funding bid costs proportionately more of its budget than would be the case in, for example, Glasgow, which has 600,000 people. The officers feel that that is not being considered.

The officers feel that although the Executive is putting more into education, the money is for new initiatives. It is felt that there is not sufficient funding for adequate basic provision and that money is being allocated to the education budget to be spent

"wether it was needed or not".

As I have mentioned, the officers have different views about hypothecation, which they feel address the needs of urban areas rather than those of rural or island areas. They also indicated that core services are still "being squeezed". Angus Lamont, who is the brother of a famous member of this committee, talked about the fact that Scottish Homes' centrally determined priority of moving towards owner occupation did not fit in with local strategic objectives. Western Isles Council is committed to providing local authority rented accommodation.

Interestingly, people said that Western Isles is "over-democratised"—the costs of consultation and decision making are widespread. Because of the vibrant nature of community councils, officers feel that there are already adequate mechanisms for consultation and that increasing consultation is creating excessive bureaucracy. That was also commented on from the perspective of best value.

Colin Campbell: Kenny has mentioned the fact that we had some difficulty getting to and from full council meetings. We were told that the person from Barra loses three days out of his or her life when they have to come up for a one-day meeting.

Mr Gibson: Was that Colin Campbell?

Colin Campbell: No, it was not Colin Campbell. He is from Benbecula. He would have a similar problem, although his travel time would not be quite so lengthy.

We do not want to appear obsessed with teleconferencing, but it was mentioned there, too. The council is unable to hold full council meetings by means of teleconferencing, which is an issue that will have to be addressed somewhere down the line in legislation. The idea is not that every meeting, but a goodly proportion of meetings, be held via teleconferencing, particularly when the weather is bad, which can be for a fairly large part of the year. That would be one way to make the operation of the local council cheaper and to make it more inviting for people to become councillors, as people would not feel that they would have to take three days out of their life to go to a council meeting. The idea should be considered seriously.

I was a bit alarmed by the fact that the Labour leader could not get time off from his publicly owned firm to do his job. It is obvious that I do not want him to do it all that well but, in the spirit of true democracy, and given that he is working for a public company, without mentioning the company involved, it seems logical that he should get a transfer to a boat that goes in and out of Stornoway rather than one that goes in and out of Tarbert, Harris.

We paid a visit to a primary school at Laxdale. I have passed Laxdale school for a number of years on my annual visits to elderly relatives in Port of Ness and always thought it looked a really clatty dump. It looked like everything a school should not be and unlike an advertisement for the virtues of education. Western Isles Council has transformed its appearance inside and outside. The spirit of the place seemed inviting for the children and for the staff who work there. The council has done a good job; that was a particularly good visit.

15:30

Johann Lamont: I was going to declare an interest, but Kenny has effectively done that for me. The fact that the comments made by the director of housing were particularly scintillating and perceptive is evidence of a family trait.

The fact that the Labour leader is sometimes baulked in his ability to attend meetings does not in any way reduce his effectiveness. I am sure that he is doing a good job on behalf of my party.

I want to draw attention to a couple of points, one of which concerns the way in which the broader community relates to island communities. One of the points that was made to us is that it should be recognised that it is difficult for council members to make it to meetings on the mainland on Monday mornings—unless they travel on the Friday or Saturday. That is interesting. It is not much of a bother for organisations on the mainland to have a meeting at 11 o'clock on a Monday morning rather than at 9 o'clock, but it makes a difference to the level of participation.

The significant thing about Laxdale school is the way in which it manages to maintain Gaelic-medium and English-medium education together. The school gave the impression of being a very harmonious and positive place in which to learn.

We also visited a community alarm system. It is an interesting example of how communities can build on their strengths. One of the strengths of remote rural or island communities is neighbourliness and the fact that it is possible to contact somebody local by phone to say that a message has been received that somebody has fallen and can someone go and check on them. The system works extremely well and allows people to be sustained in their own communities rather than having to be brought away from remote areas. The phone system is also being used by people to make contact about bullying or when the council is closed or on holiday. The system is used for a range of issues, the most important of which is to keep elderly people in their communities. I was impressed.

The council brought to our attention the potential for new technology and IT in general to bring people back to and to refresh the local community. The same must be true in Shetland. We talked about the fact that young people still have to travel for work but that a register is being created of those who would come back to work in the islands if work were available. The virtual economy has massive potential to provide work. The amount of optimism in communities such as the western isles and Shetland should be greater now than at any other time in the past century. It is now possible to see people from all walks of life going back, staying in their communities and holding them

together. The things we saw for children in school and for the elderly were encouraging.

The Convener: Members have all said very positive things about the visit. I enjoyed our final visit to a home for the elderly. Every person we spoke to was 90 or 94.

Colin Campbell: I spoke to one person who was 100.

The Convener: I was impressed—I thought, "This is the place to live." Everyone seemed to live to quite an age.

Mr Gibson: Colin was worried that he was not going to be let out.

The Convener: The visit was positive. Glasgow has a system that allows people who are in trouble to phone in. As Johann said, in the western isles, that system has been broadened out to allow people to phone in about other issues, which is a good way of using the system.

The idea of IT must be very exciting. We should perhaps start by asking why council and committee meetings cannot be held using such technology. It was a very enjoyable visit. Are there any questions?

Mr Gibson: The Grianan centre was quite exotic; its phone lines were similar to those at Safe Leven in Pollok, which I was involved with many years ago. As Colin Campbell said, Laxdale Primary School was excellent. We saw the classrooms with young children in them. People seemed to be trying to preserve as much of the culture as possible. Neither the SNP nor Labour group leaders could speak Gaelic, which I thought was bizarre, as the majority of people in the islands speak Gaelic.

The Convener: Were they not part of the generation that missed out?

Mr Gibson: I think so.

The council mentioned specifically, with regard to flying to the mainland on Fridays and Saturdays, that it cannot get to Convention of Scottish Local Authorities meetings on Mondays. The committee should take that up with COSLA on the council's behalf.

Donald Gorrie: Teleconferencing is important. We examined that when Highland Council raised the matter with us and found that it would require a change in the law. As the law stands, everybody must be present at a committee or a council meeting. We should pursue that.

The Convener: I was interested to learn that the council has made a list of 800 families who are keen to go back to the Western Isles. That is positive.

We will move on to the report on Clackmannanshire Council. Michael McMahon and Keith Harding were there; Michael is the reporter.

Mr McMahon: I will keep this brief, as I have two reports to give this afternoon.

The Clackmannanshire visit was interesting; it encapsulated many of the difficulties that we have been considering, yet it had a lot of positives. Clackmannanshire is a small authority, which is partly rural and partly urban. It has all the contrasts that we have been looking for. It also has transport problems, which councillors spent a lot of time highlighting.

I have had difficulty in getting evidence on the power of general competence. The authorities that I have visited have said, "We cannot prove it, but trust us, we need it." Clackmannanshire Council, however, gave a detailed account of why it needs that power; a synopsis of that account is included in the report. The council also used the "even if we cannot prove it, trust us" argument, but it made a lot of effort to show how a power of general competence would be useful to local authorities.

Clackmannanshire is a small authority. East Renfrewshire—also a small authority—argued that the cabinet system was useful, but Clackmannanshire rejected that system. Clackmannanshire has a simple structure with three committees, which meet on a six-week cycle. That is an effective system. Learning and leisure are combined and the cross-cutting issues are handled in that way. The officers found it helpful to work in that way. The councillors were happy with the system and did not believe that a cabinet system would benefit them—they felt that it would detract from the way in which the system worked as it would give too much power to a small group. At the moment, all councillors are involved and have a good grasp of what the authority is about.

Clackmannanshire—as an SNP authority—had interesting views on the electoral system. It was not greatly opposed to the single transferable vote, but preferred the alternative vote to STV. It thought that there could be difficulties with changes to the voting system. It opposed a list system; given the size of the authority, it was felt that having a proportion of councillors who were directly elected to represent wards and others who were elected on a list would be problematic. It was also felt that STV would cause problems, so if there were to be change, AV would be the preferred system.

The council's presentation focused on transport. It is the only authority that does not have a rail link, the lack of which causes problems. There are many isolated communities that are not served by

buses. People rely heavily on roads, yet the roads infrastructure is especially bad. Clackmannanshire has gridlock twice a day; that is intolerable in comparison to other places. Given the small size of the area and the volume of traffic that goes through it, transport is a particular problem. The council gave a detailed account of the difficulties that it faces and said it hoped that the Scottish Parliament could help it to overcome those difficulties, because that would be vital to bringing jobs to local communities. It was interesting to hear about that.

I do not want to make a party-political point, but in the afternoon we went to the Alloa centre—a terrific initiative, of which the authority is rightly proud—which is on the site of a former school. The previous administration wanted to close the school, which was half-empty, and to develop the new project, but the opposition campaigned against closure. The political complexion of the council changed at the election and the new administration now holds up the centre as a shining example of best practice.

One half of the former school is a day care centre that aims to encourage independent living for people with special needs. It offers art and physical education classes and teaches people how to work in kitchens, use washing machines and so on. The other part of the building has been given over to the Benefits Agency, so there is a direct link between the physical and financial means that people need to support themselves. The centre is a good example of how different departments and agencies can work together to support people in the communities. It is a great example of innovation in local government, yet it was opposed for political reasons before it got to its present stage. That should be a lesson to us all. We should always consider the bigger picture.

It was a worthwhile visit. Clackmannanshire Council has much to be proud of, but also has many problems, which have come out in the report.

I thank Irene Fleming, who came to Clackmannanshire with us. She is not usually a clerk to this committee, but came along because everyone else had swanned off to the Western Isles. She produced an especially good report.

Mr Gibson: Clackmannanshire has recently moved to a committee structure. The council, which had 12 members, previously met every three weeks.

The Convener: The whole council?

Mr Gibson: Yes. The council did not have a committee structure, so the 12-member council had to discuss everything; that was unwieldy.

The number of councillors has increased to 18

and there is a committee structure, which appears to be bedding down well.

Clackmannanshire is one of the sites at which the Scottish Parliament met centuries ago. The council seems to be keen on the Parliament moving there—I said that that was unlikely, but that perhaps a committee could visit.

It is good that the SNP administration has enhanced and improved the workings of the Alloa centre.

On proportional representation, if STV were used, the number of councillors for each party would be the same as it is now. The SNP got one vote more than the Labour party at the council elections—it was 10,442 to 10,441 if my memory serves me well.

Colin Campbell: That is quite conclusive

The Convener: Can you get to the point?

Mr Gibson: It is a shame that more members of the council were not there, apart from the two whom you met. I have spoken directly to the council leader about AV. I said that, if there were a 5 per cent swing to the SNP in Clackmannan, the SNP would win 17 out of 18 wards. However, if there were a 5 per cent swing to Labour, it would go the other way. An AV system would create a level of instability in that local authority, as it might result in oscillation from one party to the other.

15:45

The Convener: I will not ask where you got that information from, because you might tell me, but it has nothing to do with what we are talking about.

Colin Campbell: It is quite impressive though.

The Convener: No, it is not impressive at the moment.

Mr Gibson: I just wanted to touch on the thinking behind AV.

Colin Campbell: Did any of the councillors talk about their plans for a rail link and what they were doing to get it?

Mr McMahon: They need our help; it is as simple as that. They need a strategic review of the area's transport system. They are working hard and they have a lot of ideas and suggestions, but they need the help of the Scottish Executive to bring things to fruition. It is a lovely part of the world, and very picturesque, but people cannot get there. A rail link would open up the economy of the area, but its location causes problems because people need to cross the Kincardine bridge to get there from the west. At some times of the day, that route is gridlocked. Getting in or out by any other route would require public transport—either rail or bus—and there are no such services.

Mr Gibson: Liberal, Labour and SNP members have raised that issue in debate in the Parliament. Keith Raffan, Helen Eadie and Bruce Crawford have all talked about it.

Dr Sylvia Jackson: The thrust of what Michael McMahon said about infrastructure is correct. There are proposals for the freight service into Clackmannan from Stirling, and the hope is that it can be developed to provide a passenger service. A lot of work has been done on proposals for the A907 that we do not know about yet.

Michael McMahon said that there was no public transport system, but I must take issue with that. There is such a system, although it may not be as extensive as it should be.

Mr McMahon: Rural communities feel isolated because the transport operators focus—as they do in other areas—on the most profitable routes.

Dr Jackson: I agree that the system could be more extensive, but local bus operators were pioneers in running wheelchair-accessible buses. However, you are quite right to say that it is notoriously difficult to travel from Clackmannan to Falkirk.

The Convener: We shall now discuss the visit to South Ayrshire Council.

Mr McMahon: Ayrshire was typical in terms of information about challenge funding and elected leaders. Councillors are happy with their committee structure and electoral system. They are not happy about funding arrangements, in particular funding for education and challenge funding, and they had the usual complaints to make about those areas.

I was impressed by the tour that the councillors gave us. When we first saw the number of things that they had highlighted for us to visit, we thought that we would never get through it all in an afternoon. However, we discovered that we did not need to go further than the place that we had arrived at. The various groups, agencies and initiatives were all in the one centre. The premises used to be a school but, because of changes to the school roll, a new school was built in another part of the town. The building that was left was used to enhance the local community and serve its needs. It is a terrific venue, with a community centre where people could buy tea and coffee and do all the things that they like to do. It also gave facilities over to community groups; each group in the area had been allocated an office there. The citizens advice bureau had one, as did the credit union. All those organisations had been brought under one roof.

There is also a school next door. The two buildings had once been part of the same complex, but one school vacated and the other

remained. Some of the classrooms in the remaining school were expanded into the school that was vacated to enhance the integration into the main school of children with special educational needs. Separate classes were available when they were needed, but the set-up allowed the children to be worked into mainstream schooling.

We were shown the closed-circuit television centre, which had been taken from the police service and brought under the auspices of the local authority. I thought that that was a great initiative. The centre was situated in the upper part of the building and was run by a partnership that monitored all the CCTV systems in the Ayrshire area, from Largs to Girvan. From that centre in the middle of Ayr, one can watch town centres in other parts of Ayrshire. The council had also incorporated the alert system into the building, so that people with emergency needs could contact the centre and have everything organised from once place.

It was great to see local government implementing good ideas and initiatives to benefit the whole community throughout the area, rather than focusing on the urban centre. The council was effective in working with local organisations in an innovative way.

We also saw the new developments at the harbour. That may not be to everyone's taste, but it seems to be working well for the local economy and flats have been developed where the fish port used to be. The harbour has been transformed, leaving one side residential and the other commercial and industrial. The project involved a lot of planning, and the area is beginning to reap the benefits. A lot of good things are going on in South Ayrshire.

Dr Jackson: The interesting thing about the John Pollock centre was that community groups were working well together, collaborating on an impressive newspaper that is distributed to the local community and to which local people can contribute.

The children with learning difficulties were able to work in a safe environment, running a cafe for the rest of the children and for visitors, before going out into the wider world to try out their skills. That was another innovative project.

The inspector who thought up the CCTV scheme had left the police force and was now in control of the scheme at the John Pollock centre.

If the harbour is to be based on the Swansea model, which I have seen, with flats and a courtyard, it will be impressive when it is finished, so I hope that the council perseveres with that project.

Mr Paterson: It was the first time that I had met anyone who opposed the council achieving a power of general competence. It was felt that that would lead to a breakdown in trust between local government and central Government. There was only one councillor—a Tory—who expressed that view. The Tories had not made a decision, but even they were quite surprised about that.

The councillors were disappointed about the lack of a review of local government finance. Of the council groups that I have met, South Ayrshire was the angriest about the impact of the budgets. The group articulated its argument against PR extremely well.

The council had the same basic problems as the other rural councils—deprivation, transport costs and tax on fuel. It was almost as though we had visited the same place four or five times. The body language of the councillors was most pronounced in their surprise at the Local Government Committee's approach. At first, there was a certain hostility—they thought that we had come to tell them what to do. However, by the time that we had finished that hostility had completely turned round. In the end, that council was the most receptive to our message, even though it began as the most hostile.

Mr Gibson: It is good to see that you had a love-in at that meeting.

Mr Paterson: I did not describe it as a love-in; I just said that they had changed their minds.

Mr Gibson: Under question 1 there is the comment that the

"grant of a power of general competence would exacerbate tensions between local and central government".

Did Councillor Bowie expand on that?

Mr Paterson: That was an off-the-cuff comment, which people tried to get her to justify. She could not quite justify it and the other Tories did not leap to her defence.

Mr Gibson: So it was not the view of the group?

Mr Paterson: Far from it.

Mr Gibson: I am interested in the comments made, under question 9, that

"the Local Government Committee should be entirely independent and that it should perform a scrutiny role."

Does that mean a scrutiny role in relation to local government, the Executive or a combination of both?

Mr McMahon: That comes down to the hostility that Gil picked up on. There were a few people who felt that we were just there as proxies of the Executive. It took some time to convince those people that we had come to listen to them. They wanted to emphasise their opinion that the Local

Government Committee would not work if it were simply another arm of the Executive. We all know that it is not.

Mr Gibson: Do they want us to scrutinise the local authority and the Executive?

Mr McMahon: Yes.

Mr Gibson: They said that they wanted "a direct link" to the committee. Did they expand on that?

Mr McMahon: That was a comment from the same councillor that Gil Paterson mentioned, Councillor Bowie. She was really talking about her own experience. Until then, her only point of contact with the Scottish Parliament had been with her local MSP. She wanted to know how she could communicate directly with the committee as a representative of the Parliament. It took some time to explain the system.

Mr Gibson: Finally, under question 2 it says:

"It was felt that the last financial settlement had been poor."

Comments are also made on the deteriorating infrastructure in South Ayrshire. Apart from mentioning the state of the roads and the council building, did they expand on that?

Mr McMahon: They made the same arguments about the state of the roads and trying to increase the use of rail transport that we have heard in the other councils that we have visited.

The Convener: Thank you for those reports. The clerk and I will look over the reports, because there are other things that I would like to pull out that did not emerge in our report on McIntosh.

Appointment of Reporter

The Convener: We must appoint a reporter to go to the Standards Committee on 22 March. The meeting will take place at 9.30 in committee room 3. The Standards Committee is considering the Ethical Standards in Public Life etc (Scotland) Bill with regard to its application to MSPs and ministers. We have made it clear that we think that MSPs should be included in the bill.

I am looking for a volunteer. Kenny Gibson and I cannot go, because we are swanning off to a COSLA meeting.

Dr Jackson: I can make 22 March.

The Convener: Thank you, Sylvia. The next time that I am looking for a volunteer, I will not ask Sylvia.

16:00

Meeting continued in private until 16:20.

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