

LOCAL GOVERNMENT COMMITTEE

Tuesday 19 September 2000
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE

25th 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

CLERK TEAM LEADER

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Craig Harper

LOCATION

The Chamber

Scottish Parliament

Local Government Committee

Tuesday 19 September 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

The Convener (Trish Godman): Okay, comrades, the sooner we start, the sooner we will finish. I guess that that applies to every meeting. What a profound statement, Trish.

Covenant

The Convener: The first item on the agenda is the covenant. Members will recall that the draft document was produced by the Convention of Scottish Local Authorities, which also gave evidence on that document at an earlier meeting. On 6 June, the committee agreed to seek clarification on a number of issues from the Parliament's director of clerking and reporting and from the head of the legal office. That happened before the recess and comments have been received from the legal office. The problem is not to do with the principle of the covenant but the detail of the document, which needs further work.

The note has not been circulated as it is an internal document and is not for public consumption. I would think that members will welcome the note from the legal office. We have copies of it if members wish to see it. It is quite detailed, but it might be worth reading it.

The procedure is as follows. The document, as redrafted by COSLA, will be submitted to the Parliament for consideration by the legal office. On approval, it would be submitted to the Parliament's subject committees and to the Procedures Committee for consideration. Any comments received from the relevant committees would then be incorporated into the final draft document. That document would then be resubmitted to COSLA and to the legal office for final consideration. After that, it would come back to this committee for final approval. It is proposed that the document would then become subject matter for a Local Government Committee debate in the chamber. There would be an appropriately worded motion in my name calling on the Parliament to adopt the proposals of the covenant and joint standing conference, which would be annexed to the motion.

I ask members to approve that course of action and I would like to hear any comments that

members may have. We also have copies of comments by Margaret Macdonald from the legal office. It is a back-and-forth procedure: the principle is established and agreed, but we need to get the legal details sorted out.

Johann Lamont (Glasgow Pollok) (Lab): Such a covenant will work if those involved in it want it to work. It is about an aspiration to work together in a spirit of mutual respect, rather than the sort of document for which one could hold people to account in a court of law. Although it is important that we do not make agreements that we are not allowed to make, we must emphasise that it is a document about working together. I would be unhappy if we were to get bogged down in a legal debate about fine points that are not really relevant, because the covenant is about the Parliament's and the Executive's commitment to respect local government and work together with it.

The Convener: I agree, but the legal people obviously have to examine the document. We must wait to see whether they recommend any changes, but the principle should be maintained. Are members agreed?

Members indicated agreement.

Petitions

The Convener: The first petition, PE195, seeks an inquiry into North Ayrshire Council's decision to reduce full-time warden cover in sheltered housing. It was also the subject of a lengthy discussion by the Social Inclusion, Housing and Voluntary Sector Committee, and the *Official Report* of that meeting is included in today's papers. At the end of that discussion, that committee decided to remit the petition back to the Public Petitions Committee for more information. In the light of that decision, I suggest that we note the petition and take no further action, as cutbacks are matters for local authorities to decide.

Mr Gil Paterson (Central Scotland) (SNP): Would we be likely to get additional information on the action that the Public Petitions Committee will take? At this stage, rather than deciding to take no further action, it might be more sensible to put the petition on hold until we have seen what the Public Petitions Committee says. If, after that, it is clear that we should take no further action, that would be the appropriate time to say so, but I would not like to gift it away at present.

Bristow Muldoon (Livingston) (Lab): The Social Inclusion, Housing and Voluntary Sector Committee has already considered the petition at length. One of the general principles of our committee is that we do not interfere in the workings of local government. The Social Inclusion, Housing and Voluntary Sector Committee seems to have concluded that decisions about sheltered housing should be made by each local authority, and I do not think that the Local Government Committee should become part of an appeals procedure for unpopular local authority decisions.

Mr Kenneth Gibson (Glasgow) (SNP): I fully agree with Bristow Muldoon. At the end of the day, we believe in subsidiarity and local government. Whether we agree with the local authority's decision is not the point. The point is that it should be up to the local authority to make that decision. I believe therefore that we should not take any action. I hope that we will continue to reiterate that principle; otherwise, we will be continually bombarded with petitions that we should not be getting in the first place.

Mr Paterson: Nobody should second-guess what is on my mind about who does or does not have authority. I am not for a minute suggesting that we take powers back from local government. In fact, I think I am on record as saying that more powers should be gifted to local government.

When the petition talks about finance to local authorities, that has implications for the Parliament

and the committee. At this stage, all I am suggesting is that it is early days, because the Public Petitions Committee is considering additional evidence. It is rather silly at this stage to say that we do not want to have any views on the matter. If I am forced to move, I will move accordingly.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): If Gil Paterson is moving that we take some action, I will come right back at him and say that I am opposed to any moves towards second-guessing a local authority decision. Kenny Gibson and Bristow Muldoon have articulated the principles on which we have tried to work.

We can discuss the financial implications for any individual local authority or local authorities in general when we are discussing finance, but it would be wrong for this committee to discuss an individual decision of a local authority. We should not establish such a precedent.

The Convener: Gil, do you want to pursue the matter?

Mr Paterson: I do. Your proposal, convener, was that we take no further action. My proposal is to delay that action until we hear the deliberations of the Public Petitions Committee.

The Convener: The question is, that we take no further action. Are we all agreed?

Members: No.

The Convener: I am confused now, because I should really write down what Gil is proposing. I would rather do it that way. Gil, are you opposing my recommendation that there should be no further action on this petition?

Mr Paterson: Not exactly. I am amending it. You are saying that we should take no further action. I am saying that we should wait until we see the deliberations of the Public Petitions Committee. That is quite different. I do not want to have words put into my mouth.

The Convener: Will you read that out, so that we have an amendment?

Mr Paterson: I am asking that we wait until we receive the deliberations of the Public Petitions Committee to decide what to do.

The Convener: Gil's position is that we wait until the Public Petitions Committee has deliberated before we come to a decision. Those in favour of that, please show your hands.

FOR

Paterson, Mr Gil (Central Scotland) (SNP)

AGAINST

Campbell, Colin (West of Scotland) (SNP)

Gibson, Mr Kenneth (Glasgow) (SNP)

Godman, Trish (West Renfrewshire) (Lab)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 Muldoon, Bristow (Livingston) (Lab)

The Convener: The result of the division is: For 1, Against 8.

Amendment disagreed to.

The Convener: My recommendation is carried.

Mr Paterson: That was quite close. Can we have a recount? [*Laughter.*]

The Convener: We have to vote on the substantive decision. Those in favour of the recommendation that we take no further action on PE195, please show your hands.

FOR

Campbell, Colin (West of Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 Muldoon, Bristow (Livingston) (Lab)

ABSTENTIONS

Paterson, Mr Gil (Central Scotland) (SNP)

The Convener: The result of the division is: For 8, Abstentions 1.

Proposal agreed to.

The Convener: We now come to petition PE209, which is similar to the previous one, in as much as the petitioners wish to investigate the reasons for the termination of support for elderly care by South Ayrshire Council and consider the implications of that on future community care demands. I thought that the petition was pretty badly worded, as support for the elderly was not terminated totally; only specific lunch clubs were terminated. My view of PE209 is the same as my view of PE195.

PE209 has been referred to us for the purposes of information only and therefore I recommend that we note the petition but take no further action. Are members agreed?

Members indicated agreement.

14:15

The Convener: We now move on to petition PE234. We spoke to the Executive and COSLA about the petition and the advice that we have received is that information about expenses must be publicised, but that information about allowances is not publicised in magazines. That is the problem raised by the petition.

However, the information is available publicly,

although councils do not usually publish it because allowances vary from council to council. PE234 asks for information on both expenses and allowances for every councillor to be subject to public scrutiny every year in some kind of magazine, but some councils do not produce magazines.

Bristow Muldoon: My view is that expenses incurred by councillors are a matter of public record, as they are reported annually to an appropriate committee in each council and contained in public documents that individual members of the public are able to access if they so wish. Equally, payments of allowances to councillors under the current scheme are made following individual councils' decisions on responsibility payments. Those payments are a matter of public record, so individuals are able to access that information also.

From my experience of the local authorities in which I served, newspapers usually carry tables on allowances and expenses for individual councillors. It is quite easy for people to obtain information on those matters. If we were to recommend that councils should go down the road suggested by the petitioner, we would only add extra costs on to local government, without any gain to the public in terms of the availability of information.

The Convener: I agree with Bristow Muldoon. I do not think that we can take any meaningful action in response to the petition, although there might be a change in practice as a result of a local government bill.

Mr Gibson: As you said, convener, some local authorities, such as Moray Council, do not have magazines. Would our approval of the petition mean that local authorities would have to produce a magazine in order to publicise that information?

I am concerned about the motivation behind the petition. Ultimately, public information is available to those who seek it, and I think that we should reject the petition.

The Convener: That is correct: while most councils might produce magazines, smaller councils do not. Bristow Muldoon is right. Information is usually available in the local press.

Mr Keith Harding (Mid Scotland and Fife) (Con): Most newspapers publish that information—it is a good annual story for them.

While Stirling Council has a magazine, it does not contain the information sought by the petitioner. The council produces a bulletin that informs people about decisions that have been taken, such as decisions on planning applications. The full details are always put in the magazine, which is circulated to all libraries and community

councils. In most cases, the information is publicised widely already.

The Convener: I recommend that we simply note the petition. Are members agreed?

Members indicated agreement.

The Convener: We now move on to petition PE56. Members will recall that this petition is from Ian Cantwell. His petition is not about a challenge to an assessor's decision on the value of his land; Mr Cantwell is challenging the conduct of an assessor. We wrote to the Executive on 3 May, asking for further details.

The Executive's report says that assessors are accountable to either valuation joint boards or councils and that that accountability includes the conduct of an assessor. I acknowledge that the Executive did not say that initially, but its position now is that there is a procedure through which individuals are able to challenge both the conduct and the decisions of an assessor. As far as the Executive is concerned, it appears that this matter has been concluded satisfactorily.

Mr Paterson: I agree, convener. The conclusion of the Executive's paper ties it all up. Paragraph 7 (ii) reads:

"that practical mechanisms for dealing with complaints against Assessors are in place in most local authority areas and are currently being established in the others."

That answers the concerns that other members and I had about the need for a way to complain.

Mr Harding: I may have misunderstood the point, but I thought that the petitioner was complaining that there was no independent person to whom he could complain. The note suggests that he can only complain to the assessor's employers. In local government we have an ombudsman who goes beyond the employers, which are the councils. In this case the complaint stops with the employer. Where is the independence?

The Convener: The issue was that the assessor was not accountable to anyone and that has been resolved. Ian Cantwell was arguing that the assessor was not accountable and the Executive says that he is.

Mr Harding: I think that Ian Cantwell was asking for someone like an ombudsman, so that he would not have to take it to the people who employ him.

Johann Lamont: We need to establish what would happen after the person has had a hearing on their complaint about the assessor and is still not satisfied with what the local authority is saying. It is helpful to clarify that interim stage, but we need to know what would happen next.

Mr Harding: If one complains about the

behaviour of a council employee, there is an appeals procedure that goes through the council. If someone is not happy with the outcome, they can turn to the ombudsman.

The Convener: That is right. However, we need to clarify that second stage. If the complainant was not happy with the outcome, they could take the matter up with the local government ombudsman. We will take that back to the Executive for clarification. Is that agreed?

Members indicated agreement.

The Convener: We move on to consider a proposed new system for the disposal of the petitions that we have just been discussing. The proposed system would give members an early view of petitions, allowing them to decide in advance of committee meetings whether the petitions warranted full committee consideration or a possible inquiry. That would also ensure that all petitions are seen and considered by committee members. If a member considered a petition to be urgent, they would notify the clerk, who would ensure that the petition was put on the first possible agenda.

Members have been given a paper on the proposed system. The new system would mean that petitions would arrive in bulk every so often. If even one member wanted to discuss a petition further it would be brought before the committee.

Are members happy with the proposals?

Members indicated agreement.

Meeting in Private

The Convener: I propose that we hold next week's meeting in private. We will be hearing evidence from the committee adviser on local government finance, Rita Hale. We want to be able to have a frank and open discussion about our intentions and the way in which we intend to take our work forward. I am not sure whether we want to show our hand to the Executive at this stage. Holding the meeting in private would allow us to have a practical, confidential discussion about whom we would like to call as witnesses and what we want in the way of researchers and advisers. I know that some members are not keen on private discussions but, in this case, given that it will be a complex and complicated report, we need to have a good discussion with Rita Hale.

Do members agree to hold the next meeting in private?

Members indicated agreement.

14:21

Meeting continued in public until 14:35.

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