

LOCAL GOVERNMENT COMMITTEE

Tuesday 28 November 2000
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE

31st 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 TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Craig Harper

LOCATION

Committee Room 1

Scottish Parliament

Local Government Committee

Tuesday 28 November 2000

(Afternoon)

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

The Convener (Trish Godman): Good afternoon, comrades. I apologise for being late. Bristow Muldoon and Sylvia Jackson will also be late, so we will have to start without them.

First, I must ask for two items to be taken in private. Item 6 is a draft report and item 7 contains confidential information about witnesses, which it is not appropriate to discuss in public. Do members agree that we should take items 6 and 7 in private?

Members indicated agreement.

The Convener: I have spoken to Eugene Windsor about taking matters in private, as it crops up quite often. However, draft reports are always considered in private and I can understand why we would not want to discuss confidential information about witnesses in public.

On 12 December—we do not have a meeting next week—our discussion on the committee's conclusions on the consultation on the public sector ombudsman should not be in public, as it is a discussion of our response to the Executive. The principle is the same as for the other two items. Do members agree that that item, wherever it appears on the agenda on 12 December, will be taken in private?

Members indicated agreement.

Renewing Local Democracy Working Group

The Convener: Agenda item 2 is on the renewing local democracy working group. The committee will recall that, when the Kerley report was published in June, we agreed to consult councils on its contents during the summer. In September, we agreed to hold an inquiry into the less controversial aspects—

Mr Kenneth Gibson (Glasgow) (SNP): I have to raise an important matter.

I am extremely upset and concerned about the way in which last week's announcement about the local government elections was made. It was done in a very sneaky and underhand way, through an answer to a written question in your name, convener, after decision time on the day of a by-election.

The Convener: That matter is not on the agenda. If Mr Gibson wants to discuss it—

Mr Gibson: Frankly, I think that it is on the agenda.

The Convener: If you want to discuss the matter, we will put it on the agenda for our next meeting. We have an agenda; we must stick to it.

Mr Gibson: No. We are talking about the Kerley report. What is the point of the committee theoretically going through the Kerley report when, with your connivance—the question was in your name—questions are planted—

The Convener: I should clarify that we are going through the part of Kerley—

Mr Gibson: Questions are planted to circumvent the parliamentary system in order to gain an advantage for the Executive. The committee must stand its ground on this issue. What happened last week was outrageous. I want to move an emergency motion, if I have a seconder, to condemn the sneaky and underhand way in which the announcement was made, to ensure that it does not happen in future.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): On a point of order. Is it in order that a motion be put to the committee without prior notification? How can we discuss a motion on this issue? Kenny Gibson has been told that he can put the issue on the agenda for our next meeting. If it is put on the agenda, he will be entitled to inform us of his intentions. Is it in order to drop the issue on the committee here and now?

Mr Gibson: It was dropped on us last week.

The Convener: Will you speak through the chair, Kenny?

Mr Gibson: It was dropped on us after decision time last Thursday. In response to a written question, which had not even been published, we were told that local government elections were being delayed by 12 months. I had thought, in my naivety, that the committee was going to discuss the issue at some length. There was no parliamentary statement from a minister and no parliamentary debate. The question is in your name, convener. That undermines the workings of the committee. If we are going to have the charade of going through Kerley when decisions on issues of such import are taken in a sneaky and unparliamentary way, the committee must thrash out the issue so that we know where we are. Otherwise, we are all wasting our time.

The Convener: Thank you, Kenny. It is entirely up to me if and when I take a motion. I do not intend to take a motion today, whether an emergency motion or anything else. We will put the matter on the agenda for the next meeting. Today, we are considering the less controversial aspects of Kerley. That is what the report that members have before them is about and that is what I want to go through.

Colin Campbell (West of Scotland) (SNP): With respect, convener—

The Convener: Just a minute. I will call you to speak, as always happens in this committee. Do not jump in; I will call your name. I call Colin Campbell.

Colin Campbell: With respect, convener—with what respect I have left on this matter—I understood that one of the points that the committee agreed on a considerable time ago was that we should put aside some of the more controversial aspects of Kerley so that we could advance consensually on the matters that we agreed on. It was my belief—naïve or otherwise—that the committee would discuss the more controversial aspects at a later date. I thought that we would have an interesting political debate, but that has been subverted by Thursday's written answer—for which the written question appeared in Friday's documentation. I have to say that that is a major breach of confidence in the committee. I am sorry, but there we are.

Mr Keith Harding (Mid Scotland and Fife) (Con): I agree. I have to support Kenneth Gibson and Colin Campbell on this matter. The former minister led us to believe that the ministerial group would discuss the matter. The decision has been sprung on us with no discussion or debate. We have not even had the opportunity to read the comments that we have received from councils. It is deplorable that the Executive is running things through the press on an issue-by-issue basis instead of through full discussion with this committee and with the Parliament.

Mr Gil Paterson (Central Scotland) (SNP): I have previously raised with a minister the issue of making announcements when the committee is in full flight considering a matter. The unanimous decision of the committee was that that was the wrong way to proceed and that it would be courteous of ministers to inform the committee of decisions in advance. It is hard to reprimand you, convener, but in a small way you have done the same thing as ministers have done. I did not expect that from you, to be frank.

The Convener: Okay. I accept and note what members are saying. If you wish, we will put it on the agenda for our next meeting.

Mr Gibson: No. I would like to put this to a vote now. The motion is simply that issues of great import to the Local Government Committee should not be announced prior to discussion through the sneaky and underhand medium of replying to a written parliamentary question that has not even been published.

The Convener: I have to stop you. You cannot do that unless I agree that you can, and I do not.

Mr Gibson: Where is the democracy here?

The Convener: Under standing orders, members have to refer such a motion to me. If I agree that they can move the motion, that is fine, but I do not agree in this instance. You can raise this matter for discussion at a later date, but I would rather carry on with the agenda.

Mr Gibson: In that case, I do not believe that there is any point in participating further in today's Local Government Committee meeting.

The Convener: That is your prerogative.

Mr Gibson has left, but we will continue with the rest of the agenda. We are discussing the renewing local democracy working group. Members have copies of the briefing paper and a research paper from Kate Berry. The research paper is very good and easy to understand.

Mr Paterson: I do not want to be pedantic, but I have a genuine question. The briefing paper refers to an inquiry, but the research paper refers to a survey. Those are two entirely different things.

The Convener: The survey is the one that we carried out over the summer, when we sent a letter to all councils asking specific questions. The research paper summarises the responses to that survey. The briefing paper provides a proposal on how to proceed.

Donald Gorrie (Central Scotland) (LD): I have a couple of questions. First, on the overall time scale, presumably all this work is meant to feed into the local government reform bill that the Executive is supposed to introduce next year. We want to study the subject properly, but it would be

a pity if we slowed further the Executive's decisions.

Secondly, what is the status of the issue of council employees being able to stand for election? The Executive has produced another document on the question—I understand that it is just a consultation document, but it impinges on the way in which we treat the matter.

The Convener: The document is out for consultation until 16 February. I take the point that we have to watch where our work fits in. In the briefing paper, I have recommended that we write to the Minister for Finance and Local Government asking for an indication of the time scale for the renewing local democracy agenda, so that we can fit our work into that.

We will examine the briefing paper, which gives a proposal for an inquiry into aspects of the Kerley report. The first page gives some background and describes the work that we have done and how that relates to what Donald Gorrie said. The paper then outlines the remit of the renewing local democracy working group. One area for consideration is

"Attracting council membership from a wider cross-section of the community",

which might include people who work in councils. Are there any comments about the proposed terms of reference?

Donald Gorrie: The leadership advisory panel under Alastair MacNish is examining various matters, such as management in councils and cabinets. Are we pursuing those matters, which are relevant to the pay and work load of councils?

14:15

The Convener: Alastair MacNish is reporting at the end of March. That should tie in with what we are doing. We will have to wait for his proposals and then put everything together. As responses to the consultation document must be submitted by 16 February, it will be the end of February or March before the Executive's response to the consultation is produced. Everything should start to gel around that time.

Donald Gorrie: If I remember correctly, one, or more than one, council complained that the Kerley proposals assumed that councils would opt for a cabinet system, and on that basis Kerley recommended a division among councillors, between full-time sheep and part-time goats. It will perhaps be difficult for us to decide our view on two types of councillors if we do not know what is happening on the method of management of councils.

The Convener: McIntosh certainly did not suggest that. He suggested that if a council

agreed that a cabinet system would be an improvement, it should introduce it, but that if its current system was working it should not change that. I suspect that that is the position that Richard Kerley will have adopted. Perhaps those points will come out in the consultation. It is unlikely that we will have finished by then, so we will start to pull everything together at that time.

The timing of how the Kerley report, the leadership advisory panel, the ministerial working group and what we are doing fit together is not yet clear. That is why the paper recommends that we write to the Executive to find out what the current position is.

The next heading is "Evidence to support the inquiry and suggested witnesses". Is there anyone who should be included on or removed from those lists of potential witnesses?

Under "Political Restrictions on Council Employees", the two suggestions for witnesses are UNISON and the Society of Local Authority Chief Executives and Senior Managers. Should anyone else be added to that list?

Mr McMahon: Maybe I should register an interest as a member of the GMB. UNISON is not the only public sector union. We constantly go to UNISON for its view on the issues. That is inappropriate. If we want a trade union response, we should go to the Scottish Trades Union Congress.

Mr Harding: I agree that we should go to the STUC.

The Convener: Under "Promoting Citizenship", the organisations that are proposed as witnesses are Learning and Teaching Scotland and Community Learning Scotland. Should we ask anybody else?

Donald Gorrie: It is very difficult to gather evidence on why people do not become councillors. However, it might be worth talking to some voluntary organisations that attract the sort of people who should be councillors but are not. Also, on promoting citizenship, there might be groups that have such an agenda.

The Convener: That is a fair enough point. It might be an idea to ask people why they have not become councillors—why they have made one choice and not another.

Donald Gorrie: We could ask the Scottish Council of Voluntary Organisations or some other umbrella group. The idea is not yet properly thought out.

The Convener: We can certainly consider that idea and perhaps add to it.

Mr Harding: Perhaps it would be a good idea to invite a representative of the Scottish youth

parliament.

The Convener: Yes.

Mr McMahon: Just in case there is a conflict of interest, I tell the committee that I employ the convener of the youth parliament in Scotland as a researcher. It might be that the person who came to the committee worked for me.

Mr Harding: I am sure that Michael McMahon will give them time off.

Colin Campbell: They will speak with Michael McMahon's voice.

Mr McMahon: A question might be posed if I did not declare that the convener of the youth parliament was my caseworker.

The Convener: Is there anything in paragraph 5 on which members would like to comment?

Members indicated disagreement.

The Convener: Donald Gorrie talked about the timing of the first phase of the inquiry. It is recommended that we approve the terms of reference for the first phase of the inquiry—and we have added some organisations to those terms. It is also recommended that I write to the Minister for Finance and Local Government in respect of the timing of the process as it relates to other aspects of renewing local democracy, so that it is clear where everything fits in. It is further recommended that the committee agree to consider the timing of the inquiry in relation to those other priorities at its next meeting—if we have received a response from the Executive by then.

Mr Harding: In a spirit of conciliation, when you write to the Minister for Finance and Local Government you might ask him to speak to the committee before he makes any further announcements on the Kerley report.

The Convener: I am not prepared to ask that in this letter, but we can discuss whether he should attend the committee. Are we agreed to pursue the matter according to those three recommendations?

Members indicated agreement.

Petition

The Convener: Agenda item 3 is a petition on allotments. I declare an interest in the matter, as I have an allotment.

Donald Gorrie: My wife and I rent part of a private allotment.

The Convener: Does anybody else want to declare an interest?

Colin Campbell: I am sorry—I have just a garden.

Mr Harding: I do not have anything.

The Convener: You live in a high-rise flat, do you, Keith? You are one of the ones whom we are trying to help—deprived areas need gardens.

Mr Harding: I moved into a flat to get away from gardens.

The Convener: Petition PE280 asks that a working group be set up to consider the position of allotments in Scots law. Members will know that, although there are a few private allotments, most are owned by local authorities. That is why the petition has been referred to the committee.

The question is whether the committee wants to pursue the matter. If so, I suggest that the clerk and I get together to produce some proposals for a future meeting at which we can discuss the matter in depth. Does anybody want to say anything about that? The petition is a good one. It looks as though this is one occasion on which the authorities in England and Wales are doing slightly better than ours. I leave it to members to suggest what we should do with the petition.

Donald Gorrie: I am an enthusiast of allotments and I have tried to help allotment groups in Edinburgh and Central Scotland. Allotments play an important role in the community, although they are low on most councils' lists of priorities and fall between several parliamentary stools. A working group, including people from the Parliament and the Convention of Scottish Local Authorities, might help to produce either a new bill to cover the issue, or regulations or guidance to engender more enthusiasm for allotments.

Allotments hit many environmental targets: they are green and grow healthy food. They also provide good community activities. I visited an allotment that was specifically designed for children in a fairly deprived area, which does a lot of good in the community. Allotments are in line with many of the Parliament's policies and they should receive more attention. A working group would be a good idea.

The Convener: Does the committee agree that we should pursue the matter further, and that the clerk and I should consider how we can make progress on the issue?

Members *indicated agreement.*

Community Leadership Forum

The Convener: The next item on the agenda is the community leadership forum. I take the opportunity to report on the previous meeting of that forum, which comprises the leaders of the 32 councils, the relevant ministers, various civil servants and me. Meetings are held around three times a year. I am aware that I have not fed anything back to the committee, so I shall do so now.

The new ministers—Angus MacKay and Peter Peacock—were at the meeting, as were senior civil servants from the Executive and the chief executive of COSLA. The main business was local government finance, which was addressed by Angus MacKay, who announced the launch of the Executive's consultation paper on community planning—the power of community initiative that we talked about earlier—and on political restrictions on council employees who want to stand for election. That report had been delivered to members the previous evening.

The minister announced a wide-ranging review of the Civic Government (Scotland) Act 1982, for which a task group will be set up this week. It is expected that its work will be completed by the end of the year. The minister talked about three-year funding and three-year council tax—the kinds of things that we heard about earlier in the week.

Mike Palmer, the head of branch B in local government division 2, spoke to the consultation paper and answered some questions, as did Angus MacKay. Professor Alice Brown, who has been appointed chair of the community planning task force—the membership of which is being finalised—then spoke about the potential to deliver new forms of governance and about the challenges of engaging community interest in local government beyond the rhetoric of the mainstreaming of social justice and equality issues. She addressed the question of how we can get governance to work in that way, beyond simply talking about it. Professor Brown indicated that the task force will be an independent body and that she would like to speak to the Local Government Committee at some point. I am sure that the committee would welcome that.

Ronnie McDonald, the deputy general secretary of the STUC, and Rowena Arshad, the director of the Centre for Education for Racial Equality in Scotland, then spoke. Ronnie and Rowena gave a joint presentation that focused on image, organisational culture, diversity and legislative opportunities in the post-Kerley age. They mentioned initiatives that have been taken in the structure of the STUC to address the promotion of equality, and Rowena—in an especially robust

presentation—made the key point to council leaders that equality costs money. She mentioned a large number of mainstreaming initiatives that could be implemented by councils to promote equality, including equality training, sharing good practice, mentoring, work placements and capacity building through civic education—perhaps using the resources of the councils' community education services. Ronnie McDonald mentioned the need for legislation for positive action, including the need for changes to the Sex Discrimination Act 1975 and the Representation of the People Act 1983.

I also spoke for some time. I gave an overview of the work of the Local Government Committee: I spoke about our remit, what we have done in the past, what we are doing now, and what we plan to do next, including the review of local government finance.

Peter Peacock, the Deputy Minister for Finance and Local Government, wound up the proceedings. He concentrated on the strengths of the ministerial team, pointing out that he and Angus MacKay had been in local government for some time and therefore had long and direct experience of it. He expected that there would be a positive relationship between the Executive, COSLA, local government and the committee.

The meeting was reasonably well attended—about 20 council leaders were there. It lasted for half a day, although normally it would last for a day. Some questions were asked as to whether the forum's remit should be changed. In the past, the meeting has split into small working groups; that was not done this time, and I do not know what will happen in future.

Europe Familiarisation Scheme

The Convener: Members have a paper in front of them for agenda item 5. The European Parliament has asked representatives of Scottish Parliament committees to go to the European Parliament some time in March. The committee was not on the original list, but because local government is responsible for spending a lot of European money, it was realised that someone from the committee should go. To be democratic—I am always democratic—I decided that I would ask members whether they wished to go. The only person to have indicated an interest is Kenny Gibson. I am happy for Kenny to go, unless someone else wants to go and wants to have an argument.

Mr Harding: Has Kenny not left the committee?

The Convener: He will probably come back. However, if he has left the committee, we would obviously have to get someone else. I will speak to him.

Donald Gorrie: He will get a one-way ticket.

The Convener: No one else showed any interest. Most of the committee conveners have put their own names down for the visit, but I did not do that.

Mr McMahon: Maybe we should check whether Kenny has his press release ready for it yet.

The Convener: At the moment, we will say that Kenny is going, as he is the only one who showed any interest.

14:31

Meeting continued in private until 14:45.

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