

LOCAL GOVERNMENT COMMITTEE

Tuesday 6 February 2001
(*Afternoon*)

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LOCAL GOVERNMENT COMMITTEE **5th Meeting 2001, Session 1**

CONVENER

*Trish Godman (West Renfrew shire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

*Mr Kenneth Gibson (Glasgow) (SNP)

Mr Keith Harding (Mid Scotland and Fife) (Con)

*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*Iain Smith (North-East Fife) (LD)

*attended

WITNESSES

Stuart Allan (Society of Local Authority Lawyers and Administrators in Scotland)

Eddie Bain (Society of Local Authority Lawyers and Administrators in Scotland)

Douglas Black (Scottish Trades Union Congress)

Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland)

Joe Di Paola (Scottish Trades Union Congress)

Tom Divers (Lanarkshire Health Board)

Jon Harris (Convention of Scottish Local Authorities)

Pat Kelly (Scottish Trades Union Congress)

Jim McCaffer (South Lanarkshire Council)

Councillor Chris Thompson (South Lanarkshire Council)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Craig Harper

LOCATION

Committee Room 2

Scottish Parliament

Local Government Committee

Tuesday 6 February 2001

(Afternoon)

[THE CONVENER *opened the meeting at 13:31*]

Items in Private

The Convener (Trish Godman): Comrades, I would like to start pretty sharp today, as we have a long agenda. The sooner we begin, the sooner we can finish.

I have to ask the committee whether we can consider some of the agenda items in private. I do not like holding meetings in private, but there are obviously good reasons for doing so. Item 2 is consideration of the conclusions of our Housing (Scotland) Bill report, which must be conducted in private. Item 4 may be a continuation of those deliberations. Item 5 is consideration of the committee's final report on the Regulation of Care (Scotland) Bill. Item 6 is consideration of whether to take oral evidence from certain witnesses for our inquiry into local government finance. Does the committee agree to discuss those four items in private? I also ask the committee to agree to consider the draft report of the Housing (Scotland) Bill next week in private, which saves me having to ask next week.

Mr Kenneth Gibson (Glasgow) (SNP): Are not items 2 and 4 the same?

The Convener: Yes. We may have to reconsider item 2 in private.

Mr Gibson: We may have to consider it twice on the same day.

The Convener: Yes. Half an hour has been allocated to that item. We are expecting witnesses who were invited some time ago to come at a specific time. We were not sure at that time about the dates for reporting on the Housing (Scotland) Bill, so we have had to juggle agenda items. I am not happy about splitting an agenda item, but I ask members to bear with me on this occasion; we will try to ensure that it does not happen again. Does the committee agree to consider in private the items that I mentioned?

Mr Gil Paterson (Central Scotland) (SNP): I do not know about other members, but I am inundated with paperwork. Are we doing justice to the people who are coming as witnesses? We have a very heavy work load. It reminds me of

when I was a member of Strathclyde Regional Council, where we received so much paperwork that we were unable to make any decisions or take effective action. I am a wee bit worried about the situation. Are we heading for a local government 2 committee?

The Convener: No, certainly not while I am the convener. I was a member of Strathclyde Regional Council as well, and I know exactly what Gil Paterson means. In defence of the clerks, I must say that this amount of paperwork is unusual for the committee. It just so happens that the Housing (Scotland) Bill has come before us while we have other issues on our agenda. We have a full meeting today, which might run for some time. That does not happen regularly, but it will happen occasionally. We just have to get on with it and we must stick to what is on the agenda. I need the committee's agreement to take the items in private. We have already spent five minutes talking about it.

Mr Gibson: I am happy to agree. However, some thought must be given to the scheduling of our consideration of such important matters. We are scheduled to discuss the Housing (Scotland) Bill, the power of community initiative, the Regulation of Care (Scotland) Bill and our inquiry into local government finance in the same meeting, and we are expecting five witnesses; we have an avalanche to wade through. The local government finance inquiry folder alone is about three or four inches thick.

The Convener: We are not looking at that today. We are making decisions about whom to call as witnesses, which can be handled relatively quickly. We are also considering our final report on the Regulation of Care (Scotland) Bill, any changes to which will not be great. I take Kenneth Gibson's point that this is a busy day for us. The sooner we get into our business, the better. Can I have members' agreement to take the items in private?

Members indicated agreement.

The Convener: Good. We now move into private session.

13:35

Meeting continued in private.

14:00

Meeting resumed in public.

“A Power of Community Initiative: Community Planning: Political Restrictions on council employees”

The Convener: I have received apologies from Corrie McChord—we may discover later that there are other apologies. The Perth and Kinross Council representatives who were due to come cannot get here because of the bad weather. However, Jon Harris—the Convention of Scottish Local Authorities’ director of corporate strategy—is with us and I invite him to start. I am sorry to throw you in at the deep end, Jon, but it is probably best.

Jon Harris (Convention of Scottish Local Authorities): I intend—I hope in about 10 minutes—to go through COSLA’s draft response to the consultation paper, which I am afraid has a very long name—“A Power of Community Initiative: Community Planning: Political Restrictions on council employees”. The convention’s leaders meeting, which was held at the end of last month, came to a view about the power of community initiative and the duty of community planning. It did not come to a view about political restrictions on council employees. I will say something about that, although I had hoped that Corrie McChord, being a politician, might have better dealt with that.

I thought it would be useful to say where COSLA stands on the issue of community planning. As a convention, we have been pressing for community planning for some years. It has been an issue since I came to the convention in 1986. We believe that community planning recognises the community leadership role of councils in promoting the well-being of their communities. That is a significant duty that sets local government apart from other public bodies, in recognition of councils’ democratic mandate.

We believe that community planning increases the capacity of the public sector to tackle cross-cutting issues. It provides a framework for councils and their partners to join up their action, and to address the issues and needs of their communities. Examples of the issues that are being highlighted throughout Scotland in relation to community planning are sustainable development, social justice, equalities, health improvement, community safety and economic development.

Community planning enables public sector

partners to agree on a shared vision and a shared set of priorities. We hope that community planning will ensure that partners’ strategies and plans fit together to deliver the priorities instead of duplicating or conflicting with one another. We believe that community planning will allow us better to achieve best value from all the public resources that are devoted to particular areas. We will be joining up our services to suit the needs of communities rather than the needs of institutions. That will allow us to remove potential conflict, duplication and so on.

Community planning will challenge the traditional ways of working, at both local and Scottish Executive levels. We envisage that it will instigate a significant culture change throughout the public sector, where the focus will be on the needs of customers and citizens rather than on the needs of institutions; on outcomes rather than inputs. Community planning will also challenge the way in which we do business, particularly the more traditional ways of working, which are often organised along professional and service lines, rather than according to the needs of the community.

An essential part of the community planning process is the empowerment of communities to participate so that the shared vision and priorities reflect their needs and aspirations and they are involved directly in delivering that vision. It is essential that community planning engages communities on their terms and that it relates to people’s everyday lives. Consultation should be carried out in a way that suits the communities with which consultation is sought. Consultation should be done on their terms, not to suit the needs of the institution that is conducting the consultation.

The community planning process can play a major role in co-ordinating consultation arrangements across the public sector. We hope that it will deal with our—and communities’—concerns about consultation fatigue and the capacity of communities to respond to many disparate consultation exercises. Communities will judge community planning on whether they receive better services. Community planning cannot be judged on how well we manage to produce a community plan.

We should adopt the broad scope of the Westminster legislation in defining the power of community initiative. In paragraph 2.1 of our response, we go into some detail on that. However, we feel that the legislation might take the power further. There is some evidence from the Local Government Association, for example, that the way in which the power is defined in England does not clarify councils’ powers to charge for discretionary services. We might

amend our response to build that in.

The new power will assist councils and their partners in delivering more innovative ways of achieving community well-being. The power should be incorporated in the best value legislation. That would ensure innovation not only in delivering community well-being but in all council activities.

The existing statutory limitations should be repealed. The consultation paper highlights limitations such as those on compulsory competitive tendering and the amendment of contract compliance legislation. We accept that—because the power promotes innovation—it will not be possible to identify all the statutory limitations that may occur. Therefore, we would support a provision that allowed ministers to amend existing legislation.

We need to address the statutory limitations on partner organisations. Much of the debate relates to restrictions on local government, but partner organisations are also restricted in engaging innovatively in the community planning process. One such restriction is in the Enterprise and New Towns (Scotland) Act 1990, which does not give Scottish Enterprise a social remit similar to that which is available to Highlands and Islands Enterprise.

I will deal with possible restrictions on the use of the power. The power will be subject to the duty of best value and councils will have to show that they will use the power in a way that delivers best value. That claim will be subject to external audit. However, we accept that councils should not use the power to raise money and that there should be a reserve power of ministerial intervention, although that should be used only as a last resort.

We need clear and consistent guidance from the Executive on the power of community initiative and the role of community planning. We are concerned that parts of the Executive issue draft guidance that is inconsistent with what we believe to be the goals of community planning. An example of that is the draft guidance on local economic forums. Consistent guidance must encompass not only Government agencies and non-departmental public bodies that are responsible to the Executive, but the national agencies that are sponsored by Whitehall departments and that are important in delivering the social justice agenda in Scotland, such as the Benefits Agency.

We believe that there should be a statutory duty of community planning, not a power. It should be similar to the duty in Westminster legislation. Such a provision would give a firm signal from the Parliament that community planning is an essential council role, not an optional extra. The statutory duty should go wider than local

authorities. The full potential of community planning will be achieved only if all partners are committed to the process, but it is equally essential that all partners understand that their engagement in the process is not optional. If participation was optional, progress in some parts of Scotland would lag behind that in others, and the full potential of community planning would not be delivered.

In setting the provision to apply to more bodies than just local authorities, we suggest that a duty should be placed on ministers to give statutory direction to executive agencies and NDPBs and that a duty should be placed on the public bodies. Those duties should be defined to require effective partnership working and the delivery of cross-cutting issues. That would mean that the performance of public bodies in partnership working and delivering cross-cutting issues would be subject to external audit. The current system of external audit will have to change so that it is no longer perceived as a barrier to joined-up working. Furthermore, the statutory duty should be framed to facilitate the preparation of the strategy and should not concentrate solely on the preparation of a single document.

The guidance on community planning should be non-prescriptive and non-statutory in the first instance. However, there would have to be provision for statutory guidance if agreement could not be reached. Monitoring and evaluation frameworks must build on existing arrangements such as those that are being put in place for best value. As I have said, if the duty is extended to other public bodies, Audit Scotland will have a wider remit through monitoring performance on partnership working and delivery of cross-cutting issues.

Mechanisms should be put in place to promote the sharing of data and of best practice. COSLA is designing a template that will allow community planning partnerships to put their progress reports directly into our website.

We believe that existing statutory constraints should be removed, but we accept the need for a provision to allow ministers to amend existing legislation. It is probably more important to streamline and rationalise the existing strategies and partnership arrangements that the Scottish Executive requires. In COSLA's response on that, I used an example that relates to social justice.

As I said, COSLA does not yet have a position on political restrictions. Our response to the Executive's previous consultation paper indicated what our position used to be. Most councils supported a ban on employees serving as members of the council that employed them, but some councils did not agree, but believed that a code of practice would minimise conflicts of

interests. Most councils supported a relaxation in the law on employees standing for election and believed that designation of a politically restricted post should be based on the nature of the post, rather than on a salary threshold.

The Convener: Thank you, Jon. I am sorry that you had to start your presentation as soon as you arrived.

I am interested in COSLA's proposal for the statutory provision of community planning to have a wider scope than just local authorities. How can we, without being too prescriptive, ensure that outside bodies and local authorities work together? If we become too prescriptive, we will lose a lot of impetus, and the bodies that are involved will start to pull into their own wee domains, so to speak, where they feel safe.

What impact will making community planning a statutory duty have on attitudes to other public bodies? Do you agree with the view that is expressed in the consultation paper that some practical difficulties would arise from that?

14:15

Jon Harris: We will deliver if all partners come together willingly. However, community planning is not considered to be an optional extra, either for local government or for the partner organisations. The reason why we came down on the side of placing a statutory duty on ministers was partly to get consistency across the Executive, so that various departmental and ministerial portfolios give out the same messages. We also believe that by framing community planning in a statutory duty ministers will, in their statutory directions to those bodies, be required to emphasise the importance of partnership working and of delivering on those cross-cutting issues that relate to the programme for government. There has been too great a tendency for sponsoring departments to direct agencies and NDPBs in accordance with their remit, whereas they should consider how, in delivering that remit, those bodies could contribute to a wider agenda.

Local government also believes that a statutory duty should be placed on agencies and NDPBs; for example, the Enterprise and New Towns (Scotland) Act 1990 would have to be amended to include such a requirement on Scottish Enterprise and Highlands and Islands Enterprise. There is a question about how such an amendment might be drafted. In England, a similar amendment to the relevant legislation was considered, and I understand from the evidence of the Local Government Association that it could not come up with suitable wording. Wording was suggested that would require agencies and NDPBs to consult local authorities on their strategies, but that

approach does not have the measure of what community planning is about. In our response, we have suggested that that issue must be thought through.

Mr Gibson: I commend Jon Harris on an excellent presentation, during which he answered four or five questions that I was going to ask. My colleagues will agree that, like me, they hate it when that happens. Of course, I still have a few questions up my sleeve.

On page 3 of your submission, at paragraph 2.1 under the heading "a statutory underpinning for a power of community initiative", you say:

"COSLA broadly accepts the definition of the power . . . to do anything which a council considers is likely to achieve an improvement in the economic, social or environmental wellbeing of their area. We are concerned, however, that the way the power is drafted promotes discrete elements of wellbeing and could fail to deliver an integrated approach where economic, social and environmental concerns are not seen as potentially unrelated."

Could you expand a little on that point?

Jon Harris: In an earlier draft of our response, we suggested that the word "and" should be used to link economic well-being and social and environmental well-being. That would send the message that those aspects of well-being are integrated, which is consistent with the local agenda 21 strategy on sustainable development.

We considered the legal advice of the Department of the Environment, Transport and the Regions on defining the power in relation to well-being. Although the DETR does not make this point, if the word "and" were inserted, it might restrict the use of the power of achieving community well-being. For example, a council would be able to justify giving a Christmas bonus to pensioners on the ground of social well-being. However, it might be restrictive to have to justify that action on the grounds of social, economic and environmental well-being.

If we cannot insert the word "and" because it would restrict the application of the power, the guidance must make it 100 per cent clear that the intention of the power is to ensure that we deliver sustainable development, and that integration is therefore necessary. That is how our thinking has developed since we first drafted our response, but we still have concerns.

Mr Gibson: I have a supplementary question on a different issue. What is COSLA's view on the possible powers of intervention for ministers?

Jon Harris: We recognise that, as with the duty of best value, there should be a reserve power for intervention. Our submission shows that we view intervention as a graduated process, in which there is every opportunity for all partners to get it right. Only when a situation cannot be resolved would

the minister be empowered to intervene. That would be a last resort that was subject to parliamentary approval—there would be constraints. Such an approach recognises the reality of what ministers want. For example, if the power of community planning was restricted and could not be used to raise funds, when a council tried to use the power to raise funds, the minister would be within his or her rights to intervene.

Mr Gibson: I have a question on political restrictions. I understand COSLA's position that there is a divergence of views, but does the divergence of views have a geographical basis? Clearly, political restrictions might have a greater impact on someone who lives in the Shetland islands and who therefore cannot easily work for another local authority, than they would on somebody who lives in Glasgow or Edinburgh, where there are a number of neighbouring authorities. Is that an issue in COSLA?

Jon Harris: We are waiting to see individual councils' responses. From my reading of the responses when we produced our submission to the Scottish Executive's earlier consultation, I do not think that the divergence is geographical. There is recognition of the difficulties in rural and island councils, where geography does not permit somebody to stand for election in a neighbouring council because of the distances that are involved. I would expect the view to differ between rural and urban areas and between east and west.

Mr Paterson: I have questions that relate to political restrictions. Are the councils that are going against the McIntosh recommendations on political restrictions looking only at posts of a senior nature, or are they also looking at ordinary people?

Jon Harris: On the consultation paper, there was sufficient commonality of view on the community planning power and community initiatives for COSLA to draft a response, put it out to councils and come to a view in January. It was recognised that there would be significant differences of opinion on political restrictions. The time scale for responding did not allow us to draft a response on the basis of individual councils' responses, which is why that was delayed. COSLA recognises that there are differing views. As with our previous response to the Executive, we have said that most councils said this and some councils said that. That will continue. I have seen only two responses to date, and one of those was a draft, so I cannot give the committee an accurate reflection of what our 32 councils will say.

Mr Paterson: Are the councils that are against lifting the restrictions setting their faces hard against it?

Jon Harris: Yes. From their earlier responses, I

know that they view the conflict of interests as something that cannot be resolved. That was a firm view. Equally, other councils felt that there was room for manoeuvre, either for certain employee groups, or in terms of a code of practice.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I will ask another question along the same lines. I accept that COSLA has discussed this issue for a long time. Did COSLA, at any time since it concluded that it did not want to end the restriction, consider a widening of the restriction? I find it strange that a school janitor is barred from being a councillor because he has an intrinsic interest, but a private businessperson who supplied goods or services to that janitor's school could become education convener, provided that he registered that as an interest. In any discussion on the rights and wrongs of restrictions, has COSLA considered widening the restrictions?

Jon Harris: We received no submissions supporting wider restrictions from councils in the previous consultation, and I do not think that we will receive any this time.

Mr McMahon: You have no experience of such a discussion.

Jon Harris: That has never been on the agenda. I have never seen in any formal response from councils the view that the restrictions should be extended to include people who do business with the council. Councils feel that that would be covered by the normal declaration of interests, for example if the convener of an education committee was a businessman who also supplied the authority with goods or services. That has never been raised.

Mr McMahon: So, in all the discussions that there have been on restrictions, no local authority has perceived the inherent discrimination in a situation in which employees at any level cannot register their interest and continue as a councillor, whereas a private businessperson can.

Jon Harris: That view might have been expressed within councils. I did not draft our submission, so I did not read all the responses on that matter. I am basing my view on the responses to the previous Executive consultation paper, which I read in preparation for this meeting and to brief Corrie McChord on COSLA's position. That issue was not raised, but I could not say with my hand on my heart that no council discussed it.

Dr Sylvia Jackson (Stirling) (Lab): An interesting and important point that you made is that community planning should be a strategy—a process rather than a document. Certainly, the pathfinder reports seem to indicate that. They stress the importance of ownership and the potential for best value and working together in an

integrated way. However, as you know, it is difficult to get to grips with best value. In paragraph 2.4 of your submission, you say:

“In our response to the Executive’s legislative proposals on Best Value we called for the development of a more generic approach with the outcomes of the transaction/relationship to be seen as the determining factor rather than as the particular characteristics of the trading partner.”

Would you elaborate on that and say what the distinguishing features of best value are?

Jon Harris: When we set up the pathfinders, we set targets for the production of the community plan. In many instances, the focus of the pathfinders was the production of that plan. The weakness that became apparent from that experience was the difficulty of engaging the community if one focused on producing a document.

Some of the pathfinders have managed to deal with that problem. For example, if Councillor McChord were here, he would probably talk about how Stirling Council used the Stirling assembly to create some infrastructure to allow community involvement. Elsewhere, however, the community was not engaged in the process. As a result, we suggested to the Executive that instead of everyone being pushed to produce all their plans by Christmas 1999, we should focus on trying to get the process of community engagement right.

I was a member of the best value task force and wrote the framework for best value. At one level, the framework seems quite simple, but things get quite complicated when we take into consideration the whole paraphernalia of the performance management and planning framework with all its audit aspects.

14:30

You asked me about some key principles. The first principle mentioned in the initial best value task force report was accountability, which means that we should be using best value to enable councils to be more accountable and to demonstrate accountability to their communities. CCT was largely about accountability to ministers.

The second principle focused on openness and transparency, which is linked to accountability. We should be able to demonstrate that our decisions deliver best value rather than take those decisions behind closed doors. If we are to have a customer-citizen focus, people must be able to see how the council interprets that focus and whether their priorities are being reflected in its decisions.

The third key principle centred on best value as a process of continuous improvement. We never achieve best value; the aim is to get better value year on year. The CCT process was addressed

every three or four years, or whenever contracts came up for renewal; in between those times, the culture of continuous improvement was not particularly evident. The final principle of best value was ownership at all levels within the council and within the community.

Although those four principles still stand up, we have placed more emphasis on equalities in developing the best value agenda. When the first task force report was drafted, equality was the fifth principle, but it was felt that if equality were included, we would have to add sustainable development and so on, and in the end we did not include it. In our subsequent submissions to the Executive, we have emphasised the importance of integrating equality and best value. Furthermore, COSLA has written guidance to councils on how to do that. Perhaps equality will end up being the fifth key principle.

Dr Jackson: Do you want to say anything else about the first bullet point in paragraph 2.4 of your submission?

Jon Harris: At the moment, a statutory instrument associated with the Local Authority (Goods and Services) Act 1970 contains a list of all the public bodies that we can trade with. In fact, that list still includes the Highlands and Islands Development Board. Instead of listing every organisation, we should take a generic approach and say that councils can trade with the voluntary sector, with other public bodies funded out of the Scottish block and so on. Such an approach would be more flexible.

Iain Smith (North-East Fife) (LD): I seek some clarification about charges and raising funds. You said that you will amend your submission to clarify the rights of councils to make charges, but in your presentation you mentioned that that power should not be used for raising funds. Do you mean that funds in general should not be raised, or would you allow limited funds to be raised, for example for new street lights in a particular area?

Jon Harris: This is where we get into legal definitions. At the moment, the proposal is that councils will have the power to enter into a joint venture with a private sector company and that allows them to collect dividends, but the legal definition of a dividend is not the same as the definition of raising funds, which I did not know myself.

The levying of charges may conflict with the prohibition on raising funds unless it is stated in statute that raising funds does not include the power to raise charges on discretionary services. We are examining that. I understand from the LGA that the Department of the Environment, Transport and the Regions is looking to amend local government legislation to make it clearer and to

link charges with the power of community initiative as defined in the Local Government Act 2000. We want that amendment because the law is unclear. Several of our councils have proposed in the past that they would like to put a charge on certain services. One example is a charge for library services for people who commute into an area. This is an opportunity to get clarity in the law.

Iain Smith: When some of us visited Dublin last week, we discovered that local authorities there have a power, subject to local referendum, to make a charge to provide a specific service; the charge will be time limited.

There have been occasions when it has been difficult to get roads brought up to standard and adopted. If charges were linked with the power of community initiative it might be possible to get the majority of frontagers to agree so that we could impose a levy on all the frontagers to get a road brought up to standard for adoption. Would that be acceptable?

Jon Harris: My focus has been on discretionary services rather than ones that are statutory requirements.

Iain Smith: This would be discretionary in that the council has no obligation to adopt the road. I am trying to think of examples of when the power of community initiative might be used in this way.

Jon Harris: This issue is being debated. I highlighted it as one that we will pick up in our response. Our final response will be produced before 16 February; it will not answer all the questions but these comments will need to be part of the discussion. If the Executive agrees that we need greater clarification on the use of charges, there can be a discussion about how we might frame it and whether it would be subject to a referendum.

A problem is that provision of a service could be statutory for the people who live in your community but discretionary for people who live outwith it.

The Convener: You stated in your submission that the need to ensure that community plans are constantly monitored and reviewed has been highlighted in progress reports and that some councils are doing that. Would a statutory requirement for external evaluation of plans be a good idea? I assume that you agree that it would have a financial implication for local authorities.

Jon Harris: A degree of external scrutiny would be introduced by making that a duty throughout the public sector and extending the remit of Audit Scotland to auditing the performance of councils and their partners in delivering it.

We commissioned the University of Birmingham to evaluate the pathfinders; we would want to

continue in that way. Having community planning partnerships place their progress reports on our website would enable this committee, the community planning task force or anyone else to make judgments on progress. We believe that the more openness and transparency there is, the more public debate there will be. We would see formal monitoring being picked up by Audit Scotland. We would also like the policy divisions in the Executive to monitor performance on cross-cutting issues when they assess the performance of their agencies and NDPBs.

The Convener: Thank you for coming along; I am sure that we will see you again.

We next welcome representatives from the Scottish Trades Union Congress: Joe Di Paola, who is the Scottish organiser for local government, and Douglas Black, the chair of the local government service group in Scotland. We also welcome Pat Kelly, who has also come along today. Joe, you may say a few words of introduction and I shall then invite the committee to ask questions.

Joe Di Paola (Scottish Trades Union Congress): The STUC welcomes the opportunity to speak to the committee about the ability—or lack of it—of people who work in local government in Scotland to stand for elected office and about political restriction and officers' inability to stand because of current legislation. I hope that we can speak on those two issues today.

The trade unions in Scotland have long campaigned on this issue and we believe that there is a democratic deficit. More than 200,000 Scots cannot stand for elected office in local government because primary legislation debar them. That legislation must be dealt with. The outcome of the local government reorganisation—the move from the regions and districts to the unitary authorities—also meant that people could stand only in their own authority; but they could not stand. That is a conundrum.

The unions have pursued these issues with Governments of various hues and, latterly, through McIntosh. McIntosh was given a slightly oblique remit to consider this question and the unions made submissions to that process both orally and in writing. Our view is that as many people as possible should be allowed to stand for elected office. There should be a presumption that people can stand for elected office rather than a presumption that people are debarred from it. We accept that there must be safeguards, but it should be possible for safeguards to mean that, for example, if someone were elected, they would have to say that they had an interest in a specific area, as is done properly and commonly in other walks of political life.

For example, if I was a teacher, I would not involve myself in the salary determination for teachers. If I was a general local government employee, I would not get involved in the negotiations for the pay of general staff. You can see where we are coming from. Common sense would determine that someone would not get involved in something that they would benefit directly from. That is where we are coming from on who can stand for election.

People must be able to stand. The fact that they have to resign from their jobs to do so is vastly inappropriate. In this day and age, we have to be able to devise a system that means that an individual does not give up their paid employment and put their financial security and that of their family at risk because they want to contribute to local government. People must be freed to stand, so we need to change the legislation or put in place new legislation. We then have to indicate that people do not necessarily need to resign to stand. There are various ways of doing that. We would be happy to let the committee have documentation on what happens in other member states of the European Community, where these issues have been dealt with well for a number of years. In other states, people do not have to resign.

14:45

We must empower people to stand and ensure that they do not have to resign. Then, once they are elected, the STUC believes we must consider career breaks. If someone stands for a four-year term of office, why should they not have a job at the end of that term? Why cannot we consider sabbaticals for people who are going into public or political life? We recommend that that be examined.

There is a further question of political restriction. The current salary limit of £28,114—anyone who earns above that figure cannot stand—is arbitrary. I do not see why a political restriction is based on a salary. Someone could be earning considerably less than that and be dealing with particularly sensitive political matters. The crude salary determinant is not one that we favour. I think that the committee has also considered it and found it a blunt instrument.

We want a far more sophisticated way of determining how political activity might be a difficulty for certain posts. We want the committee to consider whether posts should be looked at in terms of their content and responsibilities rather than their job title. For example, a media and communications officer sounds like someone who could be, and at present is, politically restricted, but if that individual is doing nothing more than reporting decisions of the council and the council's

democratically determined policies, how does that amount to political influence? Why should that individual be politically restricted?

We would like there to be wider examination of why jobs, and the responsibilities and duties of those jobs, could or should be restricted. We should restrict as little as possible and only when it is absolutely necessary. Let us not build up a huge bureaucracy around this issue. There will be jobs in local government that should quite clearly be politically restricted. They include chief executive, for example, and perhaps major heads of service whose jobs are inconsistent with elected office in the same authority. Because they are central to the policy advice that is given to elected members, there could be a conflict that could not be overcome. The unions are not saying that every employee has to be able to stand; it is clear that there are jobs that do not sit well with being an elected member in a local authority. I am happy to answer questions from members.

The Convener: Given what you have said, do you think that the measures that the Executive intends to introduce will make a difference? You have been quite critical of most of them—constructively, of course.

Joe Di Paola: Of course. They do not go far enough. Yes, there is a step towards recognising that a problem exists and that a couple of hundred thousand people should not be excluded from the process. There is a lot of talent that is not being put to good use in local government. The Executive has taken a cautious approach. We welcome the fact that it is at least raising the issue and how it might be dealt with, but it has not gone far enough, as someone would still be required to resign from their job.

Mr Paterson: At present, a businessman on an enterprise trust can be involved in negotiating contracts. That seems to present a conflict of interests. A full-time representative of the Educational Institute of Scotland could end up as the convener of a local government education committee. Have you considered whether the proposals in the Executive paper are compliant with the European convention on human rights? If they are not, what might you do about it?

Joe Di Paola: Individual trade unions are already considering whether the proposals are ECHR compliant. The inability of an individual to stand for elected office touches on civil liberties issues and is at the centre of the democratic deficit.

You raised the example of an EIS representative becoming an education committee convener. That type of issue must be dealt with on a commonsense basis, through something like a declaration of interests in financial matters. In the

same way, an individual may have to say, "No, I cannot be the convener of the education committee. I am a serving teacher in this authority and I will benefit from the deliberations in a direct manner."

The trade unions understand the necessity for a situation such as you described not to happen. Of course, the same person might become the convener of the general purposes or roads maintenance committee with no conflict of interests and provide a good standard of political leadership.

Pat Kelly (Scottish Trades Union Congress):

The analogy is appropriate. Somebody who sits on an enterprise body—I sit on one—has to declare at the beginning whether there is a conflict of interests, and that satisfies all the rules. There seem to be double standards in local government. The fact that someone is working for a certain employer or is a local government employee with a certain salary does not mean that the same rules cannot apply. That person could simply declare their conflict of interests and then participate in the vote, if the chair allowed it, or not.

That type of conflict of interests will arise in all walks of public life. It is normally accepted that, provided they make their conflict of interests clear at the beginning, a person can participate in the discussion.

Iain Smith: I am a little confused by your submission. Are you saying that the rules should be suddenly relaxed to allow people to stand for election and that, if they are elected, they should be given a career break after which they can resume their careers; or are you saying that, if elected, they should be able to continue in their jobs?

Douglas Black (Scottish Trades Union Congress): Our starting point is the belief that individuals should be able to stand for election—that is quite clear. There are several models to choose from, depending on the situation. Employees who are currently serving in a local authority could continue in their employment, with certain safeguards regarding declarations of interests. We need to take a commonsense approach. People who are involved in public services are dedicated public servants who believe in public services and want to do their best for them. We must take a sensible view of that.

An alternative measure would be to allow people who have been elected to office some sort of sabbatical or career break that would not jeopardise their future employment after that period of office was up. Local government is an important job and is not something that individuals take lightly. We need to look at the vast experience of people who are currently employed

in local authorities in Scotland, not simply debar them because they work in local authorities.

Iain Smith: Generally speaking, is the view of the STUC that the potential for conflict of interests can be dealt with by having effective codes of conduct?

Douglas Black: Yes.

Mr Gibson: Michael McMahon asked Jon Harris of COSLA a question of which Gil Paterson asked you a version. In a related way, about 16 months ago, I asked the former Deputy Minister for Local Government a question about lobbyists. Do you think that it is appropriate for councillors who leave a local authority in which they may have been a senior convener to be able to lobby that local authority on behalf of private interests? Should political restrictions be extended to those people?

Joe Di Paola: We have not taken a view on that. I would not be happy about giving you a view that could only be a personal view.

Mr Gibson: I accept that position. In your submission, you said that certain people, such as heads of departments, should perhaps be politically restricted. Do you mean that they should be politically restricted only within that authority or that they should be politically restricted per se? Should those people be allowed to be politically active in local elections outwith the area in which they live and work?

Joe Di Paola: We think that those are huge issues in relation to individuals' civil liberties. Once we get beyond the narrow issue of whether those individuals are able to stand for elected office, there is a range of questions about whether, by the nature of their employment, they have to be politically impartial. Further, should that impartiality extend only to their employment or into areas that some people might regard as part of their private lives, such as their ability to be a member of a political party or a pressure group?

We have dealt with political restriction in the sense that we understand it in terms of the legislation. There is a salary limit above which people cannot stand for election. We have dealt with employment issues that affect senior officials in local government and have firmly taken the view that each situation must be taken on its merits but that there are a number of senior posts that are not consistent with the postholder's standing for election. We have not dealt with the wider question.

Mr Gibson: Do you think that we should err on the side of caution?

Joe Di Paola: We should examine every situation, but we are saying to you today that chief executives and heads of departments, such as the director of education, hold posts that are so big

that they are inconsistent with elected office. There would be an absolute conflict of interests.

Mr Gibson: What about party membership?

Joe Di Paola: We have not made a submission on that.

Mr McMahon: It will come as no surprise that I am entirely sympathetic to the STUC's views on political restriction. I have concerns about sabbaticals, however. As Kenny Gibson pointed out, I asked about the unfairness of someone who deals with a local authority being allowed to become a councillor.

A related point is the unfairness of a council employee being able to take a sabbatical to become a councillor whereas an employee of the Post Office, for example, cannot. By being given a sabbatical to become a councillor, a council employee would have an advantage over a person who worked outwith a local authority and was denied that possibility. Should that not be taken into consideration?

Joe Di Paola: In normal circumstances, there should not be such a conflict that the individual cannot continue with their work, although there might be a situation where a sabbatical could come into play. However, a person would not be allowed a sabbatical unless and until they had been elected, so there would not be an element of unfairness. That situation would not arise until the individual became an elected member.

15:00

There are a couple of stages in the process. The ability to stand for election is the first issue that must be sorted out. Thereafter, a series of issues and problems must be dealt with when someone has been elected. First, we must consider the individual's situation in relation to their work for the authority and the work they undertake as a councillor. There is another set of issues, which McIntosh raised, about whether the individual is a member of the executive of the council or the larger monitoring group.

We should not be too prescriptive; we must consider the situation of the individual. That is why the blanket ban is so wrong. It does not take account of the many situations where an individual working for an authority and being an elected member of that authority would be entirely compatible.

Mr McMahon: If you believe that people are entitled to sabbaticals and bearing in mind the fact that it is not inconceivable that someone could be elected over and over again, do you think that the length of a sabbatical should be restricted? Someone might serve more time on sabbatical than they did in the employment of the local

authority.

Joe Di Paola: I would not want us to get hung up on sabbaticals. We would see that as a possible solution in a few cases. The norm—which is what we should concentrate on—should be that an individual is able to remain in employment and be a councillor. With all due respect, I think that we need to leave aside the idea of sabbaticals, apart from in a few cases and depending on individual circumstances.

Mr McMahon: You raised the idea of sabbaticals, so it is quite legitimate for us to pursue the idea. If the committee is going to consider whether we support the idea of sabbaticals, we have to explore all the potential pitfalls. I am very sympathetic to your point and I would rather not have to discuss sabbaticals, but if that is our least worst option, we must consider all the potential pitfalls.

Joe Di Paola: I take the point.

Dr Sylvia Jackson: I was very pleased to hear Douglas Black's comments on the expertise and experience of people who could bring so much to local government. It strikes me that there is a difference between a person keeping their job and becoming a councillor and a person taking a sabbatical; it depends on the circumstances of each case and the criteria may vary considerably. Do you envisage different criteria being used to decide whether someone should be allowed a sabbatical?

If we take a more flexible approach, would it not be better to consider the checks and balances in the system to ensure that there is no conflict of interests? Could we tackle the issues more easily from that angle?

Douglas Black: That is worth exploring. It comes down to whether there will be a conflict of interests between an individual's work as a councillor and the job they do for the local authority. I see no reason why the checks and balances cannot be dealt with in that way and on an individual basis. That is the correct approach—it moves away from the idea that a particular post is politically restricted and towards an assessment of the nature of the work the individual does in their post.

The Convener: Employees who fall into the politically restricted category are also restricted in carrying out other political activities. That is not addressed in the information that we have before us. Should it be the case that the people concerned cannot stand for certain positions in their own parties?

Joe Di Paola: More and more civil rights and civil liberties issues are arising in respect of such restrictions. There needs to be a lot more

discussion to decide whether simply to agree that, if someone is in a certain job, they cannot take part in certain activity, or whether to assess individual cases to establish whether there would be an impact.

Individuals will ask us all questions about why they cannot do certain things and about why we restrict their civil liberties. We will need to return to that. It is a huge issue. We would err on the side of allowing individuals to involve themselves fully in all aspects of their lives.

The Convener: You mentioned that you could give us a paper for information on how other EU member states deal with those issues. It would be helpful if you could send a copy of it to Eugene Windsor, the clerk. We will then send it out to committee members.

Mr Gibson: To clarify, you mentioned individual criteria: should they be set in legislation or should each local authority deal with them?

Joe Di Paola: Legislation should give authorities guidance, at least in broad terms. It would be wrong not at least to set proper guidelines, which authorities and individuals could consult. If that were not done, it would—or rather could—result in wide differences of interpretation across the country.

The Convener: I thank Joe Di Paola, Pat Kelly and Douglas Black for coming along. No doubt you will represent the STUC again. I wish you a safe journey home. It would be helpful if Joe Di Paola could send us that document.

We now have before us representatives of South Lanarkshire. They are Councillor Chris Thompson, who is the chair of the council's enterprise resources committee, and Tom Divers, who is the general manager of Lanarkshire Health Board—whom I have definitely met before. I have also met Jim McCaffer, who is head of strategic services and enterprise resources. I am not sure whether I have to declare an interest, as I have met some of you before.

I invite Councillor Thompson to say a few words before we move to questions.

Councillor Chris Thompson (South Lanarkshire Council): South Lanarkshire community planning partnership welcomes the fact that the Scottish Parliament Local Government Committee is taking the time to discuss community planning and that we have been given the opportunity to present evidence. I thank members for their invitation.

We have presented written evidence and have supplied copies of our plan. I hope that the material will give members a flavour of how we have approached community planning in South Lanarkshire. We hope to convey to members our

understanding of the progress that we have made and of the issues that have arisen.

South Lanarkshire is proud to be the first area in Scotland to produce a community plan. Over the past decade, partnership working has been a way of life in Lanarkshire. Members who know the area will know the many problems that we have faced. The partnership has been more than willing to grasp the opportunity that the community planning process provides to build constructively on already solid foundations.

The South Lanarkshire partnership fully supports the ethos and objectives of the community planning approach and sees it as the only way forward for our respective organisations. We owe it to the people we serve at a local level to involve them in decision making wherever possible and to provide them with the highest quality services in the most cost-effective way. Community planning is crucial in achieving those goals.

Despite the progress that we have made in the past two years, a number of significant issues must still be addressed if we are to realise the full potential of community planning—those are listed in our written evidence. Community planning is very much a learning process. It is only after two years of intensive effort by many individuals that we feel that we are in a position to move from a strategy or policy phase to an action planning phase.

Enormous challenges face us all in deciding how we can better plan, resource and deliver our services. Serious questions will be asked of every member of the partnership—it will not always be easy or comfortable to confront those questions. We are in no way complacent and we are confident about making tough decisions through community planning. We believe that we can make a difference to the quality of life of our people and communities—that is what this is all about.

The Scottish Parliament and the Scottish Executive are key partners in the process. We need all the support we can get if we are to make the process work. You can help us by giving us maximum flexibility at a local level to reach local solutions to local problems and by improving the clarity of funding streams and ensuring that we have sufficient resources to tackle the ambitious programme that is set out in the plan. Too many poorly connected initiatives, often with ring-fenced resources that require the establishment of yet another partnership, serve merely to confuse and fragment efforts. For that reason, the partnership welcomes the introduction of the power of community planning initiative and the duty of community planning. Those powers will help to give emphasis to and underpin our work, ensuring that legislative constraints or partner intransigence

cannot exist to thwart our efforts.

Community planning is the most exciting opportunity facing local government today; it is also probably one of our sternest challenges. South Lanarkshire community planning partnership is prepared to meet that challenge—and the challenge of change—head-on by putting our people and our communities at the centre of planning.

The Convener: Given what you have said, I take it that you accept that a statutory duty is better than a statutory power, to use if you wish. Would you prefer a statutory duty to have community planning?

Councillor Thompson: Yes. We believe that that is the way forward.

The Convener: From your experience as a pathfinder council, can you tell us how you got the other bodies to come together? How did that evolve and what significant difficulties arose?

Councillor Thompson: I will ask Jim McCaffer to answer that. He promises to be more succinct than me.

Jim McCaffer (South Lanarkshire Council): Chris Thompson talked about the history of joint working in Lanarkshire. Joint working helped, and it meant that we had a slightly easier task than some other parts of Scotland, because we already had structures in place with our colleagues in Scottish Enterprise Lanarkshire and the health board. In a sense, we built on previous practice.

The council produced an economic and social development strategy, which all the partners signed up to. It was a normal evolutionary process to take one step forward and use the community plan as a basis for building on that good working relationship.

15:15

In a sense, the partners pick themselves, because they are the key public agencies operating in South Lanarkshire. They readily came to the table. Tom Divers will back me up when I say that we did not have problems getting the partners together. We are only now beginning to involve the voluntary and business sectors and other interests, but we have no problems getting them on board. We are now moving into an action phase, as Chris Thompson said, and that is where some tensions may arise, but historically we have been able to reach a consensus by working together.

Tom Divers (Lanarkshire Health Board): We did a lot of detailed partnership work together, particularly on community care, with local government, social work, housing, education and

health. We worked our way through some tricky debates about changing models of care and about service provision, institution closures and providing better services for individuals in communities and at home, so we had a solid foundation.

One of the key things that has helped has been the clear articulation at policy level of the importance of tackling the root causes of health inequalities. That was most clearly set out in the public health white paper "Towards a Healthier Scotland" in 1998, because it called on all agencies to pool their efforts to address inequalities. That whole approach—and the significance of community planning as a key focus for such work—was further reinforced in the recent health plan, which Susan Deacon launched on 15 December. The plan sees the development of local health plans in the context of community plans as the overarching vehicle for developing shared strategies.

Mr McMahon: I am particularly happy to see representatives from South Lanarkshire here, not only because of my involvement with South Lanarkshire Council, but because I know that it is a good example of a local authority that has rural and urban communities, within which there are areas of deprivation and areas with secure living standards. The witnesses must have encountered a lot of practical difficulties in dealing with the challenges. Give me examples of the types of difficulties that you have encountered and of the type of support that the Scottish Executive could give to overcome those challenges.

Jim McCaffer: The balance between urban and rural areas raises significant issues for the community plan, because we cannot be seen to be driven by an urban agenda or by a separate rural agenda. We have tried to articulate rural issues as a clear priority in the plan. That is the way forward, as rural areas could get swamped by the problems of our urban areas. We have specifically identified in the plan the rural dimension as something that requires clear, defined action through partnership working.

On the second point, we try at local level to juggle all the balls that come our way in the form of various Scottish Executive initiatives. Much as they are welcome—we do not suggest that we are not fully behind the community safety agenda, the social inclusion agenda or the health inequality agenda—we need some space and flexibility at local level to try to make sense of all the initiatives, because it can be difficult to react to them quickly and set up community partnerships.

An element of trust must be established between the local partnerships and the Scottish Executive. We must be clear about our roles and responsibilities. Based on that trust and the

recognition of our separate roles, we can make progress with the initiatives. The Executive can demand outcomes and say, "This is what we want from you at a local level," and we will supply those outcomes. The problem is that we must juggle all the initiatives and make them fit locally. We are trying our best to do that, but we need further guidance from the Scottish Executive.

Mr McMahon: Some agencies, although certainly not the health boards, might focus on a specific area. Is it difficult for that type of organisation to overcome that and be incorporated into the community planning strategy?

Jim McCaffer: I do not think so. We have tried to cast our net widely. We have run community conferences, which have been open to everybody. We have tried, through seminars, to engage a wide range of people and agencies. We want to keep the partnership relatively tight, so that it can work and manage its business. However, the theme-based partnerships have placed no restrictions on local involvement.

Tom Divers: As Jim McCaffer said, we have addressed that issue practically by taking the themed approach, which gives the opportunity for different agencies to take a lead role in driving forward individual elements of the overall community plan. That has been a good model for ensuring that all the major agencies play in.

Councillor Thompson: Michael McMahon's question is a good one. There are dangers in the current changes and in the network approach that is being taken by certain organisations, of which people in this organisation must be careful. We have a good local working relationship, but there are network implications for other organisations.

Iain Smith: You note in your written submission that

"the Action Plan still reflects an accumulation of existing commitments".

Do you foresee community planning developing, so that the community plan will lead to further plans, rather than being simply a reflection of other plans? In community planning, how can you avoid getting into a spiral of spending all your time making plans and not taking any action?

Jim McCaffer: The action plan reflects existing activity, because that is the stage in the process we are at. We have just started to operate the theme-based partnerships. We intend each of them to produce its own action plan based on the range of partners involved—as wide a group of people as possible. It is intended that actions focused around the themes will develop from those theme-based partnerships, reflecting Government priorities and local issues.

By starting to build the community planning

themes systematically into the service planning process for all our council services, we can start to focus much more clearly on cross-cutting issues. We are taking steps towards that within the partnerships. We are getting the partnerships up and running and initiating debates about the key priorities for joint investment and action. That is how we will start to change the current position.

Many aspects of the action plan are pertinent to issues in community planning. We are doing a lot to support that. However, we can get better at doing that through the processes that I have described.

Councillor Thompson: As we said, it is early days for the council. We are learning a lot as we go along. I will give you an example. We held an enterprise resources committee meeting today. Three of the major items on that committee's agenda concerned community planning issues that had been taken through the whole process and in which new council funding and new partnership funding had been invested.

Community planning is beginning to work its way through. As Jim McCaffer said, the early way of dealing with it was to tackle it with an action plan. We are building on it, but huge obstacles remain elsewhere—there are probably still a few in the council, due to people protecting their budgets. However, there is a political will to address that, which is a good starting point.

Mr Gibson: I commend the council on a positive presentation and an uplifting submission, and on all the information that it has given us. It is good to see such pioneering work. Your plan covers 10 years. Why did you choose 10 years? How will you monitor the plan? What capacity do you have to adjust it if, for example, you feel that the overall plan is not proceeding as you wish it to?

Jim McCaffer: The guidance when we kicked off was that community planning partners should produce a five to 10-year plan, so we followed the guidance. To lift the partnership's view beyond the nitty-gritty of the annual budget cycle, a five to 10-year time horizon is necessary. As we said, it has taken us two years to reach our current position. The plan's time scale is realistic.

We have stripped out the actions from the vision, because the vision is the five to 10-year aim. The action plan will be updated annually. We will probably have to check the vision statement when we are three to five years into the process. I do not think that the statement's shelf life will be 10 years. However, we wanted to be aspirational, so we felt it appropriate to adopt that time scale.

As the plan shows, we have headline indicators for monitoring each of the theme-based partnerships. We intend to have more detailed practical indicators. We do not want to create a

monster, so there will be about 10 to 12 indicators to check our progress on each of the theme-based partnerships. Indicators and outcomes will be attached to each project or programme in which we become involved, such as those that Councillor Thompson talked about this morning.

Mr Gibson: Are outcomes the central focus? Are you trying to concentrate on ensuring service delivery, rather than over-monitoring, which would restrict your flexibility?

Jim McCaffer: Yes.

Mr Gibson: Iain Smith touched on the action plan and I listened with some interest to your response. On that issue, your submission says:

“This problem is exacerbated by the plethora of Government initiatives each with their own ring fenced resources which merely serve to clutter the field, create confusion and fragment effort”.

Would community planning be more effective if ring-fencing and challenge funding were reduced or eliminated and you were allowed greater flexibility as a result?

Councillor Thompson: We can give that question a one-word answer: yes.

Tom Divers: The annual review and the annual accountability review meeting that we intend to have with communities are important because they will allow us to account for where we have got to and will give us the opportunity to adjust the plan to take account of the changes in policy that will inevitably take place over the plan period.

A point was made about there being a clutter of initiatives. The time has come for a clear statement of just how significant community planning is and of the fact that it is to become the overarching means by which the statutory agencies will work and thread their efforts together, with a statutory duty imposed on them.

After the COSLA and Scottish Executive report, and during the early days of the pathfinder work, there was a period in which some of us were not certain whether community planning would continue as a main focus of interagency work and effort. Community planning is now emerging strongly in consultation papers. That in itself will help significantly to deal with some of the clutter that there has been.

15:30

Dr Sylvia Jackson: You have said a lot about interagency and partnership working, which has obviously been important. Another thing that was highlighted by COSLA was community involvement—ensuring, for instance, that adequate and appropriate consultation took place. I would be interested in your comments on that. In

your submission, under the heading “The Way Forward – Keys to Success?”, you mention capacity building. I would like you to comment on that too. Thirdly, you mention partnership training and I wondered what plans you had for that.

Jim McCaffer: In putting together the plan, we used a citizens panel and we held annual conferences. The consultation processes have been quite significant and substantial. We have issued 10,000 copies of each of the draft plans. We have had two draft stages to allow people to make appropriate comments over a period of a year or a year and a half. In putting the plan together, I think that we have done reasonably well in consulting and getting the views of individuals. We now have the voluntary sector, the business sector and the youth council involved in the community plan partnership, and we intend to develop a website. As Tom Divers said, for each of the theme-based partnerships, we want to bring in a wide range of people.

We could do a lot more. I am not saying that we have cracked things—far from it. Our plan is to engage people further, through the theme-based partnerships, through websites and through the continuation of the annual conference. We are also talking about a civic forum, which would fit in with the civic forum idea that you have in the Scottish Parliament. We are developing those ideas and I hope that we can ensure that we listen to and engage with people.

Your second point was about capacity building. In our local social inclusion partnership in north Hamilton and Blantyre, we have set up local community forums in each of the areas of the SIP—I think that there are four of them. Each of the forums has a voice on the board of the SIP. As part of that process, the first part of the £200,000 or £300,000 that we have to spend went on capacity building. We chose to do that because it was seen as important.

We have been discussing partnership training with colleagues in North Lanarkshire Council. The various public agencies have had some initial partnership training that we intend to build on at a more local level. The health board, the two councils, Scottish Enterprise Lanarkshire and the police have had interagency training at the Eglinton centre.

Tom Divers: Some particular pieces of work have been done within the individual themes. One of the major themes within the safe and healthy communities part of the plan is community care. We had a major one-and-a-half day event on training and development, which involved a number of service users and carers, senior management from health, social work, housing and education departments, a lot of voluntary sector input and a number of practitioners from

health, social care and housing. Those people came together and spent a lot of time together, and used the users and carers' expertise and knowledge to confront us with what they regarded as the key issues to be addressed. A variety of different approaches have been tried. At the end of each event, we have been careful to have a manageable action plan and a distilled outcome, so that we do not lose the focus of what has been achieved.

Councillor Thompson: From the beginning, we have made great efforts to involve the community, but we know that we have a long way to go on this. It is a learning process for us and for the communities. There are huge issues for them to deal with. They need time to understand the issues and to build on their ability to communicate fully with us. It is a difficult problem, but it is very important and the partnership is determined to crack it. It is in this area that the partnership will work or founder. If we do not get the communities to come on board and support us, much of this work will go unseen and will not have the outcome that we want. If you ask us this question in three, four or five years, we will be able to give you a far clearer idea of how it has worked.

Mr Paterson: You seem to have put a lot of work into your communication and consultation. In paragraph 3.6, you talk about the development of a data partnership to help your information. Would you expand on that?

Jim McCaffer: The various public agencies hold a whole host of pieces of information on individuals and communities in South Lanarkshire. We have tried to gather key pieces of information that are held separately and to develop protocols for the sharing of information, which obviously cover confidentiality issues. That is the basis of the partnership.

We are building on the partnership. There is a proposal to produce community profiles for each area, including a range and series of data, which will be useful for the planning processes of the council, the health service and Scottish Enterprise Lanarkshire. We are going one step further by developing community profiles. The gathering and sharing of information is critical, as is the assessment of need. There are good examples of the piloting of the joint assessment of need by social work and health.

Tom Divers: We have been fortunate in having two successful partnership proposals funded by the modernising government fund. Those proposals address the issues that Jim McCaffer has described, which relate to the better integration of our information, particularly in health and social care services, and linking it to information technology strategies so that there are connections across our agencies. That is a

significant piece of work, the bulk of which we are committed to completing by May 2002. It will be another practical example of turning the vision that Jim McCaffer has described into reality and a much better set of integrated services.

Mr Paterson: Do you plan to expand the data partnership outwith your council area?

Jim McCaffer: We have been working with North Lanarkshire Council on the data partnership, which operates throughout Lanarkshire. We are working locally, but the data partnership involves all the agencies at Lanarkshire level, including North Lanarkshire Council.

Tom Divers: The modernising government fund is connecting us with three other councils in the central belt.

Councillor Thompson: As Jim McCaffer has said, we work closely with North Lanarkshire Council on a range of issues. Clearly, the Clyde is a boundary, but people cross it every day to travel to work and they need local authorities and agencies to work together in this and other areas. We are trying to ensure that the information that each council needs is in its hands. This is about not reinventing the wheel.

Mr Paterson: We took evidence earlier on political restrictions. Do you have a view on that issue?

Councillor Thompson: We have not reached a view on that, and will not do so until 13 February when the matter is considered by the committee. I will ask Jim McCaffer to respond, but with a health warning that the councillors have not reached a view on that yet.

Jim McCaffer: The policy and resources committee paper that Chris Thompson has referred to covers two issues. First, the current restrictions mean that an individual cannot sit for and work for the same council. The second issue is about the cut-off relating to politically restricted posts. We support the continuation of the status quo, which means that council employees should not be able to sit for their council. Our paper might suggest that people should resign before they throw their hat in the ring; however, we believe that they should continue in employment until they find out whether they have been successful or unsuccessful. If they are successful, they must leave the council; if they are unsuccessful, they will have to manage that situation within the council.

As for the issue of politically restricted posts, we believe that the matter very much depends on the individual post. Although we support the continuation of restrictions at a certain level, we should take a broader look at the nature of the individual post rather than simply impose an

arbitrary cut-off at that level.

The Convener: Has this paper been submitted to any council committees?

Jim McCaffer: No.

The Convener: In that case, although we have been given information about the contents of the paper, we really do not know what the council's position will be on this matter.

Mr Paterson: There is a simple question that I have never been able to get an answer to. Perhaps these witnesses can tell me, although I will not hold it against them if they cannot. Can you explain where the conflict of interests lies for a joiner, a janny or a cleaner who is a serving member?

The Convener: Before the witnesses answer, I should tell them that their comments would be personal, as the paper does not include Gil Paterson's example and, in any case, has not gone before the council committees.

Councillor Thompson: It would be entirely wrong for me to ask an official to comment on that question, and I am sure that, as a professional, Jim McCaffer would not answer anyway. Having served on a council for some time now, I think that there are difficulties associated with being an elected member and with making decisions on very confidential information that might affect colleagues, no matter whether the member is a joiner or a cleaner. As they might have to make decisions on the future of the people working with and around them, that raises the whole question of conflict of interests.

However, things become easier as we go higher up the scale. As the convener has said, this is a personal view, so I will nail my colours to the mast and say that I do not believe that senior officers should be allowed to become elected members in their own authorities. I would be very concerned about the distinct conflict of interests in that situation.

The Convener: I thank the witnesses for attending the meeting. It is always good to hear from a council that decisions made by the Parliament or decisions that go out to pathfinder groups are starting to take effect. There are difficulties to address; however, the evidence session has been very informative and I agree with Kenny Gibson that your paper gives us a good idea about how community planning can work.

I was impressed by the number of groups that you included in your initial deliberations and by the fact that you are now talking to neighbouring councils. That idea lies behind the paper and your support for a power of community initiative and a statutory duty of community planning for councils.

Although you will no doubt come before the committee again at some point, I thank you for attending today.

15:45

We carry on with witnesses from the Society of Local Authority Lawyers and Administrators in Scotland, which is known as SOLAR. Stuart Allan is the head of law and administration in Fife Council, Eddie Bain is the council solicitor for the City of Edinburgh Council and Gordon Blair is the administration and legal manager in West Lothian Council. We have received apologies from John Angus, who is stuck in the snow somewhere in Perth.

I ask Stuart Allan to give us a short presentation, following which I will open up the discussion for questions.

Stuart Allan (Society of Local Authority Lawyers and Administrators in Scotland): I thank you for the opportunity to give evidence on what SOLAR considers to be an important issue for local government in Scotland. I understand that the committee has received the society's main report on this matter, which was submitted to the Executive. A brief executive summary precedes the main report. I do not intend to go through much of our report, but I will highlight points that we believe it important to emphasise.

On the power of community initiative that the Scottish Executive proposes to introduce, we welcome the draft proposal to base the power of well-being on existing powers in the Local Government Act 2000. We have been suggesting that approach for some time and we endorse that proposal. However, we are anxious about the fact that, in England and Wales, the act gives the power of well-being with one hand but takes away with the other a great deal of what that power could achieve.

Section 3 says that any power to act for the well-being of communities will be constrained by existing restrictions. In Scotland, that would limit the capacity of local authorities to be innovative and, in particular, to work with private partners, due to constraints imposed by the Local Authorities (Goods and Services) Act 1970. I hope that we will have the opportunity to give you some specific examples of such limitations later.

We believe that this is an opportune time for the legislation to be introduced in Scotland to start afresh, with the premise that, if local authorities have a power of well-being, they should be able to do anything whatever to facilitate the proper exercise of that power. In our view, that relates not to dealing with specific bodies that are listed under the 1970 act, but to the proper exercise of public purpose. Any legislation should be drafted on that

basis.

I should perhaps say in passing that, in order to ensure that local authorities are achieving best value, they should be under a statutory duty to try to effect continuous improvement, achieving economy, efficiency and effectiveness in so doing.

We consider that local authorities should be under a duty—not simply a power—to produce a community plan for their area. It is of the essence of the community plan to accept that local authorities are in the best position to draft it and to pull together the other authorities that provide the public facilities in the area. That is not to say that the view of local authorities should always prevail—that is not the point of what we are saying. However, they are in the pre-eminent position, having regard to their responsibilities and to their democratic mandate, and taking up the initial responsibility of producing the plan.

There is a great deal of merit in the statute's setting out the principal public authorities whose services should be covered in the community plan. We have set those out on page (ii) of the executive summary of our written report, as well as on page 6 of the main part of the report. You might argue that that is unnecessary, and that anyone may be consulted. However, in order to foster the spirit of partnership between the public agencies, it is helpful and constructive that that list of public authorities should be set out in statute, so that the responsibilities that are expected for the preparation of a community plan can be outlined.

I turn now to political restrictions affecting council employees. SOLAR very strongly supports the Scottish Executive's decision to maintain the current statutory provision that prohibits a council employee from also being a member of the same authority. Any other system would fly in the face of propriety, and there would be an inherent conflict of interests, which could not be obviated.

We consider that there should be no question of giving local authority employees paid leave in order to stand as a candidate at local government elections. Our principal reason for that is based on equity. It would be strongly perceived as local authority staff having their paid leave financed by the ratepayer, and as an unfair advantage being given to those employees. It is primarily for that reason that we would advocate against such a practice.

The consultation paper also asks whether it is possible to extend the list of postholders. The society's view is that careful consideration should be given to bringing head teachers and depute head teachers into that category. Those are very senior posts within a local authority and those postholders have significant budget and management responsibilities. It is entirely

appropriate that their duties should be undertaken in a politically impartial manner. The society therefore feels that it is right and proper that that should be recognised and reflected in those posts being designated as politically restricted.

That summarises the main issues that we wanted to put before the committee.

The Convener: It was helpful to have the executive summary at the beginning before padding it out. The consultation paper notes that there will be some practical difficulties in placing a statutory duty on other public bodies. Do you agree with that? If so, do you have any views on how we could overcome that and get everyone to work together?

Stuart Allan: The short answer is no. We think that that is overstated. There should be a duty to co-operate in the preparation of the plan and I cannot envisage that being difficult. For example, the legislative provisions will not require health boards to undertake health care programmes that are inconsistent with their own policies. The whole concept of a community plan is to bring things together and to work cohesively and holistically. There is no question of imposing a plan on other authorities. If there is a duty on the local authority to prepare the plan and to consult and a responsibility on the part of the public bodies to co-operate, that achieves the right balance for a proper, useful and constructive community plan.

Mr McMahon: You said that employees not being restricted from becoming elected representatives flies in the face of propriety. Some people argue that a restriction flies in the face of article 10 of the European convention on human rights by denying people freedom of expression. Can that be balanced out?

Stuart Allan: It is a balanced judgment. The matter has already been taken before the European Court of Human Rights, which has decided that it is right and proper for states to make provision restricting, in certain circumstances, the right of a person to stand for an election. When someone is an employee, there would be an inherent conflict of interests if that person were also to be an elected member. It is not a situation that I think can readily be dealt with by producing other checks and balances such as having a list of instances when the member would have to declare an interest. They would be declaring an interest so often that it would affect their ability properly to undertake their duties, either as an employee or as a councillor.

Mr McMahon: It is quite possible that someone who is on a fairly low income as an employee of a local authority would be barred, whereas someone who makes substantial sums of money by providing services—possibly even legal services—

for local authorities would not be barred. Is there therefore a case for widening the restriction rather than removing it?

Stuart Allan: We must draw a distinction between the question of whether an employee can also be a councillor—we have inescapably reached the conclusion that they cannot—and the question of whether a contractor can also be a councillor. It is a different matter if someone is both a contractor and a councillor. The responsibility is then on the councillor to decide, when there is a conflict of interests, whether to declare that conflict and take no part in the discussion.

Mr McMahon: Do you not think that there is an inequity in the fact that a private businessperson makes their own decision on that, whereas a public employee has the decision made for them by someone else?

Stuart Allan: I am afraid that I do not think that.

Iain Smith: From what you have said, I am not sure why there is an intrinsic conflict of interests for an employee rather than a specific conflict of interests, as the situation may arise. For example, where is the intrinsic conflict of interests in a home help making a decision on an education matter?

16:00

Stuart Allan: The fact that an employee was on the books of the council and that he or she was also an elected member would mean that, in a host of circumstances—for example, in making decisions on staffing matters or perhaps on finance matters involving the budget of the department of which he or she was a member—that person would have to declare as an interest the fact that they were an employee. They would have to declare an interest so often that one must question whether that person would be properly undertaking their duties as a councillor.

Moreover, from the point of view of the management of the authority, the employee would be in the position of having undue knowledge and influence in connection with the political administration of the authority. That, too, could cause significant concern.

Iain Smith: You do not convince me, Stuart.

Mr Gibson: I, too, remain to be convinced, but let us move to another issue.

Paragraph 3.9 of your submission states that

“local authorities should not be in a position to use public funds or resources to act in an anti-competitive manner or to trade where there is no clear or direct public benefit.”

Can you provide examples of where that has happened?

Eddie Bain (Society of Local Authority Lawyers and Administrators in Scotland): If the authority were to use the resources of its staff and equipment to compete with the private sector in an area in which there was no link with public benefit, that might be regarded as unfair. The council might have resources that would enable it to clean its own buildings and the buildings of other public bodies, but it would be acting anti-competitively if it went out into the community and offered to clean private offices more cheaply than the private sector could. The council would not be using its resources for the purposes of community initiative or community benefit; it would be entering the marketplace and possibly abusing its position.

Mr Gibson: However, the reverse is true at the moment. The private sector can compete with local authority contracts.

Eddie Bain: Yes, we recognise that. Elsewhere, we look for a widening of the restrictions on goods and services. We want to remove some of the constraints, but we recognise that there might be concern over local authorities entering into areas into which they have—rightly—not been allowed to enter in the past, abusing their position and, in some cases, hazarding public funds. The Executive and the Parliament may acknowledge the need for some restraint, but we are advocating trust in the granting of wide powers.

Mr Gibson: Paragraph 5.6 of your submission says that

“there would be merit in increasing the existing threshold from £28,104 to . . . £33,813.”

Can you explain why that figure has been chosen? Salaries vary in different local authorities, depending on the size of the area that the authority covers, so would not your proposal have a different effect on the different authorities? Is it not rather inflexible?

Stuart Allan: We were suggesting that the threshold should be raised. Experience tells us that it is probably a little too low and applies to postholders who are not sufficiently senior that they need to be caught by it. It is fair to say that we are not yet convinced of the need to remove the threshold. It is the job purpose that must be caught and the salary threshold could be a rather unwieldy way of achieving that. If it was possible to categorise more precisely the type of people who should be caught, the salary threshold could be dispensed with.

Mr Gibson: Clearly, in an area such as Glasgow, a significant proportion of the work force would be affected.

Stuart Allan: Absolutely.

Mr Paterson: I am finding it hard to understand why SOLAR and the Executive are so set against

lifting some of the political restrictions. The legislation effectively imposes a blanket ban across 300,000 people working for councils, yet you suggest that it is ECHR compliant. I find that difficult to believe. I presume that there were some lawyers working with the McIntosh commission, which concluded that

“subject to appropriate safeguards, employees other than the most senior and those in politically sensitive posts should be permitted to stand for election and to serve as elected members”.

Given that conclusion and the fact that someone like me—a businessman—could sit on a local enterprise trust and have an influence on fairly substantial contracts in favour of a neighbour, surely we are leaving ourselves open to challenge. How does one marry the two positions?

Eddie Bain: SOLAR is not unrepresentative of the views of local authority professional associations in believing that there are difficulties in someone being an employee and an elected member in the same council. I recollect that quotation from McIntosh. SOLAR's views on McIntosh are shared by the Association of Local Authority Chief Executives, the Society of Directors of Personnel Scotland, the Chartered Institute of Public Finance and Accountancy, the Association of Directors of Education in Scotland and the Association of Directors of Social Work.

Perhaps we are being paranoid, but our concern is that, as anyone who is an elected member has a right to all the information to enable them to discharge their duties, they will be in a position of power and authority, which could create serious problems for any person to whom that employee reports as their line manager. To put it in a nutshell, the employee who is a councillor may receive—legitimately—information before the director of the department for which they work. That might create problems for the employee as well as the line manager, because they will have to balance their responsibilities as an employee with their responsibilities as an elected member.

Stuart Allan: Mr Paterson's final point about influencing a council in the interests of a friend comes down to ethics. That would be covered by the code of conduct. Such behaviour would be unacceptable, irrespective of whether the councillor is employed by the council or by someone else.

Mr Paterson: That is the point that I am making: this is all about ethics. Ethics do not stop at one's job description; they go across the board—for example, the same ethical code that would apply to a councillor who was a businessman would apply to a councillor who was a janitor. I should also point out that, when we become MSPs, we make a blanket declaration and we do not have to stand up every day and say that we have made a

declaration. An employee who works in the roads department could make a similar declaration. Would not that answer some of the problems that your paranoia has raised?

Eddie Bain: I point out that MSPs cannot be employed by the Scottish Executive.

Mr Paterson: That is correct.

The Convener: Today, we are dealing with an issue that is threefold. It covers community planning, political restrictions and what used to be known as the power of general competence. I know that SOLAR had a commitment to the power of general competence—indeed, I spoke to one of your conferences on the subject. We now call the power of general competence the power of community initiative. That is in keeping with the way in which the Executive does things—as soon as you have something in your head and think you know what it is, the Executive changes the title. Could you expand on your reasons for recommending a duty to consult the public agencies that are listed on page (ii) of your submission? The list is interesting, but I wonder about some of the bodies that are mentioned.

Stuart Allan: Those bodies appear to be the major public agencies delivering services to the public. As the bodies deal with the types of services that the public are interested in, their views should be reflected in the community plan. People should be able to read one document that gives information about the totality of public agency provision in their area, such as local authority services, the health board, arts provision and Scottish Natural Heritage sites. By and large, the bodies on our list are those that a local authority would consult anyway—the list gives a full picture. It is probably better that such bodies are encouraged to come into the community plan framework, and are seen to be part of that framework, through having duties set out in statute rather than just being asked to provide information and policy guidance on specific subjects by the local authority.

The Convener: The previous set of witnesses, from South Lanarkshire Council, said that it would take some time for effective work to be done with outside public bodies. As you can imagine, there have been some initial difficulties. Without taxing my brain, I can find two or three bodies on your list that would want to hang on to their own patch and not relinquish much. Do you think that that will be a difficulty? People can sit around a table and discuss what is to be done, but forget all about it when they go away. We need to find a way of pulling all the work together so that we are not still sitting around a table talking about it in 20 years' time. There is no point in the Scottish Executive giving local authorities the power of community initiative and considering local authorities to be a

cog in the wheel of community planning—the issue of political restrictions is included in that—if the gut feeling of the local authorities is that the system will not work even if people have a duty to perform in a certain way rather than a power to do so.

Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland): In my area, the system works on a voluntary basis and none of us would want to jeopardise that. We seem to be talking about providing a statutory framework that will ensure that everyone co-operates if they are not co-operating voluntarily. We think that the best way forward is for the local authorities to have the primary duty and for the public partners to have either ministerial direction or something more substantive, such as a duty to co-operate.

As Stuart Allan said, that does not mean that a council can ride roughshod over the public partners, but it gives the added impetus, if required. Coupled with any statutory duties to provide a plan—not necessarily the mechanism to do it—that is a sufficient statutory framework, which should be a catch-all. There should be encouragement at every turn to rest on voluntary arrangements, which work well in some areas and could in others as well.

16:15

Eddie Bain: The amount of effective dialogue with some of the bodies should not be understated. A lot of effective joint working is done between social work authorities and health boards, and there is substantial liaison with the water authorities; many of us in local government used to work for authorities that had responsibilities in the areas of statutory service that have now been given to the water authorities. It is important to formalise that framework as effectively as possible. That also relates to the need to review legislation such as the Local Authority (Goods and Services) Act 1970—we are aware of areas in which we are being prevented from providing services that it would seem natural for us to provide.

I will give a pertinent example. We are sitting in a room in a building that is still owned by my council and used to be maintained by officers of my council. Last year, a property services contract was advertised by the Scottish Parliamentary Corporate Body, with which I am engaged in correspondence. We were told that our council was disqualified from tendering for the services because the Scottish Parliamentary Corporate Body is not a public body in terms of the Local Authority (Goods and Services) Act 1970. We can produce clear examples of the legislation obstructing us from providing services when we

have a clear and positive contribution to make.

The Convener: I do not know whether that was a hint to get us to do something about that.

My experience as a vice-convener in social work is that, in the early stages of the National Health Service and Community Care Act 1990, the health boards and social work departments were forced to talk to each other to make the legislation work. The example that we are always given is that health boards and social work departments are doing well in joint working, but they were initially doing it under duress. However, the relationship is working and is a good example for other groups.

Mr Gibson: It was sometimes difficult to get social work and housing in the same council to work together, never mind the health board.

I have a straightforward question. What should the role of the community be in community planning?

Stuart Allan: That is a matter of horses for courses. Most of the major public agencies should have some responsibility for the community plan and will have undertaken public consultation on their services. There must be a public consultation exercise when the plan is pulled together.

We must be careful that we do not have overkill. We are getting a lot of feedback from voluntary groups saying that there is too much consultation for its own sake and not enough targeted consultation. If consultation is going to be useful, it must be focused. I am not certain how that will be done. The community plan must have a consultation element to give it credibility, but we must not ask people to reinvent the wheel.

Mr Gibson: Are some of the concerns about consultation due to a common view—which may not be accurate—that consultation is often about selling an idea rather than genuinely consulting people with a view to changing a plan? I have been involved in consultation many times and, miraculously, the results have been exactly what was proposed initially, despite the input of the public. Have you encountered that view?

Stuart Allan: It varies from circumstance to circumstance. You might consult on a planning application, for example, and get a wide body of opinion that is against it, but there may still be a recommendation to grant planning permission. That is the nature of the thing. It is difficult to reach any meaningful conclusions from generalisation.

Mr Gibson: Can you, as a lawyer, think of any way to tighten up the consultation process so that—for the cynics as well as for the rest of us—it is genuine?

Eddie Bain: If consultation is revealed as a mere façade, the decision is exposed to challenge

in the courts. My colleagues and I regularly advise councils that consultation should be carried out properly, with a view to the response.

One should not generalise, but there is a perception—which probably relates to central Government as much as to local government—that many consultation exercises are carried out without any expectation that there will be anything other than minor and cosmetic changes to the proposal. There is a perception that some statutory consultation is about going through the mechanics laid down by the statute. Although it is important that statute makes provision for consultation, it is important that we in local government are seen to respond to public consultation.

Mr Gibson: Are you able to assess how genuine a consultation process is?

Eddie Bain: We cannot really consider whether the proposal has changed, but we can look behind the consultation exercise. Any consultation exercise that follows unequivocal statements that certain proposals will be adopted is exposed to challenge as a façade. That is a judgment that can be—and has been—made by the courts.

Stuart Allan: Sometimes, the wider the issue on which opinion is being canvassed, the less meaningful the consultation feedback, and the more focused the issue, the better the feedback. I mentioned planning; one might consult on a road traffic order. Similarly, the local authority and the health board might decide to work together on a specific community care provision, which will affect people in a particular town and their hospitals and residential homes. Such narrow issues are what people can understand and can react to. In many ways, it is better to consult on a specific issue than to ask people for a view on a wide-ranging plan.

Mr McMahon: You said in your submission that the monitoring of community plans should not be prescribed. If we accept that there has been proper consultation, development and implementation, how do we ensure that a community plan is continued effectively? Could the review that you suggest turn out to be a cosmetic exercise?

Stuart Allan: I am not convinced that statute can force a plan to be well drafted or reviewed. You have to provide that there should be a community plan. You should provide for co-operation and provide that, from time to time, the local authority should review the plan. You should look across Scotland and see how the plans are working, then decide what formal requirements for review you need. It is too early to specify that the community plan will be formally reviewed every two or three years. That will vary from area to area—the strength of community plans may be

that they will be tailor-made for communities. At this stage, I am not sure that you need to go much further than making a broad requirement that the plans should be reviewed. In a few years' time, you should look again at whether the community plan process is successful.

The Convener: There are no further questions, so I thank our witnesses for coming along. We have to write a letter to the Executive on our deliberations today and we will certainly take account of our discussion with you.

We will now have a comfort break. As we will then go into private session, the official reporters may leave. Thank you—you have had a hard day's work.

16:25

Meeting continued in private until 17:46.

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