

LOCAL GOVERNMENT COMMITTEE

Tuesday 12 June 2001
(*Afternoon*)

Session 1

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LOCAL GOVERNMENT COMMITTEE

18th Meeting 2001, Session 1

CONVENER

*Trish Godman (West Renfrewshire) (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

Catherine Coull (Angus Council)

Councillor Corrie McChord (Stirling Council)

Councillor Rob Murray (Angus Council)

Dr Vicki Nash (Society of Local Authority Chief Executives and Senior Managers)

Douglas Sinclair (Fife Council)

Sandy Watson (Angus Council)

Keith Yates (Stirling 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 12 June 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:01*]

Draft Local Government (Timing of Elections) (Scotland) Bill

The Convener (Trish Godman): Comrades, the meeting is quorate, so we can start.

We return to the committee's consideration of the draft local government (timing of elections) (Scotland) bill. A number of councils and representatives of returning officers will give evidence to the committee today. We begin with representatives from Angus Council. Councillor Rob Murray is the leader of that administration, Sandy Watson is the chief executive and Catherine Coull is the director of law and administration.

Councillor Murray will lead the presentation. Our procedure is that witnesses give a presentation and I then open up the discussion to questions from members.

You do not have to press the buttons on your microphones; the microphones are switched on automatically—we have all mod cons here. I hand over to you, Councillor Murray.

Councillor Rob Murray (Angus Council): Thank you, convener.

Angus Council welcomes the opportunity to give evidence to the committee on the draft local government (timing of elections) (Scotland) bill. I understand that members have a copy of our submission, on which we are happy to answer questions. I will make a few brief points by way of introduction.

We support the recommendation of the McIntosh commission that there should be a four-year term for local government, but we do not support the proposal that local government elections should be combined with those for the Scottish Parliament. We acknowledge that combining polls would be likely to increase turnout, but we are of the view that the disadvantages outweigh that one advantage. In our opinion, there are other ways of improving turnout through modernisation of the ways in which people vote, such as using supermarkets as polling stations. Such methods could be trialled as

an experiment to see whether they increase turnout.

We are particularly concerned that combined polls would lead to a concentration on national, rather than local, issues. Indeed, the publicity campaign for the 1999 combined poll concentrated solely on the Scottish Parliament election. That campaign advised that there were two ballot papers when in fact there were three, including the papers for the local government election. It is clear that many local issues are overlooked in the national debate about national issues. We do not believe that a combined poll gives a fair and honest opportunity fully to debate local government issues, nor does it allow the electorate to make balanced decisions.

We take this opportunity to point out that boundaries for Westminster and Scottish Parliament constituencies cross over council boundaries. Joint arrangements must be entered into with neighbouring returning officers, which causes difficulties for election administrators, candidates and electors, although we believe that many of those difficulties could be overcome by a review of the law.

In the event of a combined poll, serious and detailed consideration will need to be given to the practical arrangements for the timing of the two counts. We are extremely concerned about the proposal that local government elections should coincide with an extraordinary Scottish Parliament election. We do not believe that there is a good foundation for that proposal, which would remove parity of esteem for local government because councils would stand or fall by the actions of the Scottish Parliament. We do not believe that that would help the credibility of local government in Scotland. That proposal is unworkable, because it raises practical problems for council budgets, the setting of council tax and so on. Those issues would require consideration.

In paragraph 9 of our submission, we refer to

“funding of election staffing

funding of election and count arrangements”

and

“general miscellaneous points”.

We hope that there will be time to cover those issues during our discussion.

I welcome the establishment of the Electoral Commission, which will consider some of the issues that I have raised as well as some of the legal problems that arise, given that parliamentary and local government elections are presently out of sync.

The Convener: The Deputy Minister for Finance and Local Government, Peter Peacock, suggested

in evidence to the committee that people would be aware that they were voting for different things in a combined election. Do you support that comment?

Councillor Murray: No, I do not.

If local government has its own day in the sun, there will be an opportunity for local issues to be fully debated and electors will be able to make their judgments, having heard the full arguments. My experience of previous elections in the Angus Council area is that the local town papers that gave candidates an opportunity to state their cases in the weeks running up to a local government election did not carry comments from those candidates during the combined elections. They carried only statements that were made by candidates for the Scottish Parliament elections, because the increased number of candidates meant that to do otherwise would have taken up too much of the paper. The opportunity for local government candidates to state their cases and for their policies to be debated fully was lost because of the concentration on the Scottish Parliament elections.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): During our consideration of the draft bill, we have heard evidence from academics and others who gave us firm statistics that would counter the arguments that you make. Do you have firm statistics to illustrate your arguments? We heard that there was a 28 per cent differential between the votes that were cast for MSPs and those that were cast for local council members during the Scottish Parliament and local government elections in 1999.

Councillor Murray: I do not dispute those figures. My point is that electors made decisions without having a fair opportunity to hear the debate about local issues, because the national press and others concentrated on national issues. Local government candidates had no opportunity to debate and express their views so that the electorate could make a fair and balanced judgment about local issues. I accept that the turnout was higher and that judgments were made, but I do not agree that the electorate were given a full opportunity to hear all local candidates before making their decision.

Mr McMahon: In the past two decades, we have heard the argument that the result in local government elections often depended on attitudes towards the national Government of the day. Those elections often happened mid-term and the arguments that were used in the press were often exactly the same as they would have been had there been a general election. Similar arguments were made during the Scottish Parliament elections. Local government officers and others said that those elections were not fair because they were judged on national, rather than local,

trends.

Councillor Murray: That point supports my argument. We should be giving an opportunity to, and encouraging, debate at local government level so that local issues can be aired. That would allow the electorate to become fully aware of local government issues and would encourage them to base their decisions on those issues, rather than on national issues.

Mr McMahon: What practical steps would you take to ensure that those debates are about purely local issues? How can you control the way in which the media and the press report a local government election if that election falls halfway through the national Government's period in office?

Councillor Murray: Separating the elections would create an atmosphere in which that could happen, but combining them would prevent that atmosphere from being created. We need to address practical issues such as what methods of polling would encourage people to vote in local elections. We should stress to people that there are important local government issues that they should consider.

Mr McMahon: Is your broad argument that you do not believe that the electorate are sophisticated enough to differentiate between a national and a local argument and that we must therefore separate the national elections from the local elections?

Councillor Murray: No, I think that the electorate are quite capable of such differentiation. I said that we want to create an atmosphere in which there is an opportunity for fair debate to take place. We believe that people will be denied that opportunity if both polls are combined.

Dr Sylvia Jackson (Stirling) (Lab): Paragraph 9 of your submission mentions several points about the funding of election staff and count arrangements and talks about the difficulties involved in the setting up of the Electoral Commission. Could you give us some more detail on that?

Councillor Murray: We believe that councils are not fully funded to cover the expenses of holding elections. Councils subsidise polling in terms of time and money. That is detrimental to councils and to the election process, because the costs tend to be skimmed on to try to work within the local authorities' cash-limited budgets.

Angus Council employs no full-time election staff, so it had to pay overtime to staff who were taking part in the election process. It also had to employ extra staff to cover for people who were undertaking election duties, because the non-election work cannot be put off until after the

polling day.

My colleagues who are with me today act as the returning officer and the deputy returning officer. The considerable amount of work that they put into that takes them away from the running of the council, which is unfortunate because even although an election is on, the council must still run.

The other practical costs that councils incur include the storage of equipment and the provision of refreshments—if two polls are held on the same day, there will be an extremely long count and we could not possibly expect officials and enumerators to work those hours without some sort of refreshment. Although those costs might not amount to a great deal, they still use money that could be better spent on the provision of services. That is particularly important for a small council such as Angus Council. The officers who run the elections might be aware of other areas from which costs arise.

Sandy Watson (Angus Council): Aberdeenshire Council conducted an analysis of the additional costs, which might have been picked up on in the papers from the Convention of Scottish Local Authorities and the Society of Local Authority Chief Executives and Senior Managers. That council worked out that those costs amounted to about £100,000. In Angus Council, the sum would be smaller, but it would still be a five-figure number.

The establishment of the Electoral Commission is to be welcomed and we hope that recommendations will flow from it, for example, with regard to increasing the percentage poll.

Work is required to align local government election law with the changes that have recently been made to parliamentary election law. Consolidating legislation would be welcomed. Consideration should be given to matters in which the law is different for local and parliamentary elections; for example, the placing of party emblems on ballot papers. That is particularly necessary if elections are to be combined.

Dr Jackson: I note that you welcome the establishment of the Electoral Commission. Are you suggesting that, because of proportional representation in the Scottish Parliament elections and the other complexities that arise from elections, we should have an on-going review of the situation?

Sandy Watson: We would welcome that.

14:15

Councillor Murray: If PR was used in local government elections, as has been suggested, that would add a considerable amount of time onto

the count and would lead to further practical problems. We need to consider that.

The Convener: Your council was involved in the count for the general election that we have just had. I take it that you got funding from central Government for that.

Sandy Watson: We get some funding from central Government, but the point remains that the cost of the list of issues that Councillor Murray identified must be met by local government. Our strongly held view is that the costs must be met entirely by the Scottish Executive.

The Convener: You are concerned about your deficit balance.

Councillor Murray: Yes. That is the case in relation to any election.

Catherine Coull (Angus Council): Although there is funding from central Government, it is limited in some areas. Some heads, for instance, are cash-limited. At elections, if a council thinks that it might exceed that cash limit, it must apply to the Scotland Office for an increase. In relation to combined Scottish Parliament and local government elections, I understand that every returning officer applied for an increase, which was granted. That is an indication that the limits are not particularly high. At the recent general election, the limits were increased a little but, nonetheless, each time there is an election, the returns that we give to the Scotland Office are gone over carefully and we are asked about whether the expenditure was actually incurred. Some claims are always turned down; for example, those that relate to the provision of refreshments at counts.

Iain Smith (North-East Fife) (LD): Paragraph 7 talks about extraordinary Scottish Parliament elections. I think that the minister made it clear that it is not intended to hold extraordinary Scottish council elections except in limited circumstances when the date might fall within one or two months on either side of a Scottish Parliament election. Some redrafting will be required.

Paragraph 5 of your submission talks about the possibility that electors might be confused when trying to differentiate between a council area and a parliamentary constituency. Will you expand on that and say whether that specifically relates to combined elections?

Councillor Murray: It relates specifically to combined parliamentary and local government elections and the fact that the two areas might fall within the responsibilities of two returning officers.

Catherine Coull: On the day of the recent general election, we held a by-election for a council ward in North Tayside. The returning officer in that constituency is the chief executive of

Perth and Kinross Council. The candidates who were standing for election to Angus Council had to deal with a returning officer who was the chief executive of a different council. That situation also arose during the combined Scottish Parliament and local government elections. Election agents had to lodge nomination papers and notices—required by statute—with the chief executive of Angus Council, but the arrangements relating to the polling day had to be dealt with by the chief executive of a different council. That was a complicated arrangement for election administrators, candidates and agents to deal with.

Sandy Watson: In addition, it is worth pointing out that the law requires that there should be one ballot box in each polling station. The votes that were cast in the Forfar Central local government by-election had to be taken to Perth with the North Tayside votes to be verified and had then to be carted back to Arbroath to be counted.

Councillor Murray: Although none of those problems is insuperable—we got round them—the election should be user-friendly to encourage people to stand as candidates in local government elections and to encourage turnout. We want the arrangements to be user-friendly and not create the difficulties that we encountered in both elections.

Sandy Watson: We declared the result of the parliamentary election at half-past midnight and had to wait until quarter to 2 for the ballot papers to count for the local by-election. Members would get a feel for the scale of the problem if they multiplied that across Scotland.

Iain Smith: Hypothetically, if we moved to a four-year term for local government and the elections were mid-term, would not it be the case that those elections might coincide with the Westminster election—rather than the Scottish election—which is now more likely to happen every four years on the first Thursday of May?

Councillor Murray: That is obviously theoretically possible, because the calling of a general election is within the gift of the Prime Minister, but that could fall on the date of a Scottish Parliament election, a local government election or a European election. That would always be possible because there is no set period for general elections. There is a set period for Scottish Parliament and local government elections, so we could minimise the problems and make the election process more user-friendly by establishing separate dates. That would help the electorate, the candidates' agents and so on. It would also make the system more user-friendly and encourage a higher turnout.

Mr Gil Paterson (Central Scotland) (SNP):

Councillor Murray said that you could overcome the logistical problems of combining the elections. In paragraph 6 of your submission, you mention the lack of large premises being available to you. If the big bang theory was implemented to hold the elections at the same time, what pressure would that put your council under?

Councillor Murray: It would give us severe difficulties. As we said in our submission, we do not have premises that would accommodate the staff that would be required to operate a combined election. It would need to be done in bits and pieces in the largest premises that we have, which is the one that we currently use and which is eminently suitable for the purpose. The counting would take longer and longer if we went for the big bang. We would have to set time scales to order the counts. One would take place the evening before, one the next day and perhaps one would even take place the day after that, depending on how many counts there were.

As we said, none of the problems is insurmountable. We will get round them; we always do. Changes in the legislation would help with some of the problems and separating the polls out into other days would help with others. That would make the situation more user-friendly.

Mr Paterson: Are there any circumstances in which it would be a good idea to combine the elections? Can you say anything good about the idea?

Councillor Murray: I cannot think of anything off the top of my head.

The overall advantages lie with separating the elections. The one argument that can always be put forward for combining them to make them user-friendly is that the elector would have to turn up only once every four years to vote for everything. That is an argument for holding the European elections, Westminster Parliament elections, Scottish Parliament elections, local elections and community council elections at the same time. An interesting point is that in Angus even the community council elections are given their day in the sun, which is being denied to local government.

Mr Paterson: Would an electronic system overcome your hesitancy?

Councillor Murray: An electronic system would overcome many of the practical problems that we have mentioned, but it would not be fair to local government. It would not provide the opportunity to have an open and honest debate on the issues that concern local government and allow electors to make their judgment on that.

As has been said, European elections have their own day, Westminster elections usually have their own day and the Scottish Parliament and community councils would have their days in the sun, but that is being denied to local government. That is not democratically fair.

Mr Paterson: If we go about our business in this fashion, will it be a case of big brother taking over and local government elections being made more irrelevant in the minds of the public?

Councillor Murray: Yes.

Mr Keith Harding (Mid Scotland and Fife) (Con): You mentioned PR. The McIntosh report, which seems to have disappeared for the moment, recommended PR for local elections. Have you considered what the impact of that would be on voter understanding and practical issues in Angus in combined elections?

Councillor Murray: As we have heard today, electors are intelligent and if they are shown correctly what they are supposed to do, they will vote in the correct manner and they will understand what they have to do.

Mr Harding: What if there were two different systems on the same day?

Councillor Murray: If there were two different systems, we would have to educate the public on how to use them. It would be a major problem to get everybody to understand different systems being used on one day.

The other practical problem is the complexity of the poll and the time that it would take. Most of the points that we made about combined polls would be worsened by having another count. There would be four counts if there was a first-past-the-post election for the Scottish Parliament, with a PR count, and a first-past-the-post count for local government—assuming that there would be a first-past-the-post election—then a PR count. That would be a major task. It would be a practical problem to get staff and to release staff to do that, because much of the work would be carried out during the day. With an evening or night-time count, we are able to get local government staff and banking staff to do it. It would be a practical problem to get people to conduct the count during the day on Friday if there were to be further counts for local government elections on Friday and even Saturday; it might be easier to get enumerators on Saturday.

Mr Harding: In your submission, you support a four-year cycle, but not with elections on the same day as Scottish Parliament elections. How would you overcome that? Should we hold elections when they are due next year, run another three-year cycle, then go to four years—mid-term between Scottish Parliament elections—from then

on?

Councillor Murray: That appears to be the easiest solution.

Iain Smith: Would the Scottish electorate have any more difficulty than the Northern Irish electorate did in participating in two different types of election on one day?

Councillor Murray: With the correct educational programme, the electorate would understand the two systems, but that would add to the complexity.

I keep coming back to the point that I made earlier; we should be making elections more user-friendly, rather than making matters more difficult for people by giving them two different voting systems on the same day.

Mr McMahon: Section 3 of your submission states:

“The Council considers that the disadvantages of combining the elections would very considerably outweigh this advantage.”

You have not given any concrete evidence as to why that would be the case. You have made it clear on several occasions that many of the problems could be overcome by changes in legislation and practice. You have not mentioned anything that would indicate that holding combined elections on the same day would cause any logistical problems for the local authority. As Iain Smith tried to point out, your argument seems to be based on the suggestion that there would be a difficulty for the electorate. Do you believe that the electorate would be incapable of differentiating between different levels of government and between one type of electoral system and another? There is no evidence that that would be the case. As you indicated in your response to Gil Paterson, a lot of your objection seems to be political.

Councillor Murray: I said that we could overcome many of the problems of the combined poll and that some of them could be eased by changes in legislation, but I have also highlighted the fact that there are major difficulties in holding two polls on the same day—specifically, enumeration and counting problems. I have also said that I do not think that it is beyond the electorate to understand two different systems on the same day. With a proper education programme, people would understand. Nevertheless, all along I have said that we should try to make the process voter-friendly and having two different systems in operation on the same day is certainly not voter-friendly.

Mr McMahon: That is the argument that you have put forward, but I have heard that although it is not impossible to overcome the logistical problems and to educate the electorate, you do

not want to do it and the only reason for that is that it is not in your interests politically.

Councillor Murray: I have said that the problems can be overcome—any problem can be overcome. That does not mean that it is the best way forward. There would still be difficulties.

14:30

Sandy Watson: One of the fundamental issues seems to be that local government should have a separate mandate from that of central Government. In section 3 of our submission, we point out that the Electoral Commission is considering the pilot scheme south of the border. We must also bear it in mind that the Scottish Executive has stressed the need for partnership with local government and is introducing a power of community initiative. We also await an announcement on community planning. If those come to pass, the relationship between local government and communities will be improved, which could lead to an increase in turnout.

Turnout is fundamental and is accepted as one advantage of a combined poll. However, we believe that, if the Electoral Commission produces recommendations and if community planning and the power of community initiative bite as we think they will, we might find ourselves in a different situation. That is not a political point.

Dr Jackson: As a result of the complexity of the Scottish Parliament election, which involved PR, the count in Stirling—and, I assume, elsewhere—was held in the evening and a separate count was held for the council elections the following day. We will always have two days for the two counts, whether the elections are held together or separately. Might not there be savings in preparation if the two elections are held together rather than separately? There would surely be some administrative savings.

Councillor Murray: No, because of the availability of bank staff. Bank staff have proved to be better enumerators because they are used to handling pieces of paper. They are available for an evening count, but they would not be available for a daytime count. When the counts were split for the Scottish Parliament and local government elections, it took considerably longer than normal to count the votes in the latter election, because the enumerators were inexperienced.

Catherine Coull might be able to expand on this, but I do not think that there is any evidence that there would be administrative savings. Two completely separate sets of candidates would have to be dealt with and all the different procedures would have to be followed. Twice as many staff would probably be needed to prepare for two elections as for one.

Catherine Coull: I do not have statistics to hand, but having been through a double election in 1999, I am sure that double elections take more effort and staff time than two separate elections would take. That may have been the case in 1999 partly because it was the first time that the elections had been held together. A number of new issues were being grappled with and the legislation came out extremely late in the process. We were dealing with draft legislation that was amended very late. A huge number of difficult issues needed to be dealt with.

If concurrent elections were to become the norm, some of the operations would become embedded in our procedures and we would get better and quicker, but as Councillor Murray said, there would be two sets of candidates and procedures; even swapping between the two sets of legislation is complicated. If the Electoral Commission were to tidy up the legislation, to make it the same for both sets of elections, that would help, but I do not think that, even with a change to the legislation and the experience of a few combined polls under our belt, there would be a huge saving in staff time.

The Convener: Thank you. Our consideration of the draft bill is throwing up a lot of issues to be addressed, no matter what decision the Parliament makes at the end of it all. Iain Smith pointed out that the minister said that an extraordinary council election would not be held if we had to hold an election for the Parliament. That is as clear as we can make the situation at the moment.

You are throwing up administrative problems, as is written evidence that we have received from other councils. There seems to be a need to examine the regulations for local authority and parliamentary elections and to pull them into line. I am interested in the funding as well. I do not see why you should have a deficit balance when we are asking you to do something. That issue must be addressed.

No matter what happens, there will be some changes, which I hope will be to your advantage and to the advantage of every other council that has to carry out such work. Thank you for coming to the committee. If we need to get in touch with you again, we will.

We now welcome Douglas Sinclair, the chief executive of Fife Council. We have received a written report from Fife Council, which I am sure members have read. Mr Sinclair has a few minutes to say a few words, after which I shall invite questions from members.

Douglas Sinclair (Fife Council): I shall highlight five main points. The key principle is the four-year term of office for councillors, from which

everything else flows. If we accept that principle, as the Executive has, any variation in local government elections should happen only in specific and unique circumstances. In my view, the bill needs to be drawn narrowly, not widely.

Some of us in local government accept that there was a benefit in the high turnout that resulted at the previous election. The concept of a democracy day, on which people vote for both tiers of government, is powerful. It is clear that people were fairly discerning in 1999 and could distinguish between voting for the Parliament and voting for the local council. That does not detract from the need to ensure that local government has its own mandate. People must believe that local government can make a difference in their communities—that it adds value—and that it is about local choice and local voice.

That poses challenges for local government, both in terms of its performance and in terms of its representativeness. Elections give local government the opportunity to be as representative as the Parliament. The profile of local government tends to be male and middle-aged to elderly. Women, young people, the black and ethnic minorities and the business community are generally under-represented. There is a challenge for local government to become more representative.

As I have said, the bill should be constrained. I have outlined two situations in which there is justification for simultaneous elections. It is difficult to imagine any other circumstances in which that would be justified.

There is a powerful argument that, to ensure parity of esteem if elections are held simultaneously, the local government election should be counted first, on the Thursday night, and the Scottish Parliament election should be counted on the Friday. If and when proportional representation is introduced for local government, there will be an argument for two parallel counts.

There is an interesting point that I did not include in my submission. Councils are largely—but not exclusively—dependent on bank staff, who might have difficulty getting off work during the day. It is interesting that people are guaranteed time off work to participate in the work of children's hearings, but are not guaranteed time off work to participate in an exercise in democracy. There is perhaps an issue there.

My final point, which again is not in my paper, is about the low turnout at the general election last week—57 per cent. It is difficult not to refer back to that. There is an urgent need to make it easier for people to vote. It is fair to say that, for many young people and for those who are socially excluded, going to a polling station is a bit like going to the

dentist—it is something that they just do not like to do. There is an issue about how to increase turnout.

None of the following ideas is new: extending the number of voting days; using smart-card technology; using mobile polling booths, for example in supermarkets; and allowing people to vote at any polling station. When I went round parts of Fife last week, I noticed that there was one polling station at Dalgety Bay sports and leisure centre and another not far away, called Dalgety Bay community leisure centre. The number of people who turned up at one when they should have gone to the other was concerning, but what was really concerning was that the people just said, "I'm not going to bother." We could perhaps have a bit more flexibility. That is just one example that illustrates the pressing need to consider new ways of trying to increase turnout.

The Convener: To what extent do voters distinguish between national and local issues? Do they vote along those lines?

Douglas Sinclair: No doubt John Curtice would be the expert on that—there is evidence to show that people in the 1999 election could make that distinction. People understand what the council does and what the Parliament is responsible for. We sometimes exaggerate people's difficulty in making those distinctions. Sensible people can make them.

Mr McMahon: From listening to the committee's deliberations, you will know that we are keen for there to be parity of esteem between the two tiers of government in Scotland. Does holding the elections on the same day enable people to differentiate between the two tiers? Can that be seen from the election results? Is it possible to have the elections on the same day and for people to differentiate through the system of election? Is the parity of esteem there intrinsically because of the relationship that exists, rather than because of the voting system?

Douglas Sinclair: In a sense, the argument has moved on, in that the decision has been taken that we will have the two elections on the one day. One of the lessons from 1999 was that there was not parity of esteem in the publicity that was given. The whole focus of publicity was on the Parliament election and there was virtually no publicity about the importance of voting in the local government elections or about what the issues were. It is important for COSLA, the Executive and the Parliament to ensure that, in future election campaigns, there is that parity of esteem for publicity.

Mr Harding: I am not sure whether I misheard you, but I think you said that the decision has already been made to hold the elections on the

same day.

Douglas Sinclair: My understanding is that the Executive has indicated that that is its preference.

Mr Harding: That may be its preference, but the decision has not been made yet.

The Convener: The matter has not gone to the Parliament yet.

Mr Harding: Yes—it would have to go to Parliament.

You do not come to a conclusion in your report on whether we should hold elections on the same day, nor on whether local government elections should be held on a four-year cycle.

Douglas Sinclair: I believe in, and have consistently argued for, a four-year cycle. I have never understood the argument for local government elections being held on a three-year cycle when people are appointed to quangos on a four-year cycle. There are also powerful arguments in relation to planning the council strategy and ensuring that it is delivered and then judged over a sensible time scale.

My personal preference—I stress the word personal—is in line with the McIntosh view of holding mid-term local elections between parliamentary elections. Although we want there to be parity of esteem, the Parliament is new, shiny and glossy; local government's image is not new, shiny and glossy, so people's focus perhaps will be more on the Parliament.

There is a danger that we put high electoral turnout on a pedestal and consider it to be more important than anything else. In doing that, we hide the real debate, which is about how to ensure that people think that their local council makes a difference and that they can hold their council accountable for the decisions that it takes—not the decisions that are taken in another place.

14:45

Mr Harding: So, your personal choice would be to hold the elections separately.

Douglas Sinclair: That would be my preference, yes.

Mr Harding: And on a four-year cycle.

Douglas Sinclair: Yes, but I qualify that by saying that that is not the position of Fife Council.

Mr Harding: I said that it was your personal position.

Douglas Sinclair: Yes.

Mr Harding: I understood that we were consulting Fife Council.

Douglas Sinclair: Yes.

Mr Harding: You say that what you have said is not Fife Council's position.

Douglas Sinclair: I am explaining my personal position; I am also explaining the position of the council. The council believes that, on balance, and particularly for reasons of electoral turnout, there is merit in having both elections on the one day.

Dr Jackson: I do not want to cause problems for the witnesses from Stirling Council, who are coming next, but you seem to be a wee bit at odds with what it stated. In paragraph 3 of your note, you say:

"There is no point in having two elections within one month of each other and it is right that Ministers should have the power to call a simultaneous local election."

Why does Fife Council make that statement? Stirling Council seems to think the opposite.

Douglas Sinclair: I respect the views of my former colleagues, but we can agree to differ on these things. Ministers have indicated their preference for a combined election; we are saying that, if we go down that road, there is an argument for adjusting the local government elections. I reiterate the point, which we have put strongly, that the circumstances in which that is done should be limited. If we start changing the date of local government elections on a whim, to suit whatever happens in the Parliament, it will reduce the status of local government and its separate, independent mandate.

Dr Jackson: Why do you think there are difficulties in having the Scottish Parliament and local council elections a month apart? Perhaps you can speak for Fife Council if it has discussed that point.

Douglas Sinclair: The danger in having them a month apart is simply that we run the risk of electoral apathy. People will think, "Well, I just voted a month ago." I just do not think that it would be terribly sensible.

Mr Paterson: Your arguments seem to be putting the cart before the horse. Were the Government to decide that there was to be a general election, would it be practical, rather than disturbing the local government elections, to make an order to have the general election on the same day as the local government elections?

Douglas Sinclair: That is a novel idea. Can you see the Government accepting that?

Mr Paterson: What I am really saying about your argument is this: if the two elections are combined, there is a chance that local government will be seen by electors as less relevant because of the emphasis on the Scottish parliamentary election. If it is the Government that is causing the disturbance to local government, why not have a

bill to the effect that, if a parliamentary election is to be held within the one-month period that you specify in your paper—which is fairly magnanimous—the Government waits the extra month until the local government elections?

Douglas Sinclair: I am reasonably comfortable with that proposition if the powers in question are carefully constrained. I refer back to my answer to Mr McMahon, on the parity of esteem for publicity.

It would be possible to raise the profile of local government elections by having the local government election count first, before the count for the Parliament elections. There is logic in doing that in any case, from the point of view of making best use of counting resources. The count for the local government elections could be done on the Thursday night. That would give local government a profile before the Parliament; the Parliament count could be left until the Friday.

Mr Paterson: Would there be a logistical problem if elections were held on one day? Would resources be a problem?

Douglas Sinclair: With respect, I think that we can over-egg the pudding about logistical problems in local government. Local government made the poll tax work. If we can make the poll tax work, we can run elections. I do not buy that argument.

Iain Smith: I was a bit confused by Gil Paterson's remarks. I think that the Scotland Act 1998, which is Westminster legislation, indicates when the Scottish Parliament must have its elections and that can change only in certain specific circumstances.

The Convener: The Presiding Officer is able to vary the date of the Scottish parliamentary elections by a month.

Douglas Sinclair: I was searching for that answer.

The Convener: However, Westminster can change the Scotland Act 1998. We cannot.

Mr Paterson: I am sure that your colleagues would talk to each other and come to some arrangement.

The Convener: We have a policy memorandum that suggests that combined elections would mean a saving to the council. However, in evidence to the committee, SOLACE said that few councils effected any savings in 1999. What is Fife Council's position?

Douglas Sinclair: I agree with the views of SOLACE and of the Society of Local Authority Lawyers and Administrators in Scotland. The savings issue is fairly spurious. An enormous amount of unpaid work goes on in the background of an election. We can run two elections, but a

work issue is involved. In running two different electoral systems, two sets rather than one set of problems must be dealt with. Making savings is a case not proven.

The Convener: As there are no more questions, I thank you for your evidence. I do not know whether you were at the committee earlier, but some issues will have to be addressed, whether we make a final decision or not. The final decision has not been made—that will be up to the Scottish Parliament, not the Scottish Executive.

Douglas Sinclair: Thank you.

Mr Harding: I declare an interest in the next paper. I support it and will not ask any questions as I was party to its preparation.

The Convener: Oh dear. That is interesting. I will not let you ask any questions.

Comrades, I welcome witnesses from Stirling Council. Councillor Corrie McChord is the leader of the administration and Keith Yates is the chief executive. Corrie McChord will speak for a few minutes and then take questions.

Councillor Corrie McChord (Stirling Council): Thank you, convener. It is refreshing to win one vote before I start—that is novel to me. I did not even work hard for it.

I want to speak about local democracy and the processes in Stirling Council that made us arrive at decisions in the past few years. Keith Yates, as returning officer, will deal with the more technical points and the complexities of the Scottish Parliament and local government elections in 1999.

Local democracy is important to Stirling and the Stirling area. We have adopted a community governance model since 1995. We fully discussed that in the shadow year with support from a number of academics and other sources. We adopted a community leadership model even before the processes and concepts of community planning emerged. We worked with our partners in the health board, the local enterprise companies and other organisations before the community planning process.

We tried and are still trying a dual model of representative and participative democracy. Those elements match and integrate well. We are still trying to convince some of our active citizens in the community councils that there is another side to democratic representation from the community councils: the participation of individuals and organisations that are not involved.

We also organised our committees around life themes that were important to people, such as children, care and environmental quality, rather than the service silos that were known pre-1996

and the local government approach of “We know best” that took very little account of people’s and communities’ opinions. We tried to move away from that by giving certain signals to the public.

That was important to community councils. People talk about local government and central Government, but there has always been a robust relationship between community councils and local government. Our way forward was to try to legitimise community councils much more. I think that we have achieved that by single transferable voting. We achieved community council election turnouts—or post-outs—as high as 67 per cent in some areas. That was successful. We have done that twice in the past four years. I will not say that community councils trust us, but they are working with us quite well. There was an away day for all community councils recently that was very successful. I think Sylvia Jackson was there.

We have tried to extend the principle of subsidiarity, if you like, to community councils. If we expect elements of subsidiarity to be passed down from central Government and the Scottish Parliament, we should be prepared to let go powers to community councils. That is an important part of our development of community governance in the Stirling area. On participation, there have been area forums and there is a Stirling assembly, which is now part of the Scottish Civic Forum. It met on Saturday and indeed meets regularly on issues of interest to the Stirling population.

By encouraging the public and communities to hold us accountable for the spectrum of services that we deliver, we allow citizens to take on active citizenship responsibilities themselves. That can be stressful but it has worked. The pay-off is a little along the continuum. If citizens know their rights, there will be a process whereby they begin to understand their responsibilities too, although that takes some time to dawn. That is the pay-off. There is a pay-off in Stirling in that some of the area forum community councils are beginning to see things in that way.

I mentioned the Stirling assembly, but there is also a citizens panel of 1,300 people. We use it as a sounding board for big issues in Stirling—not only those concerning local government services, but those relating to Stirling royal infirmary, for instance, and the health services shake-up, which has been important. We take upon ourselves community leadership in that way too. We have not agreed totally with the Scottish Parliament or the Executive about how we co-opt members of the public to our committees, but we are working our way through that. We would do so as a matter of course.

There was a pretty good turnout in the election last week. It was not as high as we expected, but

we are still in the top four. We were first in the 1999 elections in Scotland. One of the reasons that it was not as high was the low turnout of students. Stirling is a small town with a high student population that is not around during this period—that affected us. University fees were not on the agenda at last week’s election. That issue made students turn out at the previous election, although not to vote for my party in particular.

That is the background to our decisions on how to involve the public. Douglas Sinclair has mentioned parity of esteem, which we believe in strongly, both in a subsidiarity way to the community and from the Scottish Parliament. The concept was sent from Parliament to local government and we welcome that. We believe that the concept is working through our discussions with Parliament and the Executive and we hope that those will continue.

Douglas Sinclair also made the point that there was very little concentration of publicity on the 1999 local government election. At one point, people were told by the Scottish Office that they had two votes, although they had three votes. That has possibly been mentioned already today.

We believe that a four-year term is good for planning. The McIntosh report said that councils in the shorter term would probably get a three-year term followed by a three-year term, then a four-year term. That might have worked and we would possibly have supported that at that time. We do not believe that local government issues get across to people on the same day as Scottish Parliament elections. We do not deliver on health or economic issues in the mainstream and we require space to put our case to the Scottish public. We do not believe that having two elections at the same time needs to be as costly as the report says.

I have said enough. I will let Keith Yates lead into ideas about independence and organisation, on which he is the expert.

15:00

Keith Yates (Stirling Council): I may be carrying on a little from where Douglas Sinclair left off. That debate was about whether we could have two elections in a four-year period. On the understanding that 2003 is the year for the elections, the debate that we had at Stirling Council was very much that a gap of, say, a couple of months—not one month, Sylvia—could work, as it has worked with other elections over the years. The question is how people can engage in a debate on the particular services that are being voted on on a particular date.

One of the things in the consultation paper with which we would contend is the notion that fewer

people turn out if there are two elections on two elections on different days. Our argument would be that that is not the case. First of all, there are those who are turning out for the Scottish Parliament election—maybe 60 per cent or 65 per cent. The turnout for the local government elections might be 50 per cent. What is good about that is that people are taking conscious decisions and exercising their rights; they are not registering a vote for a particular election, be it local government or the Scottish Parliament. Our feeling is that it is good for democracy to have two elections, if more people in total turn out for those elections. They have made a specific trip rather than a ritualised “turning up for democracy day” type of decision.

I come briefly to issues about the organisation of elections, which Vicki Nash from SOLACE will be picking up in the next presentation. We tend to focus on the count, but many other things happen when we have elections on the same day. For example, few constituencies exactly match local authority boundaries. I do not know how many people are aware of the fact that, come 10 minutes past 10 on election day, we have vans traversing Scotland. Of three boxes, two will go to one count centre and one to another count centre. However, we have to open all three boxes at once and send any papers that are in the wrong box to another count. In 1999, we were phoning around to find out where the vans were that were bringing the boxes back from Alloa, which is a separate constituency.

With the Scottish Parliament's super-constituencies, there is also the amount of time that is spent with different returning officers from different parts of Scotland, working together to try to pull together the additional member system votes. It is not easy. I comment in the paper about the fact that returning officers and their staff typically start work at about 6 am on the day of an election. They may have a couple of hours off for lunch, but by 5 or 6 o'clock on the following morning they are not at their best. Also not at their best are the people who count the election results, most of whom have done a day's work, then returned at quarter to 10 and done five or six hours. That is not the time to be taking difficult decisions, especially about AMS results.

Although I would go along with Douglas Sinclair's arguments that local government elections could be counted relatively quickly on the night, there would be a real advantage in carrying out the Scottish Parliament count, including the regional list results, the next day. If that were to happen, it is far more advantageous for the results to come out at a time when the public are around—the press can take advantage of that. Few people want to get up at—or stay up until—5 am or 6 am for election results. At teatime on the

Friday the position may be altogether different. That assumes that the two elections are held on the same day. The essence of Stirling Council's argument is that, ideally, there should be a gap of a couple of months between elections.

I have two brief comments about the cost and timing of elections. Figures for 1997 and 1999 show that the Scottish Parliament election cost 135 per cent more than the general election. Although there is 2 per cent or 3 per cent inflation in that, the figures—more than twice the cost—suggest that it is not cheaper to have two elections on the same day. This is about the number of ballot boxes that have to be ordered and the number of staff that are required as counters and as presiding officers. Two councils sharing staff in polling stations in two different elections all adds cost and, more important, complication. The paraphernalia of elections is difficult enough without having to have two different groups of people working on three different ballots, with all the confusion that that causes, mainly to the people involved in it. The voters do not seem to have that much difficulty with it. So there is an issue of cost, and we believe that it is no less expensive.

On the hours of counting, last Thursday, at the general election, we had the count over and done with in two and a half hours. It took five and a half hours to get to that position at the Scottish Parliament election, then we had to return the next day and do a two-and-a-half-hour slot on the local government elections. That is pushing it a little far. There were one or two hiccups last time round, but every returning officer in Scotland knows that “There but for the grace of God go we” next time round. We have quite a complex set of arrangements. As Douglas Sinclair has said, if you can organise the poll tax, you can organise most things. We have tried to do the elections together, but it is not especially simple.

I would say, more as a chief executive than as a returning officer, that it was hugely disappointing in 1999 that all the work that the council had done in the previous three years was not discussed or examined. There was no examination of what would happen to council services in future—that is demeaning of local democracy. I would prefer to leave it to the voters to decide whether they turn out for a local government election, even if it means a lower turnout, rather than having the local government elections piggybacked on to the Scottish Parliament election. However, as Keith Harding has pointed out, that is not the final decision yet.

Iain Smith: I want to explore your suggestion of having the elections a couple of months apart. My recollection is that the 1992 general election happened in April and the elections to the district

councils, as they were then, happened a month later. The turnout for the district council elections was significantly lower than the normal pattern. It was not so much voter fatigue; I suspect that election worker fatigue had set in. The campaign was low key. We almost ended up with no campaign at all in the local elections. If that situation happened regularly, do you feel that that might happen again?

Keith Yates: You have already made the distinction there: in 1992, the general election was mid-April and the council elections were in the early part of May. There was a gap of three weeks or so. For the reasons that you are hinting at, we would argue that we need a gap of at least two months between the two.

Councillor McChord: It may have been the wrong way round as well. It might be the right way round to allow the local elections to be the hors d'œuvre of the general or Scottish Parliament elections.

Iain Smith: There is a legislative problem with that. It might require primary legislation to change the date of the Scottish Parliament elections, whereas the Scottish Parliament can change the date of the local elections. It may not be possible to do it that way round. Even if it were, is there not a danger that the local elections would become more focused on the national campaign? They would be seen by all political parties as an opportunity to score points in relation to the election that they know is coming two months down the line. You would still end up losing out on the local issues, which you say is the problem with having the elections on the same day.

Councillor McChord: That would be inevitable. Some of the issues that were discussed in last week's election—especially the euro—missed the point entirely. We cannot legislate for that, but it would give us an opportunity in local government to try to stick to the issues that we are responsible for locally.

Iain Smith: You made a strong point about the record of the local council not being taken into account in the 1999 election, but is there not significant evidence from some council areas that the electorate took account of the performance of the local councils by kicking them out?

Councillor McChord: Yes indeed, which is why we have given the Stirling view today. We have no fears of that.

Mr McMahon: To continue with that theme, we have heard evidence from academics that when local government elections were held mid-term, Westminster had an impact on them, because people were judging the national Government rather than the local councils. There was no way of getting away from that, no matter how much

profile councils tried to give to local issues. If the local government elections were held two months prior to the Scottish Parliament elections, do you believe that the press and media could use them as a dry run for the Scottish Parliament elections? The focus would be on the signals for the Scottish Parliament. Alternatively, if they were two months after the Scottish Parliament elections, they would be seen in the context of a reaction to what had happened two months previously.

No change that we make to the date of these elections will force the media or the press to focus on local government or prevent them from seeing the results as a judgment on government at a different level. Are you not saying that the electorate are not sophisticated enough to distinguish between what is happening to them at a local level and what is happening at a national level? Could that not be seen, dare I say, as patronising?

Councillor McChord: I agree. I would never take the electorate for granted. Some of the things that happened last week, such as tactical voting, proved the importance of not doing that. I do not want to get hung up on whether there is a gap of two months between the two elections. We believe that they should be separated by a decent interval. We had assumed that the decision had already been made, albeit behind closed doors.

Mr Paterson: So had we.

Councillor McChord: We wonder why we have been invited here today, given the differences we have had with COSLA over this issue. We were under the impression that the matter was cut and dried. We take the view that local government and Scottish Parliament elections should be separated by a decent interval. If that is not possible, there should be a separation of the two elections on the night and on the following day, as Keith Yates has suggested. For me an important issue is staff welfare, which was jeopardised at the 1999 elections. Some staff had to work for 36 or 38 hours without sleep. That concerns me.

Keith Yates: Mr McMahon suggested that it was patronising to say that the electorate might not be able to distinguish between the two elections. The usual time for local government elections is the beginning of May. That is a very natural break. It is when local government has just declared its budget for the next three years. Council tax bills have been sent out and the press are debating what local government is doing. As Iain Smith indicated, at local government elections there is huge variation across Scotland. That is as it should be—the diversity is there for all to see.

The beginning of May is a good time for local government elections to take place. If a Scottish Parliament election takes place two, three or four

months later, the diversity to which I have referred can feed into that. It creates what I would regard as a richer democracy than we saw in the previous general election, where the debate was much the same across the United Kingdom. Democracy is all the better for diversity. Local government elections can provide that, which might help in the Scottish Parliament elections.

I agree that most voters are more than capable of distinguishing between local elections and Scottish Parliament elections, as well as between their constituency MSP and their regional list MSPs. As a returning officer, I was able to observe the significant variation between the number of first votes and the number of second votes that parties were getting. People were making a conscious decision about how to use their votes. However, it is sad that some of the diversity of debate about what is happening in people's local areas is missing. We talk about globalisation, but localisation is hugely important for democracy.

Mr McMahon: Could that not be seen as a challenge to local government? Should local politicians not be pointing out that local government is important and that it has parity of esteem with the Scottish Parliament? Is it not a challenge to candidates in local government elections to get that message across?

Keith Yates: Yes. This could also be seen as a challenge to the Scottish Parliament to keep off the date on which local government elections have traditionally been held—at the beginning of May.

Councillor McChord: Local government and the Scottish Parliament are inextricably linked on some of the service issues, but we are not fully linked. Local government has no control over health, the economy or employment. The local government elections give us a chance to put our case in the areas for which we are responsible. However, we recognise that we are inextricably linked with the Scottish Parliament on funding and policy development and we try our best to implement Executive policies.

Mr Paterson: You will not be surprised to learn that some of us thought that it would be a waste of time taking evidence from you, in that the Government has already made up its mind on this matter. However, it is worth taking evidence, because if the plan goes ahead—as some of us think that it will, by hook or by crook—it will raise issues and local government should have a voice in that debate, which might relate to funding. We heard representatives from Angus Council talking about the lack of facilities for dealing with joint elections. We will need to address that issue, one way or another.

I will return to the issue of the independence of local democracy. Would joint elections have an

impact on public perception? In some areas, it is difficult to find candidates to stand for local government, so it may be even more important to ensure that the public do not think that local democracy and its independence have been eroded. Should we try to counterbalance that feeling?

15:15

Councillor McChord: That is an interesting question. In the Stirling assembly, we discussed—the then Deputy Minister for Local Government was there—whether local government should be depoliticised and whether more young people should be involved. The spectrum of people who are involved and the gender balance in local government are other problems. However, finding candidates to stand is not a problem in Stirling. We have four candidates for most wards and the council has a fair gender balance, although we do not have many young people—only one—which is a problem.

I do not think that the Stirling assembly produced any easy solutions for encouraging people to stand for local government or for the Scottish Parliament. We continue to look for solutions. Through our participative democracy process, we encourage people to think politically and strategically about the big issues that matter to their area. The Stirling assembly has had such debates. It makes a long-time local politician such as me shudder a wee bit when members of the assembly say, "Should we put someone up from the Stirling assembly against all the politicians?" We have reached no conclusions. Sections of the public have a dearth of democratic representation.

Mr Paterson: As we heard, control over major changes to electoral laws lies somewhere else. We are supposed to be in a united kingdom and we are all supposed to be pals. Would something as radical as separate party political broadcasts for local government show the public that local government delivers an important service?

Councillor McChord: That would be acceptable. Telling people at the next combined elections that they have three votes would be helpful too. If the elections are all held on one day, any support that we can obtain to highlight the profile of local government would help us to put our case across.

The Convener: Before Gil Paterson gets carried away, I remind him that broadcasting is a reserved matter.

Mr Paterson: I prefaced my comments by mentioning reserved matters.

The Convener: The reason why Stirling Council is represented here is that the McIntosh report

recommended separate elections. McIntosh also recommended that we should at least consider proportional representation in local government. I will stick to what we are discussing today, but you might want to say what impact you think proportional representation will have on voters' understanding of the issues and on the practicalities of counting votes in combined elections. I guess that you will say that PR would make the situation worse.

Councillor McChord: I would say that. I come from a strange situation. I was in the process of writing a minority report on PR in Stirling. We support first past the post. I had a view about that and so did one other person. The additional member system is complicated, but I do not suppose that changing the system is on the agenda for the near future.

Keith Yates: We examined Kerley and considered the implications of implementing a form of proportional representation. PR would make a difference to the balance of the council and would probably increase opportunities for some parties in some areas.

It is evident that turnout varies hugely between local government wards. Typically, the highest turnout in Stirling is in two or three wards where there have been close fights between the Conservatives and Labour. Turnouts of 72 to 74 per cent are achieved. In areas that staunchly support one party, which is typically Labour rather than the Conservatives, turnout can drop to between 40 and 45 per cent.

The electorate decide where their votes matter. They do not do that as much in a proportional representation system, because all votes matter in such systems, such as the additional member system that is used for the Scottish Parliament. That debate is in the political domain. The system could make a difference to turnout. If voters are wise enough to realise that their vote matters more in one place than in another, I presume that they would take into account how proportional representation would affect the balance of the vote.

John Curtice recommended bringing together three or five wards as the basis of voting in a local government election. We conducted an examination and thought that the number ought to be smaller, because the key link is that between the local councillor and the ward, so that people identify, recognise and become engaged in the debate. The only thing that could change that in the future would be a move to electronic governance that meant that we became more efficient at dealing with the customer and the citizen's needs. That would mean that the role of the councillor involved taking strategic decisions far more, but that is a separate debate.

Councillor McChord: I qualify my opinion on AMS and closed lists. I believe that open lists are much more democratic and helpful to the population, because people know who they are voting for.

The Convener: I asked about the practical issues for the count of using a proportional representation system. Will Keith Yates talk about that?

Keith Yates: On election day, we had to deal with having three boxes, with papers going in the wrong boxes and with everything that accompanied that. The system could be organised, but inevitably boxes were switched.

The situation was confusing for presiding officers and polling clerks. We conducted a good training programme, but there was a sense of relief at the end of election day in 1999. Many said that they would never again do such elections. They were happy to do the local government election and the general election, but the situation was too confusing in 1999. Many presiding officers have done the job for many years, but they found what happened in 1999 a step too far. We employed several younger people last week for the general election and I have no doubt that they will come through.

The count was a logistical exercise. Unlike Angus Council, we had a hall that was big enough to take 300 ballot boxes for one constituency. The key element was creating a chessboard at the beginning of the evening whereby every box was put in its own square and kept there until the appropriate time. That meant that we lost no boxes and that no difficulties occurred as the evening passed. All that we needed was half a dozen extra people to lug boxes up and down during the evening—two or three of our other staff also helped with that.

The biggest difficulty was that, by the time a group of enumerators had completed a count, they had to put those votes down and start again. At 2.30 am, for example, we may have just finished one count and announced Sylvia Jackson as the MSP, but now we must start over. There is a sense of down-heartedness. Some felt that that was not the appropriate time at which to continue the count. To try to keep people going, we stopped, sent them out, gave them a bacon roll and a drink. Many colleagues found it extremely difficult to keep people going through the process in the early hours of the morning. I argue that it is not clever to do the count for the list member on the evening of an election for the Scottish Parliament. Whether or not that count takes place on the same day as the local government count is a different issue.

It was surprising that, when we turned up on the

day after the election to count the local government results, that was a comparative doddle. The count was over quickly. There was excitement about it, because 84 candidates were waiting for 22 results. That buzz was there for the early part of the Scottish Parliament count, but disappeared later. Such a sense of excitement almost lifts the enumerators, gives them a sense of urgency and keeps concentration going in a way that sometimes does not happen if the affair is drawn out.

The Convener: As I said, the issue is part of the McIntosh recommendations. One aim of McIntosh was to strengthen community councils. I am always interested in what Stirling Council has to say about that, because it has some good ideas on the issue, as can be seen in the turnout for its elections. Perhaps we will leave you to produce ideas on how to encourage people to turn out for local government elections, as you can do that with community councils. A 75 per cent turnout across the board would be good.

Like other councils, you have raised some practical issues on the timing of elections that—no matter what happens—will be addressed in the scrutiny of the bill. I stress that the Parliament will decide the matter, even though Gil Paterson and Keith Harding believe that it has been decided already. Discussing such issues is a good exercise, if nothing else, and, if we as legislators can change the situation to your benefit, we will do so. Thank you very much for attending the meeting.

Councillor McChord: We welcome the opportunity.

The Convener: Our next witness is Dr Vicki Nash, who represents the Society of Local Authority Chief Executives and Senior Managers. She is the chief executive of East Dunbartonshire Council and wrote the paper, which I am sure all members have read.

I invite Dr Nash to make some introductory remarks and then I will open up the discussion to questions.

Dr Vicki Nash (Society of Local Authority Chief Executives and Senior Managers): On behalf of SOLACE (Scotland), I welcome the opportunity to talk to the committee.

Although all chief executives in Scotland are members of SOLACE, not all SOLACE members are returning officers. Indeed, not all returning officers in Scotland are members of SOLACE, but I believe that the society's membership covers 90 or 95 per cent of them.

The paper before the committee is similar to the COSLA submission because, of necessity, the contributions to the COSLA submission were

made on behalf of councils by chief executives, who are SOLACE members. In paragraphs 6 and 7, I preface the paper—which was put together largely by Andy O'Neill—with a short statement about the position of the returning officer. It is important to note that, in exercising his or her duties, the returning officer is accountable to the courts, not the council.

There are two major aspects to the issue, the first of which is combined elections with a combined poll. As Keith Yates, Douglas Sinclair from Fife Council and representatives of Angus Council have demonstrated, SOLACE members' views on the relative merits of combined elections diverge. We must also address simultaneous counts. Of course, a combined poll does not necessarily imply a combined count.

In 1999, all councils and chief executives experienced the combined Scottish Parliament and local government elections. I should point out that I was not in local government then, so I do not have the benefit of that experience, but I have had 11 years' experience—from 1985 to 1996—of elections in Fife and last Thursday and Friday I experienced combined elections when the general election was held at the same time as the Scottish parliamentary by-election in Strathkelvin and Bearsden. A by-election was held in Aberdeenshire at the same time and I have spoken to the returning officer/chief executive of Aberdeenshire to find out his views about last week's events.

Sir Neil McIntosh visited us in Strathkelvin and Bearsden last week in his capacity as one of the six electoral commissioners to find out how we were conducting the combined elections. I have to say that if I can survive last week's combined election, I can survive anything. The process was probably far more complicated than it was in 1999 because we had to have two completely separate elections with separate presiding officers, polling clerks, boxes and counts and very distinct legislation. In many ways, it was the essence of how not to have a combined election and we can probably learn a lot from the process.

The SOLACE paper highlights some of the issues that were raised last week. If we are to have combined elections, the process should be simplified as much as possible for the benefit of the staff, the candidates and, in particular, the public. User-friendliness was mentioned earlier; that should be the watchword. Two further issues that should be considered are the alignment of the law and the design of the ballot paper.

At the combined polls last week, I found differences in the style of nomination papers and in the dates for submission of papers and for receipt of nominations for polling and counting agents. That is confusing for the electorate, staff

and candidates. We also found differences between the rates of pay for POs and PCs in the general election and in the Scottish Parliament by-election. I understand that in the 1999 combined elections there was one PO and one PC, so the problem of different rates of pay did not arise. I can assure the committee that it was a great problem last week. A number of people walked out of briefing sessions because they suddenly realised that they would not be paid as much as their counterparts working in the general election.

Another problem last week was the capacity of some of the polling stations. There was simply not enough room for all the boxes that were needed for the two separate election processes.

15:30

We need to be careful about the choice of ballot paper colours. In the 1999 combined elections, that was not such an issue, because there was a very large ballot paper for the list candidates and smaller papers for the constituency candidates and the local government elections. However, the issue must be addressed, because the situation last week was very confusing for the staff and voters.

Another question that was raised last week is whether there is enough room for both counts, which was more of an issue in Aberdeenshire than it was in Strathkelvin and Bearsden. I tried to make the arrangements in Strathkelvin and Bearsden as identical as possible to those for the Aberdeenshire by-election, because if we did something different from another constituency, we could be criticised if the performance in the other constituency was better than ours. As other witnesses have mentioned, the problem in Aberdeenshire was that the room was not big enough for a combined count. I offered to do a combined count on the Friday, but that did not go down terribly well. I had a problem getting staff to do both counts and there was some overlap between my counting staff on Thursday night and my counting staff on Friday. I simply could not get the staff, which was also a problem in relation to POs and PCs. June is probably a difficult month; there were many call-offs at a late stage and many people who were completely new to the process were brought in to act as POs, which is quite a responsible position.

With separate counts, there is an issue about who is allowed into each count, especially if there is going to be a rummage. I conducted a rummage on both boxes on the Thursday night, looking for papers for the other counts. We expected the Scottish Parliament candidates—for whom the Friday count was conducted—also to be there on the Thursday night. There was a capacity problem at the Aberdeenshire by-election, because the

room simply was not big enough to allow in all the people who might have expected to be there. In the end, Aberdeenshire Council relied on the Westminster candidates and counting agents to oversee the rummage process for their Scottish Parliament counterparts. We should bear it in mind that rummages slow counts; indeed, we should address the issue of the time taken for counts, especially if proportional representation is to be introduced in the future.

Finally, I want to mention postal votes. Of all the issues raised by last week's combined arrangements in Strathkelvin and Bearsden and in Aberdeenshire, the number and handling of postal votes gave us the worst nightmares and was the worst part of the process, particularly because there was a push towards postal voting this year. We may require to separate the general election process from the Scottish Parliament election process. We issued twice the usual number of postal votes, as did Aberdeenshire Council, and had to issue a ballot paper, return envelope and declaration of identity for each election. On the day of the election, we spent about three hours playing what I can only describe as a game of pelmanism, in which we tried to match ballot papers and declarations of identity just to ensure that we could legitimately count the vote. I understand that that problem did not exist in the 1999 elections, because all the ballot papers were sent back in one envelope. That is a lesson for the future: we should keep things simple, because matching everything up was a problem last week.

That is all that I want to say. I am happy to take questions on the paper. Please forgive me for taking the opportunity to relate my recent experience of a combined election and to highlight some lessons that might be learned from the process.

The Convener: I asked Angus Council about a point that you pick up on in point 18 of your submission. You say:

"There is a view held by many Returning Officers that Councils are effectively subsidising national elections through the use of their accommodation facilities, senior staff time etc."

Do you have any information on the cost of that?

Dr Nash: I do not have any information to hand, but I could find out for you. The paper contains some information on Aberdeenshire and some figures were mentioned in relation to Stirling.

The Convener: It would be helpful if you could provide the information.

Mr Harding: Thank you for your paper, which was helpful. As I understand it, SOLACE represents the majority of returning officers. I realise that there will be a divergence of opinion, but can you give us an indication of the

percentage of returning officers who support four-year cycles and holding elections on the same day?

Dr Nash: I suspect that the majority support the four-year cycle. I do not think that people's views on that would diverge much.

Mr Harding: What percentage support combined elections?

Dr Nash: Recent discussions at a SOLACE executive suggest that the majority support combined elections.

Mr Harding: Despite all the difficulties that you emphasise in your paper?

Dr Nash: Yes.

Mr Harding: Have you had a meeting with the Scotland Office on various issues relating to the elections?

Dr Nash: A meeting has been arranged for next Monday. We are also having a meeting with the Electoral Commission.

Iain Smith: One issue that comes out of the SOLACE submission and other evidence is that there is a problem with the various pieces of election legislation being out of alignment. There may also be a problem with different returning officers interpreting legislation differently in different parts of the country. Would you welcome the opportunity to set up a group to examine the issue, to align all the rules and to agree among returning officers how to interpret the rules?

Dr Nash: Absolutely. The legislation needs to be brought into line. I take your point about the different interpretations of the legislation. There is also a difference in returning officers' practices. That has nothing to do with legislation, but it can sometimes cause difficulties. For example, I know that City of Edinburgh Council gives its staff a day off on the day after a count. My council does not do that, which can cause difficulties. There is an issue about harmonising practice among returning officers.

Iain Smith: One of the issues that has been raised is that the stationery for elections is not available until the election is called, even when we know months ahead that it will be called. That has been a problem for candidates who want to get hold of nomination papers—they cannot get them until the notice of poll has been issued, despite the fact that everyone has known for months that the election is imminent. Would you like the rules to be relaxed? Angus Council made the point that the process should be aimed at making it easier for the electors.

Dr Nash: Yes, I agree. I see no reason why the stationery should not be available ahead of the election being called. As I understand it, some

councils make their own stationery and do not rely on Her Majesty's Stationery Office. Fife Council is one such council. In East Dunbartonshire we relied on HMSO and we were hugely disadvantaged by that. There were complaints—rightly—from election agents, because there was such a short time between collection and submission. The delay was unacceptable.

Dr Sylvia Jackson: You said you had a feeling that the returning officers would favour the same day for elections to the Scottish Parliament and to councils. If there are quite a lot of administrative problems—some general and others more specific—what is the perceived advantage in that?

Dr Nash: It would be in the voters' favour—they would have to turn out only once. I take the point about people being confused about what they are voting for, but that puts the onus back on the councils to educate the public more about what the council is about, why it is worth voting for and what its policies and practices are. From my point of view, a same-day election would make it easier for the voter.

There might be other ways of voting that could readily overcome some of the problems—perhaps using digital versatile discs or voting kiosks in supermarkets. The emphasis must be on ease for the voter. That should govern the committee's thinking on the matter.

Mr Harding: You say that you have a feeling that the majority of returning officers support combined elections, but three returning officers have given evidence to us today and all of them are against them.

Dr Nash: I take that point. I am not sure whether you have canvassed the opinions of all returning officers. My comment was based on discussions at a recent SOLACE executive. The balance of opinion around the table was in favour of combined versus distinct elections. Perhaps you should ask all returning officers the question directly.

Mr Paterson: Did I pick you up right—your paper was written in the light of the COSLA paper?

Dr Nash: Yes.

Mr Paterson: The COSLA paper states:

"COSLA recognises the policy decision of Ministers and that we must move forward on that basis."

Does SOLACE take the same approach? Does SOLACE think, as I do, that this is a fait accompli and that the draft bill sets out what will happen? Perhaps SOLACE could put a different point of view.

Dr Nash: I do not believe that we started from that point of view. The reason that the SOLACE

paper is similar to the COSLA paper is that the majority of chief executives had already contributed to the COSLA paper. When we were putting together our paper we had a look at the COSLA paper, took some of it on board and made some changes to reflect our point of view. We did not start from the view that the bill was a fait accompli.

Mr Paterson: Did not SOLACE come to the same conclusion that most other people—apart from one or two members of the Local Government Committee—have come to, which is that ministers have already made up their mind?

Dr Nash: That view was not discussed at the SOLACE executive.

Mr McMahon: Your submission talks about training. Could you expand on that? Who would be trained, who would do the training and what costs would be involved?

Dr Nash: I am at a slight disadvantage because I was not around in 1999, but I understand that a comprehensive series of training sessions, which was funded centrally, took place for all the staff involved. Last week, some of the POs and PCs that we brought in for training were grumbling that they had been paid for it the last time round. There was a perceived inequity between how they were treated in 1999 and how they were treated this time.

If we are to have combined elections, it will be important to consider the slight differences and the detail to be covered in training. For example, last week a problem arose because a voter was designated with a “K” on the electoral register, which meant that they were entitled to vote in the Scottish Parliament election but not in the Westminster election, and we had not covered that in a briefing session. Returning officers and returning officer staff can carry out training fairly effectively. They have a wealth of knowledge. Funding to encourage people to come forward for training is always welcome.

The Convener: Your submission states that few councils effected any savings in the administration of the combined 1999 elections. To what extent would councils make savings if the local government elections were held as combined elections every four years instead of every three years?

Dr Nash: Over 12 years there would be three lots of elections rather than four, so that would be a saving. There is an element of subsidy. Several things that we did last week were not paid for centrally. The provision of refreshments has been highlighted. That cost is picked up by the councils. There are other aspects, such as releasing staff from their normal duties for the day. Those subsidies are not particularly well quantified in the

majority of cases, but there is a strong sense that an element of cost is involved.

The Convener: That is becoming clear. You mentioned the administration confusion. The different rates of pay is an issue that we must address. The colours of ballot papers were not distinctive at the election last week and perhaps that is something that we should consider. I was interested in your comments on postal votes because part of what we are trying to do is encourage people to vote by making it easier to use a postal vote. It is interesting to hear about the difficulties that arose because of combining Scottish Parliament and Westminster elections in the same constituency. Again, we have to consider all the effects when we try to make something easier. There are other things that we must consider.

As I have said before, ministers can make up their minds, but Parliament will decide. If I say that at every meeting, perhaps people will hold it in their heads. There have been examples of policy changing; perhaps it will change in this case.

Thank you for coming to give evidence to the committee.

15:45

Meeting continued in public until 15:48.

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