

LOCAL GOVERNMENT COMMITTEE

Tuesday 4 December 2001
(*Afternoon*)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 4 December 2001

	Col.
ITEM IN PRIVATE.....	2455
SCOTTISH LOCAL GOVERNMENT (ELECTIONS) BILL: STAGE 2	2456

LOCAL GOVERNMENT COMMITTEE

32nd Meeting 2001, Session 1

CONVENER

*Trish Godman (West Renfrewshire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

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

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

*Tricia Marwick (Mid Scotland and Fife) (SNP)

Iain Smith (North-East Fife) (LD)

*Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Peter Peacock (Deputy Minister for Finance and Public Services)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Neil Stewart

LOCATION

Committee Room 3

Scottish Parliament

Local Government Committee

Tuesday 4 December 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:00*]

Item in Private

The Convener (Trish Godman): Good afternoon, comrades. Under agenda item 3, we will be considering the merits, or otherwise, of candidates for the post of adviser on the forthcoming local government bill. So that we may be as frank as possible, I ask members to accept that we take item 3 in private.

Members *indicated agreement.*

Scottish Local Government (Elections) Bill: Stage 2

The Convener: Our main business today is stage 2 of the Scottish Local Government (Elections) Bill. If Peter Peacock and his officials will bear with me for a couple of minutes, I would like to run through the procedure for stage 2.

Members, you should have before you: a copy of the bill; the marshalled list of amendments that was published this morning; and a list of groupings of those amendments. Please check that you have those papers. If you do not have them, Neil Stewart will be able to help you out.

The amendments have been grouped to facilitate debate. The order in which they are called and moved is dictated by the marshalled list. Members will have to get used to working between the two papers—the paper showing the groupings and the marshalled list. All amendments will be called in turn from the marshalled list. We will take them in that order. We cannot move backwards—we have to move forwards, as we are keen to say in the Scottish Parliament.

There will be one debate on each group of amendments. You can speak to your amendment if it is in that group, but there will be only one debate on the group. I will call the proposer of the first amendment in the group, who should speak to and move the amendment. I will then call others who wish to speak, including the proposers of all amendments in the group. Please note that you should not actually move the other amendments at that stage—and if you are following this, you are brighter than I thought you were. It gets confusing when I read it out, but it will get easier as we go through it. I will call members to move their amendments at the appropriate time. If other members wish to speak, they should indicate in the usual manner. I will take a note of your name and call you at the appropriate time.

Following the debate, I will clarify whether the member who moved the amendment still wishes to press it to a decision. If not, he or she may seek the agreement of the committee to withdraw it. Members must remember that if, after discussion, you decide not to move your amendment, we have to get the agreement of the committee to withdraw it. If it is not withdrawn, I will put the question on the first amendment in the group. If any member disagrees, we will proceed to a division by a show of hands. Keep your hands up until I have checked that the clerks have fully recorded the vote.

There are no other members of the Scottish Parliament here today. If there had been, they would not have been allowed to vote, but they would have been allowed to take part in the

proceedings.

If any member does not want to move their amendment, they should simply say “Not moved” when the amendment is called—and not after we have got into a discussion. After we have debated the amendments, the committee must decide whether to agree to each section or schedule as a whole. Again, that will become clear as we go along. If members wish, I would be happy to allow a short debate before I put the question on any section or schedule. On the other hand, members may feel that they have had enough debate and wish to proceed. I will leave that up to you.

Members should be aware that the only way in which it is permitted to oppose agreement to a section is by lodging an amendment to leave out the section. Therefore, if members want to delete an entire section, they must have lodged an amendment that says just that. A section cannot be opposed if such an amendment has not been lodged. If any member wants to oppose the question that a section or schedule be agreed to, he or she has the option to propose what is called a manuscript amendment. If that happens, it will be my decision whether to allow that amendment to be taken. So far, no amendments to delete a section have been lodged.

Now that that is clear, let us move to the business. From the Scottish Executive, I welcome Peter Peacock, who is the Deputy Minister for Finance and Public Services; Leslie Evans, who is head of the local government constitution and governance division; Sarah Morrell, who is head of branch 1 in the local government constitution and governance division; Murray Sinclair, who is a divisional solicitor in the finance and central services department; and Andy Beattie, who is the parliamentary counsel. You have been here before so you know the drill.

This afternoon, we will be considering sections 1 to 6 of the bill and the long title. On the marshalled list, members will see that there are no amendments to sections 1 and 2. I will ask members to agree to those sections, and I remind them that a nod is difficult to record.

Sections 1 and 2 agreed to.

After section 2

The Convener: Amendment 1, in the name of the minister, is grouped with amendment 7.

The Deputy Minister for Finance and Public Services (Peter Peacock): Amendment 1 has been lodged as a result of a point raised by Iain Smith during stage 1 scrutiny of the bill by this committee. I agreed at that time to introduce an amendment to address Mr Smith’s point and points that other members had raised.

Amendment 1 relates to the bill’s effect on the procedures to be followed when a vacancy occurs within six months of the date on which the next ordinary local election would have been held but for this bill—that is, between now and next May. Under the law as it stands at present, there would be no by-election to fill such a vacancy. If we left the bill as currently drafted, it would not be altogether clear, when the bill came into force, what should happen in the case of such a vacancy. Amendment 1 removes uncertainty by providing that such a vacancy should be filled within three months of the date on which the bill’s provisions come into force.

Amendment 7 is purely technical. At present, the long title of the bill indicates, among other things, that the bill provides for the synchronisation of polls. Amendment 7 reflects the fact that the bill will now make additional consequential amendments to the Local Government (Scotland) Act 1973. With amendment 7, the bill will not only “provide for” synchronisation but “make provision as respects” synchronisation.

I move amendment 1.

Amendment 1 agreed to.

Section 3—Revision of provisions relating to timing of elections

The Convener: Amendment 2, in the name of the minister, is grouped with amendments 3 and 4.

Peter Peacock: Amendment 2 makes a small technical change to reflect the fact that, under the provisions of the bill, the due date of an ordinary election may not be the first Thursday in May. Amendments 3 and 4 introduce consequential drafting changes.

I move amendment 2.

Amendment 2 agreed to.

Amendments 3 and 4 moved—[Peter Peacock]—and agreed to.

Section 3, as amended, agreed to.

Section 4—Pilot schemes for local elections

The Convener: Amendment 5 is grouped with amendment 6.

Mr Keith Harding (Mid Scotland and Fife) (Con): I lodged amendments 5 and 6 because I asked questions in Parliament earlier this year about voting facilities for the disabled in polling stations. I asked about access, moveable voting tables and other matters. The Executive said that it did not hold the requested information centrally, so I surveyed all returning officers through councils and the results were disappointing to say the least. The amendments are intended to

improve the accessibility of voting for disabled people.

I move amendment 5.

Tricia Marwick (Mid Scotland and Fife) (SNP): I support Keith Harding's amendments 5 and 6. Any of us who has been involved in elections over the years has recognised that improvements have been made, but are patchy. People with disabilities are in the hands of the returning officer and the local council, which can make arrangements for them. The bill provides an opportunity to require local authorities at least to consider people with disabilities.

Capability Scotland has undertaken research that shows that many disabled people are denied access because of the lack of facilities in polling stations and the entrances to polling places. If, as ministers have asserted from day one, their aim with the bill is to increase turnout by linking local government elections to Scottish Parliament elections, we must consider people who are prevented from casting their votes at polling stations—folk with disabilities. If we want to address low turnout and the needs of people with disabilities, the bill provides an opportunity to do so.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I have a question for the minister about how equal opportunities can be involved in the pilot schemes.

The Convener: The minister does not answer questions at this stage. Could you make your question into a wide comment?

Mr McMahon: I need clarification on the consequences of agreeing to amendments 5 and 6. I spoke at the Equal Opportunities Committee about the bill, because I thought that it provided an opportunity to extend accessibility not only for disabled people, but for women and people from ethnic minorities. Are the amendments too specific? They would restrict pilot schemes to people with disabilities and they mention wheelchair users. The amendments are well-intentioned, but are they too specific to allow pilot schemes to be developed to improve accessibility?

I discussed the bill in the Equal Opportunities Committee and, subsequently, that committee's convener wrote to this committee to ask for those issues to be addressed. I know that Keith Harding wants those issues to be addressed, but will the amendments restrict accessibility in a range of equal opportunities situations? That is my only concern about the amendments. I would like clarification.

The Convener: I remind members that the minister is not here to answer questions.

Dr Sylvia Jackson (Stirling) (Lab): My point is similar to Michael McMahon's. He addressed the main point in the letter from Kate MacLean of the Equal Opportunities Committee. She said:

"The Committee did discuss the encouraging response, in respect of disability training and awareness, given by the Deputy Minister at the Local Government Committee on 23 October ... However, this perhaps does not go far enough in terms of addressing whether pilots increase voter turnout for specific sub-groups, rather than overall numbers."

That letter takes a wider interpretation than the amendments may.

Ms Sandra White (Glasgow) (SNP): As able-bodied people, we do not realise the difficulties that people with disabilities have. I am sure that all of us who have been to polling stations can see that some polling stations are not suitable for everyone, particularly those who use wheelchairs. Those people often cannot enter a polling station, and half the time they cannot reach the level at which voting papers are deposited. I congratulate Keith Harding on lodging the amendments. We should not only increase the number of people who vote, but give people the opportunity to vote. I happily support Keith's amendments.

14:15

Peter Peacock: I recognise the concerns that have been expressed and I will try to pick up on members' comments. The concerns that lie behind the amendments relate to issues of access and facilities for voters with disabilities that Capability Scotland has discussed with committee members and the Executive. Members of all political parties have raised those issues with me in recent weeks. The Executive and I are sympathetic to the concerns and expect those who are responsible for administering elections to fulfil their duties under present legislation, as we are required to ensure. We will welcome any proposals for such pilots and any pilots that tackle equality issues for voters.

At the committee's meeting on 23 October, I mentioned that officials had met representatives from Capability Scotland and the Disability Rights Commission and discussed how several issues that relate to facilitating voting for those with disabilities might be developed. Those matters are being progressed by statutory instrument and other methods.

I am grateful to Keith Harding for lodging amendments 5 and 6, because they prompted us to check again section 4 of the bill, which deals with pilot schemes. Our intention is to ensure that the criteria are broad enough to let local authorities produce schemes that will tackle innovative and wide-ranging issues, not only of the sort that Keith Harding raised but of the sort that Michael McMahon, Sylvia Jackson and Sandra

White raised.

In the light of that, and for the avoidance of doubt in the bill, we will aim to lodge an amendment at stage 3 that meets the terms of Mr Harding's amendments and does not inadvertently—and consequently artificially—constrain what ministers can approve. I hope that that picks up the point to which Michael McMahon drew attention.

As we will ensure that those wider provisions allow local authorities to address the issues that Keith Harding's amendments raised, I invite Keith Harding to withdraw amendment 5 and not to move amendment 6. If we cannot lodge such an amendment—although I see no reason for that at this stage—I undertake to notify him of that fact, so that he can lodge his amendments again at stage 3, if that is appropriate.

Mr Harding: I thank the minister and I appreciate his comments and his reassurance that he will address the issue. If he does not, he can rest assured that I will lodge similar amendments at stage 3. It is regrettable that Michael McMahon was aware of all those issues and did not lodge any amendments that would address his concerns. In the circumstances, I will withdraw amendment 5.

The Convener: I ask the committee whether it agrees that Keith Harding may withdraw amendment 5 and remind members that nodding cannot be recorded.

Amendment 5, by agreement, withdrawn.

Amendment 6 not moved.

Section 4 agreed to.

Sections 5 and 6 agreed to.

Long title

Amendment 7 moved—[Peter Peacock]—and agreed to.

Long title, as amended, agreed to.

The Convener: That was agreed with not much enthusiasm.

That ends stage 2 consideration of the bill. I thank the minister and his officials for attending.

14:19

Meeting continued in private until 14:35.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 12 December 2001

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers