

LOCAL GOVERNMENT COMMITTEE

Tuesday 19 November 2002
(*Afternoon*)

Session 1

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LOCAL GOVERNMENT COMMITTEE

29th Meeting 2002, Session 1

CONVENER

*Trish Godman (West Renfrewshire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

Mr Duncan Hamilton (Highlands and Islands) (SNP)

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

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

*Elaine Thomson (Aberdeen North) (Lab)

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Angus MacKay (Edinburgh South) (Lab)

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

John Young (West of Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Bruce Crawford (Mid Scotland and Fife) (SNP)

Peter Peacock (Deputy Minister for Finance and Public Services)

WITNESSES

Councillor Andrew Burns (Fairshare)

David Hume (Scottish Borders Council)

Stewart Maxwell (Fairshare)

Councillor George Purcell (Convention of Scottish Local Authorities)

Amy Rodger (Fairshare)

Councillor John Ross Scott (Scottish Borders Council)

Willie Sullivan (Fairshare)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Ruth Cooper

ASSISTANT CLERK

Neil Stewart

LOCATION

The Hub

Scottish Parliament

Local Government Committee

Tuesday 19 November 2002

(Afternoon)

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

Items in Private

The Convener (Trish Godman): I welcome Bruce Crawford to the committee for the first time. I am sure that you will enjoy the meeting. I just hope that I am still able to see you by the end of it, because the lighting in this room is really pretty awful.

I ask members to agree to take items 5 and 7 in private. We will be considering the committee's conclusions and the drafting of a committee report.

Ms Sandra White (Glasgow) (SNP): For the sake of continuity, could we perhaps take items 5 and 7 together and move item 6 up the agenda?

The Convener: There is a reason for the order of items on the agenda. The adviser is coming in for items 4 and 5, and that is the only time that she can come. As you know, the committee does not normally do that, but the timing does not allow us to put both private items together today.

Do members agree to take items 5 and 7 in private?

Members indicated agreement.

Subordinate Legislation

Scottish Local Government Elections Rules 2002 (SSI 2002/457)

The Convener: We have two negative instruments to consider, the first of which is the Scottish Local Government Elections Rules 2002. The instrument was sent to committee members earlier and we have not received any comments on it. The Subordinate Legislation Committee drew the attention of the lead committee to the instrument on the grounds of four minor drafting defects. In reply to the Subordinate Legislation Committee, the Executive acknowledged the drafting errors and said that it will undertake to issue an amending order in due course. No motions to annul have been lodged, so no other action can be taken on the instrument. I take it that no member has any comment at this stage. Do members agree that the committee has no recommendation to make on the instrument?

Members indicated agreement.

Scottish Public Services Ombudsman Act 2002 (Transitory and Transitional Provisions) Order 2002 (SSI 2002/469)

The Convener: The second instrument was also sent out some time ago. In this instance, the Subordinate Legislation Committee did not consider that the lead committee's attention needed to be drawn to the instrument. Again, no motion to annul has been lodged. Do members agree that the committee has no recommendation to make on the instrument?

Members indicated agreement.

Local Government in Scotland Bill: Stage 2

The Convener: Our next item is the Local Government in Scotland Bill. This is the third day of our consideration of the bill at stage 2. I welcome Peter Peacock, who is the Deputy Minister for Finance and Public Services, and his officials.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order, convener. We have before us a number of Executive amendments, some of which are lengthy, detailed and complicated. They were not flagged up to us at stage 1—indeed, no evidence was taken on them. I am concerned that the committee is being asked to consider such amendments at this stage. I wonder whether the committee should ask for the amendments that deal with the waste management plan and the rating system to be subject to consultation before we consider them.

The Convener: You made your point of order just as I was about to say that I am not at all happy about the fact that we are faced with a considerable number of large and complex amendments. The timing has meant that we have not had the chance to scrutinise them. However, I would not want us to consult on the amendments or to subject them to further scrutiny, because that would mean that we would not finish our consideration of them today. As we have a timetable to meet, it would be better for us to continue. I put it on record that I am not happy that the committee is being asked to consider substantial amendments without having had much time to scrutinise them. I hope that the minister and the Executive will listen to my comments and that the Parliamentary Bureau will examine the timetabling of such matters. Other members of the committee are welcome to add to my remarks.

Ms White: I have similar concerns. Committees are always asked to undertake full consultation. In this instance, the committee is faced with huge amendments. The bills that the Parliament is dealing with are ill thought out and are being pushed through far too quickly. Beyond the lack of time to take evidence, there is not enough time to scrutinise what is coming through. I am unhappy about the lodging of the Executive's amendments.

Mr Keith Harding (Mid Scotland and Fife) (Con): I share the committee's concerns, even though I am slightly sympathetic towards the amendments. The amendments are substantial and we have not had time to scrutinise them. Evidence should be taken on them at stage 2.

Iain Smith (North-East Fife) (LD): I will not comment on Sandra White's comments about ill-

thought-out legislation, given some of the business that the committee will deal with over the next few months. Although I share the concerns that have been expressed about the number of amendments, it is not true to say that none of them was flagged up. For example, the committee is aware that proposals on changes to the rating system arose from previous consultation. We need the minister's assurance that, in the light of any comments that the committee might make at this stage, he will give reasonable consideration to amendments at stage 3, when people will have had a chance to consult further. I understand the convener's point that the timetable of business that the committee must get through before the end of the parliamentary session makes it impossible for us to have full consultation on the Executive's amendments.

Tricia Marwick: I would like to move that we ask the minister to withdraw the amendments, to allow time for consultation to take place.

The Convener: You should wait until we reach the appropriate part of the agenda before taking any such action. I intend to proceed with business. You can speak to the amendments as they arise.

Tricia Marwick: In that case, may I move that the committee takes a decision that we do not consider the amendments until adequate consultation has taken place?

The Convener: I have made a ruling that I intend to continue with stage 2 consideration, so you are asking the committee to make a decision on its confidence in the chair. It is my decision that we will continue with the process. When we come to the relevant amendments, you will be able to take the action that you believe is appropriate. You will have an opportunity to oppose the amendments and to say what you have to say then.

Tricia Marwick: With respect, the issue is whether the committee should be discussing the amendments at all. I am not proposing a debate about whether the amendments should be moved. I am moving that we should follow up our concerns by taking action to ensure that consultation takes place before we consider the amendments.

The Convener: Although I have some sympathy with what you say, I point out that you are moving a motion without notice. I am ruling that I will not accept it. If you wish to pursue it, you question the convener's position. That is entirely up to you.

Iain Smith: On a point of order, convener. Is not it the case that the amendments before us today have been deemed competent and so we have no choice but to consider them as part of the stage 2 debate?

The Convener: Yes.

Tricia Marwick: On a point of order, convener. It is also within the remit of the committee to hear evidence on amendments at stage 2. That is precisely what I suggest that the committee do.

Dr Sylvia Jackson (Stirling) (Lab): I support what Iain Smith said. He is correct. Some of the amendments are on areas that we have considered before. Some might not be. Therefore, it is right that we consider them one at a time.

The Convener: Tricia, what do you want to do? You have tried to move a motion without notice and I am not accepting it. If you press it, you challenge my position as convener.

Tricia Marwick: I would never challenge the convener's position—yours or anyone else's—unless I felt that they were acting outwith their responsibilities. You are not doing that. You are perfectly entitled to make the ruling and I accept it.

After section 25

The Convener: Amendment 105 is grouped with amendments 80 to 82 and 100.

The Deputy Minister for Finance and Public Services (Peter Peacock): If I may, I will respond briefly to the procedural debate that the committee has just had. I note the comments that the committee—particularly the convener—made. I think that the committee will agree that our approach throughout the process has been to consult extensively and to seek co-operation with stakeholders and the committee. Throughout the process, we have taken care to flag up the fact that all the amendments were coming, although I accept that the detailed words that effect the policy intentions have, in some cases, come later than we might have liked. A number of the amendments that we will consider today have been consulted on. I will draw out the points as we go through. In fact, some of the amendments are the result of consultation.

The measures in amendments 105, 80 to 82 and 100 stem from the Executive's consultation paper "Rate Relief for Small Businesses", which was published in February 2001. The committee may recall that Andy Kerr announced a package of rate relief measures for small businesses and rural communities in December last year. He also said that implementation of the rural rate relief measures would require primary legislation. I previously advised the committee that we planned to achieve that through the bill. That is the background to the amendments that we are considering today.

The Scottish Executive has a policy of encouraging farmers to make more efficient use of the resources that are available to them. Farm diversification offers farmers and their immediate families the means to supplement their income

and to ensure a sustainable future. Property used for agriculture is exempt from non-domestic rates, but non-agricultural activities are rateable. Therefore, farm businesses face a new rates liability when they move any of their property from agriculture to non-agricultural use. That is considered a barrier to diversification into non-agricultural activities.

Amendment 105 introduces a new rate relief to aid that transition. Mandatory 50 per cent rate relief will be available to qualifying properties, with a rateable value threshold of £6,000. Local authorities will have discretionary powers to top up that rate relief up to 100 per cent. The scheme will be available for five years from the date on which the proposed new paragraph comes into effect. The five-year period could be extended further under the powers given, with any additional property receiving relief for a maximum of five years.

It is also argued that the efficient use of agricultural resources is inhibited by the fact that the agricultural exemption from non-domestic rates does not extend to certain non-traditional business structures and arrangements that remain entirely agricultural and are based on farms—for example, machinery rings. Amendment 82 amends section 14 of the Local Government (Financial Provisions) (Scotland) Act 1963, thus allowing the rating exemption to apply to buildings used for agricultural purposes related to any agricultural land, regardless of whether that land is occupied by the person carrying out the agricultural operations on the land. Exempting from rates certain buildings used in connection with agricultural operations encourages farmers to work together in co-operative ventures and to make more efficient use of the agricultural resources that are available to them.

In recognition of the continuing concern about the decline in services in small rural areas, we have lodged amendment 80, which extends the scope of the existing village shop rate relief scheme to small food shops. Unlike the existing rural relief scheme for general stores, a qualifying small food shop will not need to be the sole such trader in the area. Fifty per cent mandatory rate relief will be provided to qualifying food stores with a rateable value of no more than £6,000.

The rate relief measures announced in December last year included widening the scope of the rural relief scheme to include small hotels, pubs and petrol filling stations and introducing a small business rate relief scheme. Those measures can be achieved with secondary legislation under existing powers. However, primary legislation is required in the case of small food shops.

Amendment 81 provides for the exemption from rates of automatic telling machine sites in

designated rural areas, which will help to maintain an important local service in areas of low population.

The amendments implement our previously announced policy and are the Executive's positive response to recommendations for rate relief contained in the Scottish national rural partnership report entitled "Services in Rural Scotland". The package of rural rate relief and exemption measures will contribute towards the quality of life of those living in rural Scotland by enhancing access to services as well as helping farm businesses.

I move amendment 105.

13:45

Dr Jackson: In relation to amendments 80 and 81, I obviously support the proposal that rural communities should have many food stores and automatic telling machines. However, I seek the minister's views on the point that food stores and ATM sites in areas of deprivation in towns might also warrant such rate relief.

Iain Smith: I, too, welcome the proposals contained in the amendments. However, I will highlight one or two points of detail that I hope that the minister will address in his summing-up. I have already raised with him a general concern about the definition of a rural area, which is presently defined as an area that is not urban and that has a population of fewer than 3,000 people. There are problems with that definition, not least of which is the fact that it is based on the 1991 census. I presume that there will be a review of those areas based on the results of the most recent census, which are now available.

Secondly, there is a problem with the inclusion in some rural areas of institutions that are not strictly part of the community. For example, the number of patients in hospitals in rural settings might have fallen significantly in recent years, but those numbers are still counted as part of the census. In such cases, the communities in question are affected by the definition of rural. I hope that the minister will consider coming up with a definition that would exclude such institutions.

I would also be grateful if the minister could clarify what is meant by the word "mainly" in amendment 80. I assume that the intention behind the amendment is good and means that small village butchers, bakers and greengrocers will be able to qualify for rate relief. However, if a bakery sells hot pies or if HM Customs and Excise defines its cakes as confectionery, it might be excluded from relief because its business does not consist "mainly" of the sale of food. I hope that the minister will clarify that point to ensure that small places are not disadvantaged by selling small numbers of hot pies.

Finally, I am concerned that a number of premises use ATMs as a commercial operation to make extra money; in other words, they charge people for using them. I wonder whether the legislation will exclude such sites and whether it is intended mainly to cover machines that are left behind when banks disappear to ensure that communities have access to them.

Tricia Marwick: Sylvia Jackson and Iain Smith have covered many of my points and questions. I want the minister to define what is meant by rural in the phrase "rural settlements". I have never yet seen a definition of rural and I am not convinced that every public body uses the same definition. We need to have a definition in the bill so that we can all be sure about what is rural and what is not.

Sylvia Jackson made the point that some urban settlements also need access to automatic telling machines. While I understand the reasons for having some sort of relief for ATMs in rural areas, there is surely an argument that some urban areas are in as great a need of ATMs. I ask the minister to respond to that.

Ms White: I support what everyone else has said regarding rate relief for food stores and ATMs. Although some members of the committee have said that there was consultation, I do not think that there was enough. If proper consultation had been conducted on amendments 80 and 81, certain groups would have suggested that there should be rate relief for shops and ATMs in poor urban areas. There are many huge peripheral housing schemes that have a bigger population than some rural areas and I would like their difficulties to be acknowledged in the bill. The proposals are welcome and will help rural areas, which suffer due to their geographical location, but I think that the measures should have been discussed in relation to peripheral housing schemes, which often have only one little shop that sells basics such as bread and potatoes for a higher price than supermarkets do.

Elaine Thomson (Aberdeen North) (Lab): I welcome most of what is contained in the amendments. Giving rate relief to agriculture businesses to help them to diversify is to be welcomed, but I wonder whether the minister has thought about other kinds of businesses in that regard, particularly fish processors, which are often an important part of the rural and urban environment in parts of Scotland. Might rate relief be extended to other kinds of business?

Peter Peacock: I welcome the fact that the committee is not seeking to minimise what is contained in the amendments but is trying instead to extend the policy dramatically.

Sylvia Jackson, Tricia Marwick and Sandra White asked whether the policy might be applied

to ATMs and food stores in urban communities that face difficulties. I am familiar with those arguments. We have not sought to deal with that problem in the bill principally because we have not debated that policy area in public before and we are seeking to extend an existing scheme on which we have already made policy announcements. However, I am more than happy to take the points that have been made to colleagues in the Executive who deal with issues concerning urban communities facing difficulties. They will be able to examine the issues that have been raised, although not necessarily in the context of this bill. I am sure that the issues that have been raised will resonate with those people and that they will want to have the chance to consider them.

Iain Smith and Tricia Marwick asked for a definition of a rural area. I will give that if I can. I understand that schedule 2 to the Local Government and Rating Act 1997 legislates for rural settlements. They are defined by the Non-Domestic Rating (Rural Areas and Rateable Value Limits) (Scotland) Order 1997, which limits them to a settlement with a population of no more than 3,000. The method used to define rural areas is based on locality information taken from the 1991 census of population undertaken by the General Register Office for Scotland. I will give you the definition and pick up on Iain Smith's points. Given that there has been a census recently, we will need to review the definitions and thresholds in the near future.

That review will also take the opportunity to consider the particular anomaly that Iain Smith has raised whereby a small community that would otherwise be designated as rural is pushed over the threshold because it has a significant institution on its doorstep. We will consider that when we receive the census data and we have written to the committee clerk indicating that we will do that.

Iain Smith also asked about the definition of "mainly", which tries to characterise the primary purpose of the outlet. We are trying to capture businesses that were not covered by the previous definition of a general store. If the primary purpose of the store is to sell foodstuffs, and there is a table in the corner where people can sit and have a cup of coffee and chat with their friends while they are in the shop, or if the shop sells half a dozen hot pies or cakes, it is not intended that that store will be disqualified.

I do not think that an amendment about hot pies or confectionery will be required. The clear intention is not to exclude properties, but to ensure that a new range of properties can benefit. Activities that are at the margins of the store's purpose, such as those that Iain Smith has talked

about, should not affect their status. Ultimately, it will be up to the local authority to decide what is meant by "mainly". We trust that local authorities will make that decision responsibly.

On charges for ATMs, there is a difference between free-standing ATMs in shop premises and those that are on the walls outside former banks and so on. I made inquiries about the matter earlier today and I understand that there is a legal challenge to the current rating practice and the status of some of the free-standing machines. I am not able to comment on that in detail at this stage, but I will be happy to supply Iain Smith with more information about the situation at the first available opportunity. In the meantime, I encourage the committee to support the amendments.

Amendment 105 agreed to.

Amendments 80 to 82 moved—[Peter Peacock]—and agreed to.

The Convener: Amendment 83 is grouped with amendment 101.

Peter Peacock: As I explained at the informal briefing session with the committee, the prescribed industries are electricity, gas, water, rail, train operating companies, and large docks and harbours. Currently, those industries have their non-domestic rateable values set, or prescribed, by order. Prescribed assessment was introduced in the post-war years.

The Scottish Executive sees a strong case for ending prescription at the 2005 non-domestic rate revaluation but we intend to consult on that. I stress that point. If we decide to proceed, those industries would be returned to conventional rating, which is in line with the position in England. The industries concerned are expecting that move. I previously advised the committee that the amendments would be forthcoming. Without further legislation, it would be difficult to carry out a conventional valuation of the industries.

The Scottish Assessors Association has been consulted on amendment 83 and welcomes the enabling powers in it. The purpose of the amendment is to provide the Scottish ministers with sufficient order-making powers to enable Scottish assessors to carry out a conventional valuation of those complex industries as efficiently and effectively as possible. That will be achieved by providing for the combining of lands and heritages that are situated in more than one valuation area for the purposes of valuation.

Once that valuation has been completed, such lands and heritage could either be entered into a single valuation roll or apportioned to the valuation rolls of the relevant rating authority areas. In addition, the Scottish ministers may, by order,

enable a single assessor to be responsible for valuing an industry as a whole throughout Scotland and to deal with any subsequent appeals. Orders will be subject to the usual parliamentary scrutiny and the Scottish ministers will be required to consult before making any such orders.

On the general issues in relation to returning the prescribed industries to conventional valuation, the Scottish Executive intends to consult the industries concerned and others over the coming months. There will be a three-month consultation period. Amendment 83 does not commit the Executive to a particular course of action; the new powers in the amendment are purely enabling and will be used only for industries that are confirmed as returning to conventional valuation at the 2005 valuation. That will be after the consultation is complete.

I move amendment 83.

Amendment 83 agreed to.

14:00

The Convener: Amendment 84 is grouped with amendments 84A, 84B and 102. I ask the minister to move amendment 84 and to speak to all the amendments in the group.

Peter Peacock: On a procedural point, can you confirm that you are asking me to speak in advance of Bruce Crawford's moving amendments 84A and 84B?

The Convener: Yes. I will also invite you to speak later.

Peter Peacock: Okay. I shall change my plan. I will speak to amendments 84 and 102 and raise questions concerning Bruce Crawford's amendments later.

Amendment 84 would introduce a new duty on local authorities to prepare integrated waste management plans. Because such plans will include recycling, the separate need for a recycling plan is repealed. The measures incorporated in those plans will facilitate the move to sustainable waste management, which is a challenge for the whole of Scotland and, in particular, for local authorities. The Executive consulted local authorities and other key stakeholders on the measure earlier this year, and I have discussed the development of the amendment with the Convention of Scottish Local Authorities. Local authorities have been broadly supportive of the amendment, although concerns were raised that we should not be over-prescriptive.

In 1999, the "National Waste Strategy" was published. It set out future plans for Scotland's waste. Also in 1999, the landfill directive was

adopted by the European Community. That directive sets binding targets for the reduction of biodegradable municipal waste that is sent to landfill. Those measures are important in protecting the environment and human health from the effects of waste disposal, in increasing the efficiency with which we use natural resources and in reducing emissions of methane—a powerful greenhouse gas. The Scottish Executive recognised the importance of waste management in the recent Scottish budget, making £230 million available, over three years, to the strategic waste fund to assist local authorities to achieve those goals.

Local authorities and COSLA have been involved in the development of the national waste plan and area waste plans that, when published, will set out policy measures aimed at achieving the objectives outlined in our national waste strategy. Area waste plans cover strategic groupings of authority areas or single, geographically large, authority areas. However, the planning structure must extend to the level of the individual local authority, as a large part of the responsibility for delivering national waste objectives lies with individual local authorities as the waste management authorities.

The integrated waste management plans that would be introduced by amendment 84 would ensure that the activities of individual authorities contribute to the achievement of the area waste plan targets that have been developed with the full involvement of local authorities. The plans would also take account of the statutory targets that the Executive will set individual authorities for the reduction of biodegradable municipal waste that is sent to landfill, to meet EC obligations that are specified in the landfill directive. The plans would ensure that the individual authorities consider the possible gains from joint working with other authorities to achieve those goals.

Amendment 84 would give ministers the power to impose modifications to a local authority's plan, if necessary. Thereafter, the local authority would have a duty to endeavour to perform its duties in line with the plan. Ministers could require monitoring information and an explanation for any missed target.

Amendment 84 contains no power to direct local authority actions beyond the preparation and monitoring of the plans. The amendment is consistent with the general approach of the bill of focusing on outcomes while giving councils sufficient freedom to act as they see fit to meet those outcomes. The measure is designed to support our overall waste management strategies and to complete the suite of powers that are necessary for consistent implementation of our objectives and EC directives.

Although I have not yet heard Bruce Crawford's arguments, I appreciate the intention behind amendments 84A and 84B. Amendment 84A is, however, unnecessary because the powers that amendment 84 would give ministers to set performance targets include the power to set recycling targets. Amendment 84B would introduce potential inflexibility, which might create difficulties.

Through the measures we have proposed, we want to ensure that local authorities make progress towards recycling and composting more waste. The statutory targets that the Executive will set for local authorities to reduce landfill will be a great pressure for that progress. However, local authorities are best placed to judge what balance of measures will achieve progress in the best interests of their local communities. We do not want to be overly specific in setting targets, which would risk forcing local authorities to take actions of questionable worth simply to hit the targets.

The area waste plans have been constructed on the well-recognised and well-respected methodology of the best practical environmental option, which should provide solutions that are environmentally favourable and efficient and will be the source of targets for the integrated waste management plans. We must remember the overall context of the bill, which is deliberately drafted to increase, within a framework, the trust in local authorities to act in their communities' interests.

Amendment 84B is unnecessarily inflexible. A requirement to achieve recycling targets as the amendment envisages would not be in the spirit of the bill and might on occasion run counter to best value.

I make it clear that the Executive will set performance targets for integrated waste management plans that are in line with the area waste plans. We will also set targets for recycling and composting that take account of the area dimension, not just individual local authorities. Those targets will be consistent with the Executive's national target of 25 per cent recycling and composting by 2006. Local authorities will have a duty to endeavour to carry out their waste management functions in accordance with the plans and therefore with the targets.

On the basis of those clarifications and assurances, which are now on the public record, I invite Bruce Crawford not to move his amendments, which are unnecessary to meet his objectives.

I move amendment 84.

The Convener: I ask Bruce Crawford to move amendment 84A and to speak to the other amendments in the group. The minister will have

an opportunity to say more on the matter later, if he wishes.

Bruce Crawford (Mid Scotland and Fife) (SNP): Perhaps the minister's disadvantage in not hearing my arguments is to my advantage. I hope that, when I have finished, he will change his mind about amendments 84A and 84B.

The minister mentioned the introduction of statutory targets for landfill, which is the intent behind amendment 84 and other provisions that will come through the waste management strategies. I am sorry that the Minister for Environment and Rural Development is not here, but I take the present minister back to a press release of earlier this year. According to that press release, the Minister for Environment and Rural Development said at a conference that the Executive intends to produce

"a national strategy which will include mandatory recycling and waste reduction targets for every local authority."

That statement, which is in black and white, is the basis for my amendments. Perhaps the minister can convince me that one minister is right and another is wrong. I look forward to that argument.

The way in which we deal with waste in Scotland is unsustainable and impacts on health, the environment and the economy. The latest figures for Scotland show that each year we dispose of around 3 million tonnes of household waste, 7 million tonnes of industrial and construction waste and 2 million tonnes of commercial waste. The waste is sent to landfill sites, of which there are more than 260. As members are aware, landfill sites are causing increasing concerns because of the dangers to human health, the leachate they produce, the nuisances they create such as smoke and pests, their encouragement of the waste of valuable resources and their contribution to climate change. Because of those concerns, the Executive has, rightly, introduced proposals for waste management through various plans, including the area waste plans. That is the right way to approach the issue and there is real pressure from the European Union to start to deal with it, because of the issues around landfill.

Some 80 per cent of the household waste stream that we produce in Scotland can be recycled, but we recycle only 6.1 per cent. Our recycling rates are among the worst in Europe. Switzerland recycles more than 50 per cent of household waste and the Netherlands and Austria recycle 45 per cent. The benefits of recycling are there for everyone to see. I do not want to rehearse them, although I could.

The minister mentioned landfill tax, which has been a mixed bag as far as recycling is concerned. Some authorities have used the landfill tax and the credits that flow from it to increase

their levels of recycling. Perth and Kinross Council is one of the best authorities in Scotland for that as far as I can see: it recycles 17.1 per cent of household waste, although 11 per cent of that is made up of compost. Some authorities have used the incentives that the extra costs of landfill bring, but others have ignored landfill tax and continue to pay the price.

Other measures such as waste minimisation and packaging reuse and refurbishment could be implemented, which would make a difference, but the crucial factor that would make the biggest difference is leadership—which is what I thought Ross Finnie was talking about when he announced the national waste plan. To be fair to the Executive, it has announced a target of 25 per cent of waste to be recycled or composted by 2006. Whether that target is sufficiently stretching is not the issue for today. The question today is whether, given what Ross Finnie said, the Executive has the courage to show the required leadership and to embrace mandatory recycling targets for every local authority.

We simply have to get Scotland off the bottom of the European recycling league and off the top of the European landfill league. I believe that mandatory targets are essential not only because they will show leadership, but because they will provide the clearest of signals to local authorities that the Government is serious about tackling a national disgrace. In asking for the amendments to be agreed to, I am trying to achieve the thrust of what the Minister for Environment and Rural Development announced on 2 February this year. Other reasons why that should not happen might have crept in, but we need to know what they are.

I move amendment 84A.

Iain Smith: The key point is that we are talking about integrated waste management plans. That is why I have concerns about amendment 84A, although I do not disagree with the sentiments behind it. I have raised repeatedly the problems of the poor, and in some cases lamentable, recycling performance of some councils. Fife is a classic example of an area that used to have an excellent recycling record. North East Fife District Council was one of the leading authorities in Scotland in recycling, but the new Fife Council has since achieved one of the worst recycling records in Scotland—indeed in Europe—with less than 2 per cent of household waste being recycled. I do not disagree with the sentiments behind amendment 84A; I am just not convinced that it is necessary.

Surely the key is that we are creating an integrated waste management plan for each local authority within the national waste strategy. Within that strategy, issues such as targets and plans should be developed as part of an integrated approach. The point about recycling is that it is

third in the waste management hierarchy. The first requirement is to reduce the amount of waste that is created. Secondly, we should be seeking to reuse wherever possible. Recycling is only the third part of the approach. It seems a bit strange to create in the bill a mandatory target for the third part of the hierarchy, without first addressing the first two. That is why I think that what amendment 84A proposes is unnecessary.

Targets to reduce the amount of waste and landfill are part of the national waste strategy from which the integrated waste management plans are drawn. I do not think that it is appropriate to fit targets for recycling into the bill, as an add-on, without referring to reduction and reuse.

I am slightly concerned about proposed new section 44ZB. My concerns relate to the approval of integrated waste management plans. It is not clear from the bill as drafted in what circumstances the minister can refuse to approve a plan or how modifications to it can be made. I presume that the new section refers to the plan's not meeting the objectives in the national waste strategy. Perhaps the minister could reflect on that for stage 3 and consider whether there needs to be clarity as to the circumstances in which a minister can refuse or modify a local authority's waste management plan.

I am also concerned that it seems that no parliamentary scrutiny is involved in the system. If the minister refuses to accept a local authority's waste management plan, at what point does the Parliament get a chance to say whether the minister or the local authority was right? A reporting mechanism on the adoption of waste management plans in general might be introduced, so that the Parliament has a form of scrutiny as to how the minister is implementing the plan. Perhaps the minister can reflect on that before stage 3.

14:15

Dr Jackson: I agree totally with Iain Smith's comments. No one is claiming that current performance on waste and recycling is good. Therefore, better measures must be put in place.

Bruce Crawford proposes targets for recycling. As I understand it, we are not precluding targets. They will be considered in an integrated way. However, the minister must clarify how the targets will be set and how they will develop. The main point, which Iain Smith made, is that because the committee heard only the rationale behind the bill today, there may have to be some changes and modifications at stage 3. It is only right that that should be so: the committee cannot respond in such a rapid manner, and it would be wrong to do so.

Given that the committee has not collected evidence on the issue, will the minister outline what evidence has been collected? What information has been given to other committees, such as the Transport and the Environment Committee, about what COSLA, the councils and other bodies feel about the proposals? The minister mentioned that COSLA does not want a prescriptive approach. I assumed that he was using that as an argument for saying that some of Bruce Crawford's comments may be inappropriate.

Ms White: Bruce Crawford's amendments would enhance the proposed new section, especially where he mentions the fact that local authorities intend to meet targets, which is something they must do. There is a bigger plan, but this is a local government bill and local government will implement the waste strategy measures. It is, therefore, only right that the bill should refer to that.

I approve of Bruce Crawford's amendments, but our position and Sylvia Jackson's comments on it show that there has not been adequate consultation. The committee does not know how much consultation has taken place. I have great concerns, especially with proposed section 44ZB, which refers to the approval of integrated waste management plans. It seems to give most of the powers to the Scottish ministers. Councils will not have the power to appeal. It states that ministers can approve, refuse or modify a plan, which does not give councils much scope to question decisions.

This is not so much an ill-thought-out proposal as one on which there has not been enough consultation. The committee has not scrutinised enough evidence to approve the bill.

Tricia Marwick: When the minister was speaking about Bruce Crawford's amendments he said that they would, on occasion,

"run counter to best value".

Will he explain what he meant by that?

I am concerned about amendment 84. It appears that local authorities will prepare plans and that ministers will consider them and suggest changes. The performance levels that local authorities endeavour to meet will be notified to ministers and local authorities will have regard to matters that the ministers may direct. Ministers will approve integrated waste management plans.

What happens if ministers have seen and approved waste management plans but local authorities do not carry out the plans as approved? What sanctions do ministers have to encourage, or coerce, local authorities to meet targets? There must be targets. That is why I will support Bruce Crawford's amendments.

Targets are necessary to ensure that local authorities' waste management plans lead to an outcome. The committee often talks about outcomes, but I do not see any in terms of waste management. I can see outcomes in terms of waste management plans, but I cannot see outcomes in terms of how local authorities will manage the waste. That is the fundamental issue and that is why there must be targets.

The Convener: Minister, do you want to respond to all the points?

Peter Peacock: Yes. I will try to pick up on as many points as I can.

Iain Smith, and to some extent Sylvia Jackson, asked whether there could be a reporting mechanism to Parliament when a minister refused a particular plan, so that Parliament could scrutinise the decision. I am happy to reflect on that point. We will check the *Official Report* of the debate to ensure that we pick up all the points, so that we can assess, in the best spirit, whether we can make refinements at stage 3 that build in the checks and balances that have been suggested.

Sylvia Jackson asked how the targets would be constructed. Our general approach to waste management—and, indeed, the spirit of the bill—is to do things in a constructive partnership with other agencies and to work towards setting targets that are stretching but realistic and achievable. There will have to be many discussions in the context of the national waste strategy and the area waste management plans—which local authorities, the Scottish Environment Protection Agency, the Executive and others are already involved in designing. The implications of that will flow down to the local integrated waste management plans. It is in that spirit that we want realistic targets to be constructed, rather than imposed by one party from afar without taking account of local circumstances.

As to the issue of evidence, Executive officials have spoken to COSLA about that. A huge amount of debate goes on all the time around the issue of waste management. Our evidence so far, as I indicated in my opening remarks, is that local authorities are anxious about over-prescription—I suspect that they would be anxious in that regard about amendment 84A—but they nonetheless understand the importance of the general thrust of the direction in which we are heading. Members should remember that the Executive's amendments are designed to complete our suite of powers to ensure that plans flow down to each local authority for implementation.

Tricia Marwick mentioned my comment about the fact that at any given moment the requirement to meet a specific recycling target may

"run counter to best value".

Circumstances can be envisaged in which at particular moments, depending on the markets for recycling, it may not be best value to pursue particular options within our reporting period for a particular target. That is why there could be conflict between the specific need to meet a rigidly set, centrally directed target and the reality on the ground about meeting that target and meeting best value. That is the point that I sought to make on that issue.

As for sanctions, we are trying to develop a partnership to overcome the problems to which Bruce Crawford rightly referred. There are powers for ministers to direct local authorities to report on the progress of their plans. I am convinced that most local authorities are desperate to make progress. They will not want to fall foul of reporting arrangements. The pressure and tensions built into the system ought to be sufficient to make the progress we want, without being overly prescriptive and overly rigid.

That brings me back to Bruce Crawford's amendments. I completely understand his point about the unsustainable way in which waste management has been conducted in Scotland and how we can do better. He rather spoiled that by trying to turn it into a personalised attack on Ross Finnie, rather than leaving the merits of his argument to stand. That did not particularly add to his argument. This is not about courage and leadership, other than that already shown by the Executive in that other provisions in the bill will lead to real progress on how we plan for improvement in managing our waste.

For courage and leadership, one should look at the Scottish budget, where we have the biggest ever increase for recycling and waste management. That is courage and leadership from the Executive—and I am sorry that Bruce Crawford tried to turn it against Ross Finnie. He also tried to draw a distinction between what I said and what Ross Finnie said. There is, of course, nothing between us on this. As I said, local authorities are under a duty to endeavour to carry out their waste management functions in accordance with their plans, which will contain targets. There is nothing inconsistent in that.

Iain Smith made the key point, which is that we are trying to get an integrated waste management plan at local level that plays against all the factors that must be taken into account and does not lift one particular factor above any other. He talked about the three elements of the waste management hierarchy and asked why we would attach particular attention to only one of them. That is why we talk about integrated waste management plans: they are designed in consultation with all the key players and place a duty on local authorities to endeavour to secure

the targets in them. We think that that is the right balance, which is why we do not think that Bruce Crawford's amendments should proceed.

I was interested in Sandra White's comments, because while she said that she would support Bruce Crawford's amendment, she also argued that we ought to give councils room for manoeuvre. That is exactly what Bruce Crawford is trying to stop. I therefore encourage Sandra to persuade him not to press his amendments.

Bruce Crawford: I will wind up quickly. I was certainly not attacking Ross Finnie. I thought that I was giving him some credit, because he showed leadership and courage in what he said last February. I am not seeing the same commitments that Ross Finnie made from this minister.

The press release says that the national strategy "will include mandatory recycling and waste reduction targets for every local authority."

In the meantime, the law is to be changed by amending the Environmental Protection Act 1990 to give ministers the power to set targets. We are discussing that act today. This is the right place to introduce that thrust in the legislation. It is patently not present in the way Ross Finnie intended.

Had the minister told me that the Executive would re-examine the bill and suggest other amendments at stage 3, which might have brought the Executive up to date with its own commitments, I would have felt obliged to not move the amendment. The minister has put no such obligation to me. I am only following through now what Ross Finnie wanted to do in the first place.

The Convener: The question is, that amendment 84A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Harding, Mr Keith (Mid Scotland and Fife) (Con)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Godman, Trish (West Renfrewshire) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Smith, Iain (North-East Fife) (LD)
Thomson, Elaine (Aberdeen North) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 84A disagreed to.

Amendment 84B not moved.

Amendment 84 agreed to.

The Convener: Amendment 85 is grouped with amendments 86, 87, 88, 95 and 103.

14:30

Peter Peacock: I shall speak to all the amendments in the group and move amendment 85. Perhaps Bruce Crawford might want to stay and listen to what I am going to say, as he campaigned on the issue over a number of years.

This group of amendments will enable one of the most far-reaching and significant changes in the system of local government financing that has occurred in the past 25 years. The changes that the amendments herald will give local authorities more flexibility and local choice on the question of capital borrowing and investment.

The changes respond to arguments and discussions, which have lasted for as long as I can remember, between local authorities and central Government about the system of capital spending controls. They complement the many other changes to the system of local government finance that have been introduced over the past three years, such as the removal of spending guidelines and three-year revenue and capital budgets, which have pushed capping into the background of public policy. In essence, the changes will move a centrally authorised and tightly controlled capital investment regime to one that is more attuned to local need, as determined by the local authority, within a prudential framework.

For the past year, the Scottish Executive has been involved in discussions on this matter on a UK-wide basis. Those discussions have involved a wide range of bodies with a common interest, including central Government, local government, the accounting profession, independent specialists in capital financing and the Public Works Loan Board. The discussions focused on whether it would be possible to develop a new way of controlling capital spending by local government and, by implication, the borrowing and taxation that are needed to support it, to replace what is known in Scotland as the section 94 consent regime.

Amendment 95 provides for the repeal of section 94 of the Local Government (Scotland) Act 1973, and amendments 85 to 88 provide for its replacement. Some spending will be supported by capital grant, but the majority of local authority borrowing and spending will be governed by regulations. The regulations will introduce what is coming to be known as the prudential regime. That means that we intend that the basis on which decisions are taken to borrow or spend will be regulated by reference to a code of practice that is being developed by the Chartered Institute of Public Finance and Accountancy, in close consultation with the Executive and representatives from local government.

Central Government will have powers in reserve. We would not use those powers lightly and we would be required to report to the Parliament on any occasion when they were used. As much as any of us may wish to remove the potential of any control, local authority capital expenditure is public expenditure and it is a factor in the overall UK fiscal policy, which is controlled. Public expenditure that is not met by council tax and national taxation adds to the public sector borrowing requirement and thus to national indebtedness.

The main point of the amendments is that, under the prudential regime, we intend authorities to have responsibility for making prudent and affordable local investment decisions. That represents a major shift in emphasis, and I am delighted that we have been able to make that shift in our current approach. Our focus in the discussions was not on how much local government should borrow and spend on capital works and assets. Instead, we concentrated on how local government should make its decisions to spend at the local level.

That approach reflects the new focus on trust within a framework that is represented by the Local Government in Scotland Bill. The detailed design of the prudential system and, in particular, the development of a code of practice are proceeding in parallel in close dialogue with all the key interests. Similar provision is being made in England and Wales through the next local government bill there. All three jurisdictions intend that the new arrangements can be finalised in time for commencement at the beginning of the financial year 2004-05.

It gives me particular pleasure to move amendment 85.

Iain Smith: It would be inappropriate on such an occasion in the history of local government for members of the Local Government Committee not to comment. Amendment 95, which will repeal section 94 of the 1973 act, is the most significant amendment that I have seen to any bill for some time. Those of us on the committee who have a local authority background have sought that repeal for longer than any of us can remember—indeed, that hope has been around for longer than any of us has been in local government. I welcome the minister's assurance that the technical language of the other amendments means that the prudential scheme will be introduced.

The minister said that central Government would "have powers in reserve". I seek assurance from the minister when he sums up that the power to impose capital expenditure limits is intended as a reserve, and that it is not intended that amendment 86 would reintroduce section 94 consents by the back door, as that would certainly not be welcome.

This group contains an important series of amendments that will be welcomed by local government throughout Scotland.

The Convener: I am sure that other members of the committee would agree with that.

Peter Peacock: I can confirm the point that Iain Smith has made. The purpose of the amendments is to change the emphasis from central control to local decision making. Local decision making involves weighing up all the factors about what can be afforded at the local level and taking into account central Government support for local decisions. In that context, it is not envisaged that ministers would need to use the powers to control capital spending, except in pretty extreme circumstances. It is very much not our intention to use those powers.

Amendment 85 agreed to.

Amendments 86 to 88 moved—[Peter Peacock]—and agreed to.

Section 26—Remote participation in and calling of local authority meetings

The Convener: Amendment 89 is in a group on its own.

Peter Peacock: Section 26 allows councils to hold meetings by means of remote participation. General policy on the issue was included in the white paper "Renewing Local Democracy: The Next Steps". Amendment 89 is purely a technical amendment to clarify that, in section 26(2), the decision to hold a meeting of a local authority or its committees by remote participation must be taken by the convener or the deputy convener of the group that is holding the meeting, not by the convener or deputy convener of the authority as a whole.

I move amendment 89.

Amendment 89 agreed to.

Section 26, as amended, agreed to.

Section 27 agreed to.

After section 27

The Convener: Amendment 90 is in a group on its own.

Peter Peacock: Amendment 90 deals with the funding of safety camera partnerships in Scotland. Such partnerships are typically formed by the police board, one or more local authorities acting as the roads authority, the district courts and the Scottish Executive's road network management and maintenance division, which has responsibility for trunk roads in the locality.

Following a successful pilot in Strathclyde, the partnerships are now being rolled out across most local authority areas in Scotland. By agreement with the Treasury, funding for the partnerships is drawn from the income that is generated by the fixed-penalty notices that they issue, so there is no cost to the Scottish Executive.

At present, funding for the partnerships comes from existing powers under the Police (Scotland) Act 1967 and the Transport (Scotland) Act 2001. Amendment 90 would provide Scottish ministers with a tailored funding power whereby ministers would be enabled formally to ring fence the money from receipts for reinvestment. The amendment would also allow the Executive to make payments to safety camera partnerships to meet the expenses that they incur.

Amendment 90 would enable the Executive to specify conditions for receipt of the funding. In other words, we would be able to set out the rules of the scheme for centrally funded safety camera operations in Scotland. The tailored funding power closely mirrors that which is in operation south of the border under the Vehicles (Crime) Act 2001.

I move amendment 90.

Ms White: At an informal meeting of the committee, I asked what colour the speed cameras would be. The question may seem insignificant to some, but there are two ways of stopping people speeding. One way is to give plenty of warning that there are speed cameras in the area; the other is to try to catch people by stealth. A memo has been provided, and I note that the cameras will be yellow and black or yellow and red.

Given the fact that the funding for the partnerships is to be income generated, will the signs for the speed cameras be well placed so that motorists can see them from quite a distance, rather than hidden behind a tree or something, as sometimes happens in rural areas? Some folk think that speed cameras should be more visible. The cameras will be coloured, but will there also be signs leading up to the camera locations to give motorists plenty of warning about them?

The Convener: I am aware that part of the matter that Sandra White raises is outwith the scope of the bill. It is up to the minister whether he responds to those points.

Tricia Marwick: The minister spoke about the provision under subsection (1) of the proposed new section, which reads:

"The Scottish Ministers may make payments in respect of the whole or any part of the expenditure of a local authority or a joint police board".

In the case of unitary authorities such as Fife and Dumfries and Galloway, which do not have

joint police boards, can the local authority itself decide to apply for payments, or will there be some sort of joint partnership between the authorities and other agencies? If so, which agencies?

Peter Peacock: I will respond to Tricia Marwick's point first. As I interpret it, the powers that we are seeking to apply are intended to cover a situation that does not pertain in Fife and Dumfries and Galloway, in the sense that the powers are to be given to ministers in order to fund partnerships that might involve more than one local authority. Fife and Dumfries and Galloway, on the other hand, are self-contained, and money could flow through those councils, as the police board in each of those areas is part of the council for the purpose of the provisions.

Generally speaking, the aim is to widen our powers so that we may be able to fund partnerships if that is deemed to be the appropriate thing to do. The partnerships would generally be between the police board, one or more local authorities, the district courts and the Executive. The measures are intended to give us the flexibility to meet the changing circumstances that are emerging in Scotland.

Even in unitary council areas such as Fife and Dumfries and Galloway, it is entirely possible that the local authorities would choose to enter into a partnership for the delivery of the various services. The provisions would allow the flexibility to accommodate those circumstances and would not under any circumstances prejudice Fife or Dumfries and Galloway.

I noted your ruling on camera colours, convener, and I think that I will steer well clear of that matter.

Amendment 90 agreed to.

The Convener: Amendment 91 is in a group on its own.

Peter Peacock: As I explained at our informal session on 31 October, amendment 91 was recommended to us by the Strathclyde Passenger Transport Authority, and we considered it to be of merit.

As the committee knows, Strathclyde Passenger Transport is made up of two parts. The Strathclyde Passenger Transport Authority sets the policies; the Strathclyde Passenger Transport Executive implements those policies. The SPTA and the SPTE are separate entities according to statute, but they work together closely to deliver public transport in Strathclyde. Currently, the SPTA can delegate its functions only to its committees or to its chairman. That is unlike the situation in local authorities, in which elected members can delegate to officers what they see fit.

We want to allow the SPTA to be able to delegate such of its functions as it sees fit to its secretary. The SPTA comprises 34 elected members, who are nominated to the authority from the 12 councils in the Strathclyde area. A new authority is formed following local government elections. However, that process can take some time following the elections. The constituent authorities have to convene their first meetings after the elections before they can nominate their respective representatives to the SPTA. The first meeting of the SPTA then has to be arranged. All in all, it can take up to two months following local authority elections before the SPTA can hold its first meeting. The fact that no decisions can be made by the SPTA's secretary for about two months could have widespread implications.

The other good reason for amendment 91 is that, unlike in a local authority, elected SPTA members cannot delegate functions to their officers on a day-to-day basis. The proposed power of delegation for the SPTA will allow a smoother-running, more effective authority.

I move amendment 91.

Amendment 91 agreed to.

Section 28—Parliamentary procedure for regulations about vehicles used as taxis and private hire cars

The Convener: Amendment 92 is also in a group on its own.

Peter Peacock: The aim of section 28 is to remove an anomaly by ensuring that all regulations that are made by ministers under section 20 of the Civic Government (Scotland) Act 1982 would be subject to parliamentary procedure. New Westminster legislation has since inserted a further regulation-making power in section 20 of the 1982 act, which already specifies the parliamentary procedure. Amendment 92 regularises matters, allowing for a proper fit between the new Westminster legislation and the Local Government in Scotland Bill.

I move amendment 92.

Amendment 92 agreed to.

Section 28, as amended, agreed to.

Sections 29 and 30 agreed to.

The Convener: That concludes today's stage 2 proceedings on the Local Government in Scotland Bill. It is clear from the comments of committee members—including me—that the fact that we have received large amendments at the last minute has caused some difficulty; we have not had a chance to look at them properly or to consult on them. Perhaps the minister could take that point away with him.

The Deputy Minister for Finance and Public Services will remain with us for the next agenda item. I suspect, however, that he will be supported by a different set of officials. I ask the minister to take one hat off and put another one on; we will then move straight to the subject of renewing local democracy. We will have a break after that. I suspend the meeting to allow the minister's officials to swap over.

14:45

Meeting suspended.

14:49

On resuming—

“Renewing Local Democracy: The Next Steps”

The Convener: Okay comrades, we will now return to phase 2 of our inquiry on renewing local democracy. This is the last opportunity that we will have to take evidence before we report.

We welcome the committee's adviser, Oonagh Aitken.

We have before us again Peter Peacock, the Deputy Minister for Finance and Public Services. We also have Leslie Evans, who is the head of the local government constitution and governance division of the Executive, and Heather Aitken, who is a policy officer in the same division. I welcome them all. They have all been at the committee before.

I ask Peter Peacock to make an opening statement, and then the committee will ask questions.

Peter Peacock: I will take a few minutes to set out a number of the Executive's thoughts and proposed actions. I am grateful to the committee for the opportunity to do that today. I appreciate that the committee is moving towards the end of its inquiry.

I will provide the committee with some indication of the outcome of the consultation on the local government white paper “Renewing Local Democracy: The Next Steps”. I will also remind the committee of the initial response that we made to the outcome of that consultation on the subject of electoral reform back in September, and finally I will provide a fuller indication of our intentions on the other issues included in the white paper.

The committee will recall that the local government white paper was published on 27 March. The consultation on the document finished at the end of July. We received a total of 1,075 responses. I am very grateful to the individuals, councils and other organisations, including the Local Government Committee, which took the trouble to respond to the consultation.

As we wanted to ensure that the consultation covered as wide a range of groups within the community as possible, both Andy Kerr and I— together with officials—held meetings to discuss the issues raised in the white paper with councillors, the business community, trade unions, equalities groups, and community council associations. A summary of the document was also made available in seven ethnic minority languages.

Of the responses, 890 dealt solely with the issue of electoral reform and supported the introduction of the single transferable vote. More than 700 of those responses were as a result of a pre-printed postcard campaign. A further 66 responses, which dealt with a number of the issues covered in the document, also supported the introduction of the single transferable vote.

In broad terms, the remainder of the responses to the consultation showed that there is considerable support for the changes that we propose to make to encourage more people to stand for election to councils and for the introduction of a salary system and the provision of pensions for councillors.

The changes that we intend to make to the existing system of capital consents were also welcomed. We dealt with the legislation on that matter earlier in the meeting. There is clear support for the introduction of a function to support performance improvement in local government.

I shall say a little more later on about the outcome of the consultation on the white paper and in particular about the detail of the responses on remuneration and associated matters.

I mentioned that we undertook a series of consultation meetings with councillors and other interested groups throughout Scotland. There were relatively few surprises in the outcome of those meetings. There was little or no consensus on the issue of electoral reform. There was, however, significant support for the changes that we propose to make to encourage more people to stand for election and for changes to the way that councillors are remunerated. There was strong support for the changes that we are making to the legislation on capital consents and considerable interest in the introduction of an improvement function.

The key message that came out of the meetings with councils and was supported by the written responses was the need, at the very least, for a clear statement of intention, preferably some early decisions and, ideally, early action on the issues rehearsed in the document.

We have listened to what has been said to us and we are keen to respond positively. We have, of course, consistently made clear our commitment to making progress on electoral reform, both in the partnership agreement and in the white paper.

Although there were supporters of no change, in respect of considering a system of proportional representation the responses to the consultation showed that a significant majority was in favour of the single transferable vote system.

We therefore announced in September that we would publish a local governance bill before the end of the parliamentary session. The bill will include the single transferable vote as the alternative to the first-past-the-post system for local authority elections. The bill will be available for a decision by the new Executive following the May 2003 Scottish Parliament elections.

We also indicated in September that we would in due course announce to Parliament our intentions on the other issues included in the white paper. That is why I will today set out the issues that will be included in the local governance bill when it is published early next year.

As well as providing for the introduction of the single transferable vote, the bill will bring the minimum age for standing as a councillor, which is currently 21, in line with the voting age, which is currently 18. It will repeal the legislation establishing a salary threshold for politically restricted posts within local authorities, while retaining the provisions that identify specific posts as politically restricted. It will amend the current legislation so that council employees no longer have to resign on nomination as a candidate, but only on election as a councillor. It will reduce to three months the period during which former councillors are unable to take up employment with their council after their period of service comes to an end. In order to ensure transparency and maintain clear boundaries, we will retain the current 12-month period for politically restricted posts and for those councillors who have been involved in the appointment of council staff.

We will abolish the current system of basic and special responsibility allowances and provide for the introduction of remuneration based on the payment of a salary supplemented by a limited number of additional payments to reflect some members' additional responsibilities. We want to introduce some independent elements, such as a remuneration panel, which would be involved in deciding on the detailed arrangements for a remuneration package for councillors. We want to permit a pension scheme for councillors to allow future service to count for pension purposes.

I would like to say a little about our intentions regarding the bill that is to be published. The level of detail included in the bill will vary according to the subject covered. The provisions on the age of standing as a councillor and on political restrictions are relatively straightforward and will be set out quite clearly in the bill. Those are issues where our policy intentions were set out in the white paper and were broadly endorsed by the responses that we received. About 90 per cent of the respondents commented on the issues and supported the Executive's approach on the two issues that I have just referred to.

The provisions that introduce a single transferable vote are not so easy to express in legislative terms. They will be set out in some detail in the bill, even though some of the detail on procedures will be set out in the secondary legislation. That is the approach taken in the Scotland Act 1998 to elections to this Parliament.

The position on a remuneration package to replace existing basic and special responsibility allowances is quite different. On those issues, we intend to take general powers in the bill and specify the detail of the schemes to be introduced in secondary legislation thereafter. That is not unusual. Indeed, the current legislation on councillors' allowances is expressed in that way. Parliament will, of course, have the opportunity to contribute to the detail of that at the time when the secondary legislation is laid before it. There is another important reason why we are adopting that approach: there is still a significant amount of work to be done on the detail behind our decisions to change the current remuneration package.

The consultation responses in that area were far from clear cut. We need to get it right and in order to do so we shall need to take account of the views of a number of people. We want an independent input into the process and we need to keep an eye on affordability questions. To help us develop our thinking on the detail for those areas, we intend to set up a working group of officials and others to consider detailed options for a suitable remuneration package drawing on expert external advice. The work of that group will be used to inform the decisions that the new Executive will have to take. We are still considering the make-up and terms of the panel, but we shall announce details shortly.

A number of other issues were raised in the white paper, and I should give the committee an indication of our intentions in those areas. One of those key issues was removing barriers to council membership. Some of the provisions that will be included in the bill will assist in that area, but there is more that can be done. To ensure that we have an established baseline from which to measure progress made, my officials will be commissioning research on the candidates standing for election to councils in May and those elected to serve. That research will cover basic information such as age, gender and ethnic background. It will also cover councillors' previous employment and whether they remain in full or part-time work once they have taken up the role of councillor.

We will be speaking to COSLA about establishing a working group with councils, equalities groups and political parties to make progress in the run-up to the 2007 elections. We will also be working with COSLA to prepare non-statutory guidance on defining politically restricted posts.

Engaging the community with the work of councils is another issue raised in the white paper. There are a number of strands in the overall impetus to involve the community at a greater level. As you well know from current deliberations, the Local Government in Scotland Bill includes provisions for community planning and for best value, which will help councils to tailor their services to meet the needs of the community. Involving young people in the work of government is important if we are to encourage them to be more active citizens and more active in citizenship.

The committee will have heard evidence from councils that many have active and successful youth forums and involvement programmes. That work clearly ties in with that undertaken by the Scottish youth parliament and YouthLink Scotland, both of which receive support from the Scottish Executive.

Career development training for councillors was another element of removing barriers to council membership raised in the white paper. We see that as part of the overall improvement function and recognise that innovative work on the matter is being carried out by councils, particularly by Scottish Borders Council. I also understand that Fife Council is conducting some interesting research on the levels and kind of support that elected members need to help them to carry out their job effectively and to make best use of their time. Both initiatives represent examples of good practice that we would want to encourage and see reproduced elsewhere.

15:00

We invited views on the case for a new service to help local authorities improve their services by learning from each other and from other bodies in the public and private sectors. Such a service could offer a range of options for the exchange of good practice, including benchmarking against local authority performance throughout the United Kingdom and more widely, peer review and shared training and development for members and officers. I am glad to say that the majority of respondents supported the introduction of such a service, and we are keen to proceed with it. We have set aside some resources to support it and want to see it up and running by the end of 2003.

There were a variety of views about the best way of structuring and organising those services, and we plan to discuss those detailed matters further with the key stakeholders in the local authority world before introducing specific proposals. Much has been done on developing work on renewing local democracy, and we recognise that much remains to be done. A good start has been made and we will continue to listen to what people have to say. The evidence already

taken by the committee has proved a valuable source of material, and we would welcome any further evidence from the committee.

I hope that I have set out clearly where the Executive is planning to make progress. I would be happy to answer any questions, with the assistance of my two officials.

The Convener: Thank you. I want to ask about removing barriers to people becoming members of a council. We have evidence that shows that a lack of provision of child care and respite for carers contributes to those barriers. What priority does the Executive give that? What kind of assistance would you consider giving to councils to develop proposals?

Peter Peacock: As you said, an underlying principle that we have discussed for many months and on which the committee has taken evidence is how to get a wider cross section of people involved in local government. One noticeable feature of local government is that it tends to be male, white, middle aged and middle class. There is a definite requirement over time to have councillors better reflecting the balance of their communities. With that in mind, we have to look at a range of factors as part of that, including salaries and the remuneration package, training, better job descriptions, better recruitment systems in political parties and better support. Issues such as child and respite care are also part of the fabric that we need to examine.

As I sit here today, we do not have specific proposals for how we want to move forward. However, as I indicated in my opening remarks, we plan to sit down with COSLA and others to examine the package of issues on which we need to make progress to see what they are and what support may be required in the process. I do not rule out making progress on child and respite care, because such issues will be critical in attracting into councils the people that we want to see and ensuring that certain people are not debarred.

The Convener: You said that you do not have any specific proposals. However, do you agree that a public information campaign on the roles of a councillor and a local authority would be productive? Could the Executive be involved in such a campaign?

Peter Peacock: Indeed. In relation to the forthcoming Scottish parliamentary and council elections, we are planning much more active advertising about the election systems, partly because of comments made by this committee in the past, as an indication that we want people more actively involved in democracy at a voting level. Equally, we must explain more clearly, persistently and consistently what councillors do, how vital they are to the running of their

communities and the particular demands on them. We must also examine what those demands are and how councils structure their business to make it easier for people to participate. I do not see a problem in principle with the Executive's becoming actively involved in supporting such campaigns.

The Convener: Can I assume that the campaign will say that there are three votes?

Peter Peacock: That is the firm intention, convener.

Ms White: I am glad that the minister started off by calling it the local governance bill. I believe that at the very beginning, it was suggested that the Local Government in Scotland Bill could be called the local governance bill. I welcomed the minister's comments, particularly when he mentioned that he would be pleased to see any evidence that the committee might have. I am also pleased to hear the minister say that the councillors' basic and special responsibility allowances are going to be considered and abolished.

You mentioned that a working group is going to be set up to consider the basic and special responsibility allowances, or a new salary for councillors. You also said that that would be supplemented if they had additional duties. What is the time scale for setting up the working group? Will the working group be committed to seeing fairness across all councils? Will there be a cut-off point for salaries and money for additional duties?

We all know only too well that responsibility allowances are only taken up by councils of a certain political persuasion. I wondered whether that was part and parcel of what the working group might be considering.

Peter Peacock: You now understand why we did not call the Local Government in Scotland Bill the local governance bill; that title was being kept for the proposed bill.

On the general question of salaries and remuneration, we concluded that the present arrangements clearly do not work in the interests of local government, of individuals or the communities that are being served. That is why we want to make a change.

As I indicated in my opening remarks, although there was almost universal support for a change throughout the consultation, there was very little consensus about what the nature of that change ought to be. We want to set up the working group to take all the evidence a good deal further and to bring in an independent element.

Politicians at the Scottish Parliament and local government levels are all concerned about being in any way engaged in deciding their own levels of remuneration. The consultation gave us a strong

sense that having an independent element in that would be in everyone's interests, so that local councillors were not seen to be setting their own salaries or salary schemes. That is why we want to explore that in much more detail.

As to time scales, we want to start that work fairly soon. We are thinking about the composition of the working groups and who we want to involve. We want to ensure that all relevant interests are represented around the table, and that the independent element that I mentioned is included. The intention is that the work will certainly be finished in time for the new Executive to make decisions about the details when it is elected in 2003.

You asked about cut-off points. There are two parts to that. Some councils currently give special responsibility allowances to virtually all their councillors. Practice varies between that and the giving out of comparatively few special responsibility allowances. The levels of those special responsibility allowances vary enormously across Scotland, from a few hundred pounds in some cases to around £30,000 in other cases. Again, we want to try to get a feel for the best levels and quantum or amounts within particular councils. I do not mean that in terms of the total volume of cash, but the number of posts that might be affected.

We suggested that a mechanism similar to a remuneration committee is quite attractive and we want to make provision for that type of approach. One of the reasons that we suggested that is that, as well as considering individual salary levels that might be appropriate, it might also be able to consider particular schemes that a particular council wanted to propose in relation to the number of posts that ought to carry additional responsibilities. We know that that is bound to vary between councils because of the nature of the areas that they serve, and the kinds of structures that they have. I do not believe that there will be a standard scheme for Scotland. There might be some standard principles about the basic salary levels, but the numbers of posts that carry additional responsibilities might vary from council to council. We want that further work to consider those issues in detail.

Within that framework, we will also consider your point about opposition parties. After all, it is legitimate to ensure that opposition exists in any council—indeed, in any democratic setting—so that it can function effectively. The Scottish Parliament has its own rules about that and I fully expect that any further work will consider the question of how we properly support opposition parties to allow them to carry out their job effectively.

Iain Smith: I welcome the minister's statement on the issues that he wishes to include in the forthcoming local governance bill. I want to draw particular attention to the proposal to reduce the age at which people can stand for council election from 21 to 18. When I was first elected to Fife Regional Council in 1982, I was the youngest regional councillor in Scotland and remained so for eight years. Anything that we can do to encourage younger people to get involved would be good.

Whether young people want to become involved is another matter and is perhaps the thrust of my question. How do we get young people to become engaged enough in the democratic process that they would want to stand for council elections? The committee has heard about initiatives such as the Angus youth congress and the Highland youth voice that encourage young people to become involved in politics. Would the Executive consider evaluating such initiatives and disseminating best practice on those matters to other councils?

Peter Peacock: On Iain Smith's first point about being the youngest regional councillor in Fife, I recently met a councillor in another part of Scotland, who was the youngest in his council. I think that, even 20 years on, he is still in that position, which rather indicates the problems that we face in trying to enrich the situation.

Iain Smith made an interesting point about evaluating certain initiatives, and we will consider that suggestion. I and many of my colleagues are impressed by much of the effective work that is going on across Scotland to encourage young people to become actively involved in local decision making and to make them feel that they are part of the community. They feel that they can influence events that affect them, their peer groups and their future. We hope that such work will be carried out more consistently across Scotland. As we are putting resources into those initiatives, it would be quite helpful if we could evaluate them.

There is a new spirit abroad and young people are now participating in decision making. I am very encouraged by what I have heard about the levels of participation in certain areas. Indeed, there have been stories of young people queueing up—believe it or not—to vote in parliamentary elections. However, we must ensure that the routes from that into more formal politics are connected up and that youth parliaments, youth forums and other mechanisms embrace all aspects of young people's society, not just the most articulate and confident elements. That is a challenge for everyone, and is perhaps an area where evaluation would help.

We must listen to young people much more about what we should be doing at council level to ensure that they remain actively interested and

participate in local democracy in order to influence their community over a long time. That is a major challenge for us all.

Iain Smith: The new community planning powers will be key in that respect. How can we involve young people and youth groups in the community planning process? Moreover, creating youth panels and youth parliaments obviously costs money. What sort of funding streams might be available to local authorities that wish to develop such schemes and young people's participation in the community planning process?

Peter Peacock: We have put more resources into the mechanisms that I mentioned. The Executive is trying to concentrate its focus on young people and on what used to be called youth work, but now manifests itself in a whole variety of forms. For example, we have put money into YouthLink and other new structures to encourage a whole range of activity for young people. We are sympathetic to the idea of funding such initiatives. In fact, the Executive has contributed funding to the Scottish youth parliament, and local authorities, health boards and other organisations have put money into the youth parliament in the Highlands that Iain Smith mentioned.

As a framework, community planning naturally lends itself to engaging with young people. Community planning is about sorting out a vision for an area, signing people up to that vision, participation by people from all different parts of the community and identifying the contribution that people can make. There is no reason why there should not be special discussions with youth parliaments or forums, for example about the community plan for an area, and no reason why there should not be a youth community plan so that people will look at the structure of community planning through the eyes of young people as well as through the eyes of adults. Community planning opens up scope for such opportunities and is an important vehicle for giving young people a formal place in decision-making structures.

15:15

Tricia Marwick: I welcome much of the minister's statement. The committee will welcome many things in it—the intention to bring the age for standing as a councillor down to 18, for example, will make a huge difference. I welcome the intention to amend the current legislation so that council employees no longer have to resign on nomination as a candidate, but only on election as a councillor. That will make a huge impact on allowing people to stand in areas such as Fife, where there is a unitary authority that employs many workers.

I welcome much else in the minister's statement and what he said on salaries and pension schemes in particular, which will help to bring more folk into local government. However, I have some questions. I agree that we need to involve young people, but does the minister intend to consult employers in Scotland? Part of the problem is that many people wish to stand for councils, but find it difficult to do so because employers put obstacles in their way. Such obstacles cut out many people who might like to stand.

When can we expect the local governance bill to be published? If all the elements that the minister mentioned have the support of the Cabinet and the Executive, is it now the Executive's policy to support a single transferable vote system or will there be no comment on that? When can we expect to see what the minister is going to put on offer?

Peter Peacock: I have clearly indicated today what we are putting on offer, but I will pick up on points that you have made. I welcome your general support for the many initiatives that we have announced on the back of the recent consultation. It is important that we achieve as much consensus as possible across the political parties on proposals that will enrich democracy in general and local democracy in particular and that we work on a common agenda.

You asked about the role of employers, which is important. We have had discussions with the Confederation of British Industry and other business organisations, together with the Scottish Trades Union Congress and COSLA, about what employers could do to support employees to get time off for council activities. An interesting matter that arose in initial discussions was the lack of understanding about the nature and role of a councillor. That lack of understanding was quickly clarified. That employers do not understand such matters is revealing and is an impediment to their assisting their employees to participate.

For many years, in the nationalised industries in particular, there was strong encouragement for people to stand for councils. Generations of steelworkers, post office workers and railwaymen were active in Scottish local government. Sadly, because those big industries do not exist in the same way any more, that flow of people does not come through. Notwithstanding that, we need to think about ways in which we can encourage people from small businesses to get time off. That is extraordinarily challenging, given the nature of the way in which councils currently work. That is one of the reasons why we need to encourage councils to examine how they do their business, so that they are not the province of only those who have enough time to be there most days or each

day. There should also be a role for people who have full-time professions and who can make a contribution to local decision making. All of that needs to be taken forward in further discussions.

As to the timetable for matters, first of all, of course the Cabinet supports the measures in the bill; it would not be coming forward if the Cabinet did not. The Executive's policy has been clear from the outset: we are committed to making progress on the question of electoral reform. We indicated in a statement in September that the local governance bill would be available to the new Executive to make decisions after the 2003 elections. As to the actual timetable, one is never precisely sure how long drafting a bill will take until one gets into the details. Our firm intention is to have the bill in the early part of the new year. Whether that means towards the middle or the end of January, or whenever, we will just have to wait and see. It is our intention to publish the bill early in the new year, and certainly before the end of the parliamentary session.

Dr Jackson: My main question is on education for citizenship. We have had a lot of feedback on that issue and as you said, there are many initiatives, such as youth councils. How can we keep a handle on all those developments so that we can take a coherent approach? For example, initiatives to do with the curriculum and schools come under education, while others come under local government or social justice and inclusion. If we are to move forward coherently, we need to examine how best practice will be advanced.

My second question is on proportional representation and what you said about STV. A long time ago, someone asked about multimember wards and the electorate's view of how they operate. I remember asking whether we could gather evidence from areas in which the system is in operation, because the councillor-ward link is one of the main issues that has been raised. Have you started to collect evidence, or are you planning to collect it as part of the development of work in that area?

Peter Peacock: On education, I take the point that strands of initiatives run across the Executive and local government, and that we need to make sure that we are as joined up as we can be. Major discussions go on in education about the structure of the curriculum. I know from my days in education that some people argue that active citizenship is at the heart of preparing people for the future. It is obvious that views move on that issue over time. Our officials in the local government division are working with our officials in education to ensure that we take a joined-up approach. We would be happy to come back to the committee with further information on what is happening. We take the point that has been made.

We want to ensure that our approach is comprehensive, not piecemeal, so that the work that is done in schools is complemented by what happens in councils generally and by what happens with young people in the wider community through all the different channels. We will consider the matter further.

We are aware of evidence—much of it anecdotal—on people's approach to multimember wards, from past practice in Scotland, way back when multimember wards existed. We will also gather information from other areas that have PR systems.

All the evidence on how electorates behave in relation to voting systems, including the evidence on the complexities of running two different voting systems on the same day as was done in Scotland, is that the electorate, wherever it is, copes extraordinarily well with those apparent complexities. People are capable of working out the system and of forming views on it. We will happily share with the committee any intelligence that we can gather on that issue. We have not gathered much information yet, but we will gather more.

Dr Jackson: Perhaps I did not explain myself clearly. My question was not so much about how the electorate deals with the system as about how the electorate feels about having a number of councillors in one ward and deciding who they should go to. Are people happy about being able to go to more than one councillor?

Peter Peacock: At present, we have no evidence on people's perceptions of that matter.

Elaine Thomson: I will expand on Tricia Marwick's point about encouraging more people to come into local government and the relationship with employers. The employment world is changing considerably and I am not convinced that full-time employment is not compatible with being an elected councillor. However, I am sure that a number of people in Scotland have either lost their job or had their career damaged through being a councillor. I welcome the minister's comment about the discussions with business organisations, which will allow both sides to understand the difficulties. The more discussions there are on that matter, the better.

It is extremely important that we diversify and broaden the range of people who come into local government. Perhaps the working group that is to be set up could consider the establishment of best-practice protocols to allow people to be seconded from their employment for three years. Such a measure might allow more people to become involved in democracy. Many employers are becoming more interested in social responsibility, part of which involves encouraging and sustaining democracy.

Many councillors find support difficult. We have taken evidence on the different levels of support that councillors in Scotland receive with, for example, administration and information and communication technology. Should there be an agreed minimum level of support? Induction is another area of support. When people are elected, they must be given help to understand their role. That will become particularly important if, as we hope, more young people become involved in local government.

Peter Peacock: Elaine Thomson makes a number of interesting points, including a fundamental point about the belief that being a councillor is incompatible with having a job. That issue is desperately important. I hope that being a locally elected representative will never be incompatible with having a job because that would exclude a huge range of people. Whatever system comes out of our discussions, it must provide scope for people to have a part-time role if they so choose and if the electorate trusts them to have that role. However, we recognise that a significant number of councillors choose to give up a lot of time to their ward.

Although councillors often give up their jobs, it would be wrong to design a system that excludes people automatically simply because they have a job. The system must allow people to retain their jobs. The move that some councils have made, to an executive structure with back benchers who perform a different role, might continue to facilitate a system in which different councillors give up different quantum of time. Although I fully accept the point that Elaine Thomson makes about how the pattern of employment has developed recently, we must always protect people's ability to make some contribution to local decision making at the same time as being in full-time work.

15:30

That ties in with the point that Elaine Thomson made about the potential for secondment into local government. The present system does not give people the ability to make a life choice of the sort that she described. The new system should take account of that. People ought to be able to say that, if they were elected, they would like the chance to do such-and-such for a period of years and to make a proper contribution at a particular level. The system tends to militate against that, which means that people cannot choose to make a big contribution to local government. We must find the right balance. The group that is considering equalities issues will want to consider how we can ensure that certain people are not excluded by the remuneration structure for councillors that we adopt.

Elaine Thomson made an important point about support for councillors. Best practice should be

shared and there should be a shared expectation of what is available. I remember that when I first entered local government in 1982, I had a battle about the level of support for councillors. I am sure that other members who were councillors before they became MSPs have similar recollections. The existing councillors thought that it was great that they got some headed paper on which to write letters to constituents. I do not wish to be in any way dismissive of what they were doing, but the newer generation wanted Dictaphones and computers or access to people who could type. After a huge battle, I ended up with a filing cabinet, which took me no further forward.

Since then, a number of councils have developed extremely strong support systems. There are secretariats for councillors, as well as computers, e-mail systems and all the normal support that one would expect. We must share the best practice and ensure that it is rolled out across Scotland, so that people can get the support that they require.

Although it is right that there should be an induction process once a person has been elected, it is more important that people should have clear expectations of what will be involved before they are elected. The political parties must be involved in that process, because they select the candidates. As I have indicated, we want to engage with the political parties to ensure that they understand that such considerations should form part of the selection process. We want to avoid people discovering once they have been elected that the job is not what they had thought it would be.

Mr Harding: In the very unlikely event that the new remuneration system comes through before next May, when I will stand down as a councillor, I had better declare an interest: I am a member of Stirling Council.

The McIntosh report and the Kerley report recommended increased remuneration for councillors, which could be financed by reductions in the number of councillors and in the number of SRAs. You have already indicated that you are against a reduction in the number of councillors. Will the initiative be self-financing or will additional resources be allocated to councils to meet the increased cost?

Peter Peacock: We have not been withholding the provisions until Keith Harding retires. We have made it clear that we do not think that there is a case for a cull—that was the term that was used at the time—of councillors. In comparison with European standards, Scotland has fewer elected representatives than many other societies. Although it might be hard for some people to believe that, it is true.

It is too early to say whether the proposed increase in remuneration will be self-financing or whether it will require additional funding. We want to spend much more time examining the right level of remuneration. There is a balance to be struck. Some councillors might qualify for additional payments because of the heavy responsibilities that are involved in leading their councils or in running major committees or departments. As we go through the exercise, we will keep an eye on cost. The proposals will not be underwritten by a blank cheque. Local electors would not respect us for doing that, nor would local councillors, whose decisions show that they recognise that there is a limit to how much local communities will accept politicians being paid. We will have close regard to costs overall.

The bill's provisions are not insubstantial, taking into account the basic allowances—although they are not hugely generous, by any standards—the addition of special responsibilities, and the number of those special responsibilities, and the continuing practice of attendance allowances in some places. We need to assess the proposals once we have taken into consideration the independent element and once we have got a better feel for the structure. Only then will we establish the final costs. There is no blank cheque; this will be done sensitively and sensibly so that we can find the right system that will benefit and enrich local democracy in the way the community wants.

Mr Harding: I turn to the issue of educating for citizenship. Would you be in favour of there being a separate civic education element to curriculums in primary and secondary schools?

Peter Peacock: I will not make up education policy on the hoof at this committee meeting—and it is a while since I had responsibility in the education department. Citizenship is a strongly recognised feature of the education system, and it is of growing importance. During my time as Deputy Minister for Children and Education, there were significant discussions about how to enrich such features of education.

We would need to come back to you about what the current thinking in the education department is, but the principle of ensuring that young people are equipped to deal with the society into which they come—and all that that means in relation not just to rights, but to responsibilities, to how society operates, and to how young people can make their distinctive contribution—is central to the thinking of people working in education.

Ms White: The evidence that we have received suggests that there is a lack of involvement on the part of some local authorities with local communities, whereas in other areas there is a lot of involvement with local communities, although

the facilities and resources supplied by councils for those communities have often been insignificant. Does the Executive have any ideas about the best way to involve local communities? Have ministers thought about observing best practice or bringing best practice from the Executive to local authorities, thereby benchmarking local authorities' practice in involving local communities?

Peter Peacock: We have, to some extent, already had this debate in relation to the Local Government in Scotland Bill and to community planning, the involvement of local communities and the reporting mechanisms.

As Sandra White indicates, practice varies enormously throughout Scotland. Some councils have gone to enormous lengths to find new ways of engaging with local communities in different parts of their areas, or in their whole area, as a means to improve the quality of life in those areas.

There is an increasing recognition in public life that it is not possible just to do things at the centre, send out diktats and expect the world to change. People must be engaged locally, bearing in mind the improvements that they want to take place in their communities. Giving some ownership of that to local communities is part of how that can be done.

We do a whole range of things, through social inclusion partnerships, listening to communities programmes, community councils, community associations and tenants groups. There are a range of ways in which the Executive and local councils engage with their communities.

I have no problem with looking again at how best practice can be brought out and applied more widely. I know many people who would welcome that. The spirit of the improvement agency is all about identifying good practice early in whatever area of local government work it applies and ensuring that it is rolled out across Scotland quickly, so that all councils will be achieving the standards of the best as quickly as possible.

Ms White: We were given evidence that some councils did not have expertise on planning issues, and thought that it might be a good idea if local authorities provided funding for experts to be consulted. That would assist councils not just in planning but in other areas. Will the Executive take that idea on board? Will ministers be agreeable to local authorities funding groups, or to an independent adviser advising groups to look into certain issues of interest, with less emphasis on funding?

Peter Peacock: I am aware of such practices. I recall that there used to be an organisation called the Planning Exchange. I do not know what happened to that organisation—although

committee members are hinting that it still exists—but its purpose was to give advice to community groups on technical issues such as planning.

I am also aware that local enterprise companies and councils have funded feasibility studies and various initiatives that local communities have applied for so that progress could be made on particular issues. There is a range of grant systems to support all of that, so I have no problem with the idea in principle. In fact, such things are to be encouraged where they help local communities make the progress that they desire. Obviously, not every idea or plan will get backing, but I have no problem with the idea in principle.

Dr Jackson: I have two questions, one of which follows on from Sandra White's question. First, the committee has discussed this issue with various other groups, but what is the minister's view on the best mechanism for passing on the good practice that might operate at the council or community council level?

Secondly, we took evidence from the Welsh Local Government Association, which is setting up an equalities unit in order to widen access. The unit will deal with issues to do with race, gender, disabilities and language. Are there any plans to establish a similar group in Scotland?

Peter Peacock: To answer the latter question, of the couple of working groups that I mentioned, one is dealing with remuneration but the other is looking at how access and participation issues can be taken forward and that will involve equalities groups. We very much hope that that working group will pick up the themes that are being pursued in Wales.

One reason why we are promoting the improvement function is to allow for a better exchange of best practice. We want to create a kind of brokerage of best practice between local authorities and other parts of the public sector, so that they learn how their business can be carried out more effectively. If we look at the issue from a community point of view, local authorities—and, indeed, the voluntary sector—already have events and do things that allow community groups to come together to share experience about practices that they have pursued and found successful.

Of course, it often happens that, for some of these issues, voluntary organisations or community groups want to meet completely outwith the context of the local authority so as to exchange information about how to manage and change their local authority's point of view on an issue. Therefore, the voluntary sector also has a responsibility for that.

I remember organising events for all the community councils in my council area when I was

a council leader. A couple of times each year, or perhaps on one big occasion each year, workshops provided people with the opportunity to exchange experience and views on how things happened and on how they could work more effectively. A whole variety of techniques should be available. I hope that, when we get the improvement agency going, it will help with that.

The Convener: We received evidence from the Improvement and Development Agency, which was positive about its work in developing effective induction and development programmes for councillors—if I may return to that subject. Is the minister in favour of working with organisations such as COSLA to set up a similar organisation in Scotland? How might we ensure that councillors attend such programmes? I think that that is where the problem is, but if the minister has the answer to that, he has won a prize.

Peter Peacock: We have followed the work of the IDeA closely and have been impressed by some of the work that it does. We very much want to learn from the IDeA's experience in developing a similar agency to meet the particular requirements that we have in Scotland.

I am sure that, rather than reinvent the wheel, we will be able to use some of the materials that the IDeA has developed. For example, we are especially interested in peer group reviews, whereby councils would be reviewed by professionals and elected members from councils in other parts of the country. Such peer reviews have in fact been undertaken by a number of councils in Scotland. That is based on an IDeA model, which we want to see encouraged. In fact, one function of the Scottish agency that I mentioned will be to promote such activity.

On the question of how one can get councillors to attend induction processes, the convener may have given the answer. Part of the responsibility lies with the political parties. I know that, in my party, informal contracts are struck between the candidate and the party, whereby the candidate undertakes to do certain things, failure to do which would be a factor that would be taken into account at an appropriate point during reselection. Political parties have some responsibility there.

The most telling thing would be to ensure that the induction is relevant to the needs of the councillor. If it is seen to be relevant and to improve councillors' ability to do their jobs, that is the best advertisement to make people turn up. The challenge for the instruments that we have discussed is to ensure that the induction is relevant and that people will benefit from it.

The Convener: There are no more questions. However, I want to make one plea. Elaine Thomson mentioned councillors being allowed

time off when they work for commercial companies. I want to make the same plea for public bodies, because it is a case of "Physician, heal thyself" as in several public bodies, it is extremely difficult to get time off to attend to council duties.

Peter Peacock: In the white paper, we flagged up the need to remove the barriers to the participation of people from other parts of the public sector. We have come across situations where, in exactly the way that you mention, participation has not been encouraged. The responses to the white paper were positive; people wanted us to move on that and we fully intend to do so. As far as we are aware, a legislative requirement is not necessary. As ministers, we can handle the matter through non-departmental public bodies, the health service and so on. We plan to take some action on that issue.

The Convener: Thank you very much. The committee will now move into private session.

15:46

Meeting suspended.

15:58

On resuming—

Proportional Representation (Local Government Elections) (Scotland) Bill: Stage 1

The Convener: I have changed the order of the agenda to keep together the items to be held in public.

Tricia Marwick, who was a member of the committee and is now a substitute member, introduced the Proportional Representation (Local Government Elections) (Scotland) Bill. The bill is at stage 1, which deals with the general principles, and we are the lead committee.

From Scottish Borders Council, I welcome Councillor John Ross Scott, who is council leader, and David Hume, who is chief executive. From the Convention of Scottish Local Authorities, I welcome Councillor George Purcell, who is vice-president, and Barbara Lindsay, who is policy officer.

16:00

Councillor John Ross Scott (Scottish Borders Council): On this day in 1863, Abraham Lincoln delivered his Gettysburg address, which contained the famous phrase

"government of the people, by the people, for the people".

Now, 140 years later, if we are to make our government of the people, by the people, for the people mean anything, we must not close our minds to change and new ways of working. Since March, when David Hume and I took over as, respectively, the chief executive and leader of Scottish Borders Council, we have instigated change in areas that were seemingly sacrosanct in some respects and, while ruffling some feathers, have encouraged innovative ways of working. It is a pleasure to come here today to argue for something of which we are very much in favour.

The key to local government is making those whom we represent feel part of the operation, which involves the partners, the stakeholders and the public. From all the evidence that has been gathered, which I am sure that you have seen, I firmly believe that the single transferable vote system of proportional representation would give more Scottish voters a representative of their choice and result in less alienation on their part.

Almost half of those who voted in the 1999 elections in Scotland—around 1,127,000 voters—were left without a representative of their choice.

That is neither right nor fair. In my view—although George Purcell is probably going to kick me at this point—COSLA has skirted around electoral reform to the extent of calling it a diversion. However, the form that elections take is crucial to local government and democracy and it is wrong to view it as a diversion.

The only contribution that I made to the COSLA paper was in paragraph 38, which contains the word “committed”. I wanted to emphasise that, within the COSLA leadership group, there is a strong, if small, band of people who are committed to change of this nature.

In a rural area, as our paper illustrates, the STV system would pose challenges. I ask David Hume to talk further on that subject.

David Hume (Scottish Borders Council): The paper that we have circulated tries to present some of the issues pertaining to a rural area with regard to the STV system. We have used some local evidence to set out the needs and peculiarities of rural areas in relation to STV.

As the paper says, there is a history of great public engagement in community activities in the Borders. There has been less engagement from the main political parties and there is a strong tradition of independent politics. In the Borders, which I will use as an example of a rural area, there are identifiable and strong communities. We think that those issues are important and need to be taken into account in any change of the voting system.

We require a system that engenders a strong commitment to the democratic process and builds on the present situation. The bond of accountability between the local area and the elected representative is critical. From the evidence that we have seen, we believe that the operation of the scheme in Northern Ireland demonstrates that it is possible to retain that bond within an STV system.

The independent nature of politics in rural areas means that there are particular requirements. We need to have a system that does not prejudice people who want to stand as independents in the political system.

With regard to the discussion that the committee had before the break, members might be particularly interested in a course that we are running through our adult education service for individuals who wish to prepare for elected office. We perceive that, unlike in urban areas where the political parties do a lot of training of people who want to come through, in areas that are characterised by strong independent politics and weaker political parties, there is a job for the local authority to do to support people who want to go through the process. We have appended to our paper the outline of that course.

We would like a system that improves voter turnout, because turnout is a demonstration of engagement and commitment to the democratic system. We have referred to the postal ballot that we undertook recently in the Borders. We think that inclusion is important. There are problems in the first-past-the-post system as it exists at the moment. We have examined evidence on women's representation and have been persuaded by the view that PR systems in general are better at providing for the inclusion of and representation of women. However, we are aware that a lot depends on the operational design of the scheme that is implemented.

On the administration of elections, we take issue with the financial memorandum that is attached to the bill. If we go down the road of the single transferable vote system, there will be additional costs in relation to publicity and advertising, voter education, staff training and information technology software. As things are structured at the moment, contrary to what the financial memorandum says, the costs fall to the local authority.

With the introduction of new approaches to voting, the opportunity should be taken to introduce a requirement for training between elections to support and develop election staff, rather than making it episodic with quick training before the elections take place. We also think that the opportunity should be taken to underpin our electoral system with some kind of formal quality certification. The electoral system would be well placed to have that attached to it and we think that that would be a positive way forward.

Beyond that, as Councillor Scott said, there are issues with regard to the size of STV wards, which would require a particular design for implementation within rural areas. Drawing on evidence from Wales and elsewhere, we suggest that multimember wards could take the form of four or five-member wards in urban areas and two or three-member wards in rural areas to avoid having huge geographical wards.

All in all, from a rural perspective, we support the introduction of single transferable voting. We think that it would deliver the kind of electoral system that we would like to see in the Borders. However, we would require flexibility to ensure that the system is designed to fit, rather than being a one-size-fits-all system. We urge that any change in the voting system should provide the opportunity to introduce modern business management methods as a requirement for election organisation and delivery.

Councillor George Purcell (Convention of Scottish Local Authorities): Neither the bill nor the Executive's white paper sets out a convincing argument for electoral reform. That would be a

necessary first step in deciding on an electoral system that would be another major change for local government. That is predicated on the fact that the McIntosh commission and the Kerley group, which reported on the renewal of local democracy, indicated that two main factors had to be complied with before the introduction of any change to the electoral system: it should command public support and it should sustain and maintain the member-ward link. There is no evidence whatsoever that proportional representation would meet either of those criteria.

COSLA's stance is principled. It believes that the member-ward link is the most important thing. With proportional representation, it is not possible to achieve a compromise on the member-ward link; therefore, COSLA is in favour of retaining the first-past-the-post system for local government elections.

David Hume mentioned that the system requires flexibility and should not be one size fits all. That would not work for an electoral system. It must be applicable across the board for all elections, whether for MPs, MSPs or councillors.

COSLA has not given a knee-jerk reaction. It has carried out extensive consultation, which shows that its position mirrors that of the majority of councils. There is, however, a minority view, which John Ross Scott highlighted, and COSLA has considered that in its report on electoral reform. Approximately 24 of the 32 local authorities see no reason to change the electoral system, and the remaining eight authorities are not clear about the type of proportional representation that would best serve them.

The bill seems to promote PR as being a fundamental part of the debate on local government's role and status, but it ignores the other dimensions of the debate relating to a strong and vibrant system of local government in Scotland. COSLA believes that other issues are more important than electoral reform.

If local government was established on a constitutional basis and there was less ring fencing and more flexibility in meeting the needs and aspirations of the people whom it represents, it would be stronger and more vibrant, which would encourage more people to vote.

After the 1995 elections, five administrations in local government in Scotland had less than 45 per cent of the vote. That percentage highlights the number of people who vote and the legitimacy of elected representatives in local authorities. COSLA argues that, if local democracy is to be renewed, other dimensions must be considered, rather than there being another tumultuous change in local government, which will lead to confusion.

Iain Smith: My questions are addressed primarily to the COSLA representatives. The film "Groundhog Day" was on television yesterday, and the committee is a bit like that film today, because COSLA's report is similar to that which it presented to the renewing local democracy inquiry.

Paragraph 36 of paper LG/02/29/05 states that COSLA

"does not believe that AMS, STV or AV+ can deliver maintenance of the member-ward link, as they are all multi member-ward systems."

What was the basis for that statement? How does it tie with the situation in England, which has multimember wards but is based on first past the post?

Councillor Purcell: It is predicted that proportionality will dilute the member-ward link. Obviously, first-past-the-post one member per ward is the strongest and most identifiable link between the electorate and elected representatives. A multimember system would dilute that.

Councillor Scott: I share Iain Smith's view about breaking down barriers and regaining respect, which is the basis of the bill. I agree with COSLA's proposals; however, it has not tackled the STV issue and the voting system, which is extremely important and goes a long way to encourage people to vote. If voters feel that they have elected the person against whose name they have put their cross, they will feel much happier and will, we hope, vote again in the next elections.

The need to break down barriers and the member-ward link were referred to. I am a councillor in Hawick. There are five councillors there, and we were elected through the first-past-the-post system. That is not to say that we do not work together, nor that we do not share problems. I see no difficulty in having an STV system in Hawick, whereby the top five people whom the people of Hawick wanted to be elected would be there doing the job for them. There would be no diminution of the member-ward link. A difficulty might arise in a more rural area, however, where, as David Hume mentioned, there might be a much smaller ward with perhaps two members in it.

16:15

Councillor Purcell: Councillor Scott says that the first five people on a list who are voted for in Hawick should be elected as representatives. However, that poses difficulties. Any political party would want to draw up a manifesto to put to the electorate, saying what it wanted to achieve during its period of office. If a coalition had not been constructed before the election process began, no manifesto could be put to the electorate.

Alternatively, the manifesto would have to be rewritten as soon as the elections had taken place, as the make-up of the administration would not have been known in advance.

Iain Smith: Let me follow up the answers to my initial question. You did not say why the link between councillors and the electorate is not as strong in a multimember ward as it is in a single-member ward. The evidence from the "Scottish Households Survey", which the committee received from John Curtice, was that only 8 per cent of the public have any contact with their local councillor and that only 43 per cent claim to know who their local councillor is. That does not suggest that there is a strong member-ward link.

From speaking to councillors in Ireland, where the single transferable vote system is used, I know that they feel that they have a stronger link with their communities than they had under the first-past-the-post system. They know that the electorate can choose someone else from the same party if they do not provide a link with the community. Is not the argument that there is a strong member-ward link in single-member wards unproven?

Councillor Purcell: No; I think that I made the argument. There is no stronger link with the community than having one elected member per ward working in the local authority for that area. As I said, the multimember system would lead to a dilution of that. Increased ward sizes would probably be required to allow that system to be accommodated. There would have to be changes to ward areas, and there would be a sense of loss within a community if ward areas were expanded and taken across different borders than exist at present.

Iain Smith: I am unconvinced, to say the least.

Councillor Scott: So am I.

Iain Smith: Let me follow up your comments on manifestos. Do you not think that local views on the manifesto of an administration are reflected in election results? For example, in Edinburgh in 1999, the Labour party went into the election with 40-plus per cent of the vote and came out with only 33 per cent of the vote but still had a majority. There was a similar result in Aberdeenshire, where the Labour party's support declined from more than 40 per cent to less than a third of the vote. Do you think that that shows that the electorate endorsed the manifestos of those administrations?

Councillor Purcell: It is my impression that it did, because there was a manifesto there. Local government and the Scottish Parliament will hold their elections in 2003. Are we prepared to go in with coalition manifestos prior to the voting taking place? No. Candidates will have a manifesto that

is presented by their party to convince the people to vote for that party. That manifesto would be torn up if a coalition was established.

Iain Smith: My point is that, in the two circumstances that I chose to use as examples, the Labour party secured the vote of only a third of the people who voted. More than two thirds of the electorate voted against the manifesto that the Labour party went into the election with. Was it right that the Labour party could then implement that manifesto against the wishes of two thirds of the electorate?

Councillor Purcell: The Labour party never had local government reform in its manifesto prior to the elections, but it has now. Any local party that is elected to the administration has had its manifesto ratified.

Councillor Scott: On coalition manifestos, in the Borders, we are used to coalitions. Most of the administrations that we have cobbled together in recent years have been coalitions, and they have worked fairly well. The Liberal Democrats, the Labour party and the Tories all had their own manifestos beforehand. The way of implementing a manifesto in a council is to be part of the administration. That is what makes coalitions work: the parties can achieve some of their manifesto commitments by being part of a coalition.

Dr Jackson: I ask David Hume for slight clarification. The Scottish Borders Council written submission says:

"The views expressed in this paper are the personal views of the author and should not be taken as the views of the Scottish Borders Council."

However, you kept saying "we". Will you clarify on whose behalf you are speaking? You said that you had a partnership with Councillor John Ross Scott. What is the extent of that?

My main question follows on from Iain Smith's point and concerns STV. I will concentrate more on Scottish Borders Council than on the Convention of Scottish Local Authorities for the moment.

I am trying to find out what evidence you have from constituents—the electorate—that there will be no difficulties with the councillor-ward link. You draw on Northern Ireland and various other examples, but what concrete evidence do you have? Iain Smith said that not many people know who their councillor is. I take your point that, if we had PR, more people might vote because they will think that their votes count. However, what evidence do we have that they would know who to go to and would be happy with the system? A lot of people consider the present Scottish Parliament PR system to be less than satisfactory.

David Hume: I prepared the submission in association with the council leader. It is not a paper from Scottish Borders Council, because we have not put it to the council and the council has not taken a view in that level of detail. The council's response to "Renewing Local Democracy" is to come out in support of proportional representation. However, given other priorities in the Borders, we have had no need to carry on and establish a full picture.

You should be aware that I have been in post in the Borders for eight months. The council leader has been in his position for about seven months. The issue is not one that we have taken up as a major strand of our policy. As I said at the beginning of the submission, the views in it draw on experience of elections in Edinburgh and, more recently, the Borders.

On the views of the electorate in the Borders, I give the same response. We have a well-developed consultative forum with the public in the Borders, but we have not exposed that forum to the issue. In the past eight or nine months, we have dealt with a number of major issues. Electoral reform has not been part of that as yet.

In preparing the submission, we drew on our experience of the Borders and other places, and considered some other relevant settings such as Wales and Northern Ireland. We considered information that we drew from the "Scottish Households Survey" and other forms of information collected from the public in the Borders, and came to a view.

It is plain that the Borders have the characteristic, which might exist in other rural areas, of very strong identification with particular settlements. If you have any experience of those areas, it will be plain to you that, for example, the voters in Hawick are clear that they want people to speak up on behalf of Hawick, rather than for individual wards within the town or on single party issues.

I need to be careful in a discussion such as this, because I do not want to be drawn into a political discussion. I will give you the benefit of my knowledge and experience, but I am not giving a political view.

As a local government manager, I am interested in the fact that, quite rightly, we are being exhorted all the time to work in a joined-up way. From an officer's point of view, the idea of having a team of elected members representing a clearly identifiable geographical unit, such as Hawick, Selkirk, Galashiels or Peebles, means that the agenda for those areas could be developed in a collaborative way, which would be interesting. It would be better than the way in which dog officers have to operate from time to time, which arises out

of the political conflict that results from no consensus.

The bill contains interesting proposals. In preparing my evidence, I heard that Stirling Council used STV for community council elections. We will be considering that issue in the Borders. The committee may also want to do so. We are keen to trial new ways of doing things, which is why we offered ourselves for the third all-postal pilot.

I do not have hard evidence on the subject, but if the opportunity permits, we may be able to proceed to test views on the issue via our citizens panel. My evidence is based on what we know works in the Borders and how other rural areas work. Given the council's commitment to community planning and joined-up working, we believe that a form of representation that allows for cross-party consensus-based representation could be an interesting way to progress matters.

Dr Jackson: I am glad that you mentioned Stirling. We always think that we are ahead of the game.

Mr Harding: That is because it has such good councillors.

Dr Jackson: You seem to be saying that, in the areas in which STV operates, councillors in a ward area work together in a better, more consensual way. Is that correct? If so, could you provide the committee with the evidence that you have been working on?

David Hume: I made some reference in my submission to STV in Northern Ireland. I have also looked at research that was produced by the Commission on Local Government Electoral Arrangements in Wales, which examined similar questions in relation to STV. The one luxury that we have in the Borders is that we can look at the electoral system as part of an examination of our broad range of operations. One of the issues that we are considering in the Borders is integrated area management that is based on our local area committees. The council may well decide to go down that road.

The possibility of integrated area management puts an interesting perspective on members working together in coherent geographic areas that are also the focus of the council's service delivery.

I have not been responsible for the administration of STV elections thus far, but on the basis of my research, the STV model offers a challenging opportunity to cement the system of democratic accountability through the voting system and to implement the coherent provision of integrated services at an area management level, which Scottish Borders Council aspires to.

Councillor Purcell: With no disrespect to John Ross Scott or David Hume, I understand why it would be very difficult to get that paper through the council coalition in the Borders. The council has other issues to concern itself with. It is clear that electoral reform is not high on its agenda.

None of the evidence that has been presented indicates the need for electoral reform. To base the case for reform on proportional representation in Northern Ireland is a false premise because that system and the Scottish local government system are completely different.

Councillor Scott: In its submission to the committee, Scottish Borders Council said that it was in favour of STV multimember wards. If Dr Jackson is keen to look at the development of cross-party liaison, she should look at a multimember ward in Newcastle, where she will find some really good multimember areas. Admittedly, the system is based on first-past-the-post elections with cross-party liaison working in an area, but it is very good.

Tricia Marwick: I want to make a quick point to the representatives of Scottish Borders Council. The bill does not follow directly the Kerley recommendation of having between three and five members in each ward. It provides that there could be up to eight members, which means that rural areas would have the option of having fewer members in each ward. Would that satisfy your concerns on rurality?

David Hume: Yes. I made that point earlier. In order to make the system work, we would need that flexibility, but we realise that it is a trade-off. It is conceivable that we could have five-member wards in the main towns of the Borders and identifiable geographical units with two or three members outside those areas. That is our caveat—we need such flexibility to make it work.

16:30

Tricia Marwick: I want to direct some questions at COSLA. We had multimember wards in Scotland before 1975, not under a proportional representation system, but under a first-past-the-post system. Councillors were elected on a rotating basis, with a third being elected each time. Therefore, there is recent evidence of multimember wards in Scotland. Are you arguing that they did not work and that they are a bad thing? Do you not think that they achieved the councillor-ward link that you are talking about?

Councillor Purcell: Before the 1974 changes, 12 elected members represented the area that I represent now. That was a dramatic reduction in the number of representatives. I still contend that the single-member ward creates the strongest link possible between the electorate and an elected representative.

Tricia Marwick: Have the COSLA representatives always been opposed to electoral reform?

Councillor Purcell: I have always operated—

Tricia Marwick: I am asking whether COSLA has always opposed electoral reform.

Councillor Purcell: COSLA has been asked to give evidence on electoral reform. The consultation was undertaken, and COSLA's position is that it is for the status quo.

Tricia Marwick: When the McIntosh commission consulted, COSLA's position was clear: it favoured electoral reform, provided that the strong link between councillor and constituent was maintained. What has changed?

Councillor Purcell: I can only represent the current membership of COSLA and the vote that was taken in August. I must reflect the membership's opinions and decisions. COSLA's decision was in favour of the status quo. There is no evidence to suggest that electoral reform is required.

Tricia Marwick: I want to pick up on the weaknesses of the status quo. Sylvia Jackson rightly asked for evidence of how STV works in the countries and areas that use it. We may not have that evidence at the moment, but we have evidence from the Scottish Executive, which commissioned research in 1999 on perceptions of local government under the first-past-the-post system. The research found:

"Typically only one or two people in any group of nine or ten people had had any contact with a councillor in the last ten years. Most however felt that they would be able to find out who their councillor was and make contact if they had a need to. Not knowing the identity of their councillor was not perceived to be a problem by participants."

How do you square that research evidence with your claim that the most important element is a councillor link and the relationship that councillors build up with their wards? The perception of most people in Scotland is that the councillor link is not that strong.

Councillor Purcell: That idea has obviously been presented to you. There is ample evidence of a link between using services and having a positive perception of local government, while those who do not use the services have a negative stereotype of local government.

I have been an elected representative in my ward since 1986 and I assure the committee that there is a strong, identifiable link in that area. Nobody has clamoured to say in my consultations or through my mailbag that electoral reform is required now, has been required in the past or will be required in the future.

Tricia Marwick: That is not my point. There is evidence that, with the first-past-the-post system, the identity of councillors within a ward is not too important, in the view of constituents. Some of the reasons that are given in the Scottish Parliament information centre briefing paper for not voting under the first-past-the-post system are that:

“nothing changed as a result of voting;

one party strongholds meant that it was not worthwhile to vote;”

and that

“minimal media coverage for local government elections meant that electors were less likely to vote”.

There is plenty of evidence that the first-past-the-post system is not working.

Councillor Purcell: I suggest that your points are more to do with the status of local government. You said that people do not vote because nothing changes as a result of voting. That might be the result of central control and direction from Parliament as to what local government can and cannot do or the ring fencing and direction of finances that are at the disposal of local government. It is obvious that, when we are allocated funds, it is in the best interests of the people whom we represent that we address their needs and requirements, but that clearly does not happen in the current system. The other factors that I mentioned to enhance the status of local government would do far more to increase participation and raise the status of local government with the electorate.

That PR will increase participation in local government has not been proven. There will be a better turnout as a result of recent changes following which local government elections will take place on the same day as Scottish parliamentary elections. That will do more to increase voter participation than any electoral reform and we wish to maintain that approach.

Ms White: I have a simple question for both witnesses, then a follow-up question. Would the introduction of STV have any impact on the public's engagement with local authorities and local elections? A simple yes or no will suffice.

Councillor Scott: Earlier, I said that the main impact would be that people would understand that if they voted for a candidate, they would have a better chance of getting that person elected, which would encourage them to vote. Given the rest of the package in the bill, I think that the introduction of that system would have an impact.

Councillor Purcell: I think that the introduction of that system would have a negative impact. It was evident that some negativity was displayed in the Scottish parliamentary elections because of the change in the electoral system to one that

certainly cannot purport to be a democratic electoral system. A member who stands under the first-past-the-post system could be elected under the list system if defeated, but he might not receive a single vote from those whom he wishes to represent. I think that there would be a negative impact and the change to a d'Hondt system would not rest easily with the electorate. An election under the STV system for local government on the same day as Scottish parliamentary elections would have a serious impact on participation.

Ms White: I asked that question because we are losing sight of why many people think there should be change. The matter is not about somebody being elected; it is about people being represented and being able to take part in the democratic process. It is obvious that not only members of the committee but people in the country think that the electorate is not coming out to vote for the reasons that Iain Smith and Tricia Marwick have given. If two thirds of the electorate vote for a party, but only a third of that party's members is elected, people think that voting is not worth while. We are starting to lose sight of that, which is why I take issue with Councillor Purcell when he says that there is absolutely no evidence in favour of electoral reform.

The Executive's consultation has been cited. People's response to that consultation was that they do not want to vote, as their vote does not count. We must remember that 43 per cent of people do not even know who their local councillor is, while only 8 per cent contact a councillor. I feel that we are losing sight of what the one-member-one-vote system means and that we should focus on democracy and on encouraging people to vote.

What percentage of councils within COSLA say that PR would be a good thing? COSLA's report refers only to a minority, but do you know what the actual percentage is?

Councillor Purcell: There are 24 local authorities in Scotland that are in favour of the COSLA position, which is the status quo. That leaves eight authorities that favour some type of electoral reform, but there is no agreement among those eight authorities on the type of electoral reform that they would like to be put in place.

Ms White: So they are not actually against electoral reform per se.

Councillor Purcell: You mentioned that the important issue is voter participation. Electoral reform will not increase voter participation. I mentioned people's perception that there is no need for them to vote. Other dimensions inform how effective local government can be in meeting the aspirations of the electorate. I have also mentioned the constraints that are currently faced. The unconstitutional position of local government does nothing to enhance that perception.

Councillor Scott: As far as I am concerned, it is a question of putting people before politics, but perhaps that is a Borders thing. Last week I was in Dumfries, where there has been gerrymandering by the Tories to try to get the boundaries right so that they can win a seat there. There is evidence to suggest that a little of that goes on in the party-political arena in Scotland—I will not name any names. The people rather than the parties should be our priority.

The Convener: You have just mentioned names, and you have managed to upset Keith Harding.

Mr Harding: I wish that you had not said that.

Do the witnesses not feel that people may well be disillusioned and disappointed if they realise after the introduction of PR that they get greater representation but not greater influence? We have a form of PR in the Parliament, for example, and 45 per cent of the members are ignored. Do you believe, or do you have any evidence, that STV will lead to stronger and better governance of councils, when we have evidence to the contrary here in this establishment?

David Hume: I refer back to the point that I made earlier. It does not help the argument if we consider the voting system exclusively, in isolation from anything else that local authorities do. Scottish Borders Council's view is that we should provide services in a joined-up way and be accountable at local level. To put it simply, in the Borders, it is likely that we will move to a system of area management where, for the bulk of services, the buck stops with the communities.

That does not mean that we are giving up the strategic role of the council as a whole. The council plainly has an important role in taking a strategic overview of investment and service planning. What really appeals to us is the idea of teams of members, elected on the basis of strong, coherent geographical areas, who work through our area committees and have a direct operational role in their communities to hold service managers to account. Those elected representatives would play their part in setting service standards for the delivery of services in their areas, all within a strategic framework developed by the council. It is in that context that the potential for a more consensus-based way of working will really have benefits at local level.

Councillor Scott: In my view, proportional representation would strengthen councils, because it has been proven that more women, young people and—with the whole package in place—business people would be elected. That would take away from the fairly octogenarian type of activities that take place at the moment in council circles. It is bound to invigorate councils and what they do.

The Convener: Does Councillor Purcell wish to add to that?

Councillor Purcell: The question was about whether proportional representation would lead to stronger local government. I do not think that it would; I think that it would weaken local government. As the committee will be aware, a number of local authorities have changed their political management structures and operate cabinet systems. I do not think that coalitions lend themselves to the cabinet system, in respect of giving direct steers to officers when policy decisions have to be made. As Professor Curtice indicated at the COSLA convention in Crieff earlier this year, there would be little change to the political control of local authorities in Scotland under a system of proportional representation.

16:45

Mr Harding: Multimember wards have been mentioned quite a lot. In the Borders in particular, have you considered the additional administrative burden that they create? I know as a list member of the Scottish Parliament that each constituency has eight MSPs, and that each MSP trails the same problems. I get constant complaints from the three chief executives with whom I deal about duplication and the amount of paperwork that all those people create. The same would happen in multimember wards. All the members would be chasing the same problems, because in most cases they would be from different political parties and they would not co-operate, as we have found here—it does not happen. I co-operate, but some members do not, and that creates conflict.

Councillor Scott: I accept what you say, but that is politics. There will be people who want to get involved in other people's business, in particular when they are from different political parties. I do not think that multimember wards would be as difficult as the list system has proved to be with regard to cherry picking by some list members—I do not mean Keith Harding, I hasten to say, although I do not know. I joke. Cherry picking would probably carry on between list members and first-past-the-post members in wards, because that is the way of politics, but it would happen regardless of whether STV was brought in, because it happens with first past the post.

Councillor Purcell: I do not think that it happens to the same extent. If five members represent Hawick and they are of three or four political persuasions—they would not all be of different persuasions—three or four different views will be illustrated to council officers, who will be at a loss as to how to resolve the situation.

Mr Harding: I have one final question. Do you believe that the Kerley working group report was

flawed, as it was not asked to consider first past the post as one of the options?

Councillor Purcell: I can answer on behalf of COSLA. I believe that it was flawed, because that option was not available; it was Hobson's choice.

Councillor Scott: I may be wrong, but I think that Kerley was asked specifically to go in that direction because first past the post was proven, tried and tested and in place, so everyone was fairly well aware of it. The new aspect was whether something else would be of benefit.

Mr Harding: It would have been helpful to have a comparison.

Councillor Scott: Yes.

Dr Jackson: I have a comment that the witnesses may wish to say something about, which follows on from Sandra White's point. If I remember correctly, Keir Bloomer from Clackmannanshire Council gave evidence to us and said that although we are talking about PR, there are wider concerns, as outlined by George Purcell, about engaging the public more in the local democracy programme. We have discussed that today. Do you agree that PR on its own will not solve all the problems?

The second issue, which may be just as important, follows on from what Tricia Marwick said. I did not understand her line of argument. She seemed to say that according to a survey that the Scottish Executive undertook in 1999, the electorate would not have difficulty in contacting a councillor if they needed one. In all fairness, that is not the issue. The issue is how someone would know which councillor to go to in a multimember ward. Would they contact all the councillors?

That is why I keep asking: how would the system work on the ground? What advice would be given to the electorate to allow people to work their way through the system? As Keith Harding said, there are problems with the system for the Scottish Parliament.

David Hume: The system that we are talking about is not the same as the system for the Scottish Parliament.

Dr Jackson: Just keep to the issue of multimember wards.

David Hume: One strength of a multimember ward is that members of the local population have a choice about whom to go to. That choice might be based on a political preference, the issue of the moment or an elected member's position in the decision-making structures of the council. Multimember wards also allow people who have difficulties dealing with one elected member to take their concern to another member. Multimember wards open up choices for the electorate.

Councillor Purcell: I disagree. The multimember ward system would lead to confusion. On the point about members' political persuasion, the citizen who goes to a councillor is not concerned about politics; they want a leaking pipe sorted or their bin emptied properly. The single-member ward system would allow the single member to take on responsibilities. Under a multimember system, if an answer from one elected member did not suit the citizen, they would go to the next elected member and the next one and so on. All those elected members would approach council officers for an opinion on the issue, which would lead to confusion and the perception that local government is too cumbersome and bureaucratic.

Dr Jackson: Councillor Scott said that Newcastle City Council has a multimember ward system and that useful information is available. I would be happy to see any evidence that explains how such a system can work reasonably. As yet, nobody has produced such evidence.

Councillor Scott: I reiterate that Newcastle uses a first-past-the-post system, so it is perhaps not a great example, although it has multimember wards. In each ward, three or four members work together and come to an agreement on which areas they will represent. I think that, in the system for the Scottish Parliament, most of the Conservative and SNP list members have designated areas. That is certainly true for the south of Scotland. Murray Tosh deals with the Borders and David Mundell has the central area of the south of Scotland. The members' areas do not overlap.

To some extent, the same could be done within a town. The issue would be to get the elected members together to work out a strategy. The complications that have been suggested would not be great if members came together in that way, although, as with everything in local government, there would be trials and tribulations.

David Hume: The present system is supported through a range of protocols and ways of working. Elected members observe protocols in going about their business and dealing with members in other wards. From an officer's point of view, it is conceivable that multimember wards would work effectively if members held to given protocols about how they should operate and deal with queries and questions. If the existing protocols work, there is no reason why we could not devise a similar set of protocols to support the multimember ward system.

Iain Smith: We could probably argue this topic all night and not convince anyone to change position. I want to raise a couple of points that the committee has responsibility for considering in its stage 1 report: first, the adequacy of the

consultation on the bill; and secondly, the adequacy of the accompanying documents.

Do the witnesses think that there has been sufficient consultation on Tricia Marwick's bill? On the adequacy of the documentation, Scottish Borders Council has drawn attention to the fact that the financial memorandum is inaccurate about the costs that local authorities would incur. If a single transferable vote system were introduced, what additional costs might there be for local authorities?

David Hume: The financial memorandum, as I read it, is not accurate. Costs for local government elections fall to local councils. Our paper stated that there would be other costs, especially in the early stages, for voter education, IT software, training and so on. Those costs would have to be met.

Currently, our democratic system is supplied very cheaply. The support that we ought to be providing, through on-going training and development of the staff involved, developing manuals and having those tested against quality standards, is not done because local authorities are simply not funded at a level that allows them to do that.

From my experience, I know that the process is so important that that ought to be done. We will be examining that area in the Borders. In addition to the funding that would be required early on, we should be funded to allow us to do the training required and to get the British kitemark stamped on our election manuals. The process is so important that the electorate deserves that.

Councillor Scott: Frankly, the documentation is probably not enough. Currently, there is huge frustration within local government. In my view, the Scottish Executive has failed people and missed a golden opportunity to shine by not moving forward with the McIntosh and Kerley recommendations sooner. My predecessor and others have shouted long and hard at the Executive to get its act together and to move on this subject. Everything should have been in place for next May. It would have had a huge impact on local government. As it is, the voting system will more than likely be delayed until the next elections.

There are other issues in the bill that could have made so much difference. It is through frustration that I welcome the bill, even though there has not been as much work on it as perhaps there should have been.

Councillor Purcell: I agree with John Ross Scott about the work that is required when promoting a bill that could make a fundamental change to local government in Scotland. We should have learned the lessons from local government reorganisation. That was proceeded

with in haste and we are still living with the consequences.

The bill is brief. The financial implications for local government and, therefore, the Executive, have not been properly assessed. The policy memorandum contains no explanation of, or rationale for, the need for change. Much more evidence is required to show a need for change, and what, if any, that change should be. I restate COSLA's position that we see no evidence to back the case for electoral reform.

Tricia Marwick: The witnesses from COSLA will be aware that the policy memorandum is entirely my responsibility. However, responsibility for the financial resolution rests with the Executive, and the Executive will no doubt identify all the potential costs in the stage 1 debate.

Following a COSLA meeting in Crieff, a member from COSLA said that, under proportional representation, only a very small number of councils would change political control.

Councillor Purcell: That was Professor Curtice's opinion.

Tricia Marwick: He said that only a small number of councils would change political control, but surely the issue is political representation, not political control. Do you think that it is a fair system that gives Labour 94 per cent of the seats in Midlothian Council on 46 per cent of the vote when the SNP has 31 per cent of the vote and no seats? Is it fair in Angus Council where the SNP has 72 per cent of the council seats on a vote of only 47 per cent, while Labour polled 18 per cent of the vote and has only three seats, or in East Dunbartonshire where the Liberal Democrats have won 42 per cent of the seats on 27 per cent of the vote, or in Stirling where the Conservatives have achieved 41 per cent of the seats on 27 per cent of the vote? Do you believe that the system is fair in Midlothian, Angus, East Dunbartonshire or Stirling Councils? Is the issue not about political representation for voters rather than political control for a small band of people who would like to keep it?

17:00

Councillor Purcell: On the remark at Crieff—that was Professor Curtice's impression from the analysis that he had undertaken. I referred to it to show that even a tumultuous change like that would not have much of a direct impact on the composition of local authorities, but it would have a big impact on the electorate in respect of the confusion that would surround the change.

The question on the various local authorities is more of a party-political question. I am here to represent COSLA and state its views. That is what I am doing here today.

The Convener: We have exhausted all the questions. I thank the witnesses for coming along and giving us your time. I am sorry that we have had to keep you waiting.

The last evidence in this session will come from Fairshare. I welcome its representatives to the committee once again; they have been here before. I welcome Andrew Burns, the chair of the Fairshare campaign committee; Amy Rodger, the campaign co-ordinator; Willie Sullivan, the campaign consultant; and Stewart Maxwell, a member of the Fairshare committee. I declare an interest, because I know Willie Sullivan. The witnesses have been here before, so they know the drill. Andrew Burns will speak for a few minutes, then I will open it up to questions.

Councillor Andrew Burns (Fairshare): Thank you, convener. We are grateful for the chance to come back to the committee and give evidence this afternoon.

I am aware of the time, so I will keep my remarks as brief as possible. We have submitted a reasonably detailed paper to the committee, which I hope members have had a chance to read. I will make a few opening remarks then move directly to the four main topics that the committee asked for comments on in evidence on the bill.

I remind members that Fairshare is a cross-party and no-party campaign group. Most of the main parties are represented on the panel of witnesses this afternoon. I remind the committee that our sole aim is to see implementation of the single transferable vote system of PR for local government elections in Scotland.

As far as we can make out at Fairshare, the bill that is before the committee this afternoon is, in our humble opinion, in line with the recommendations of the McIntosh commission of several years ago. It is in line with the recommendations of the Kerley working group of several years ago and it is in line with the broad thrust of the results of the consultation on the Scottish Executive's white paper that came back over the summer. Having made those opening points, I will concentrate on the four topics that you asked us to highlight.

You asked us to speak about the reasoning behind the bill. The purpose of the bill is quite simply to enable the introduction of the single transferable vote system of proportional representation for local government elections. I do not think that there is anything else behind it. It would give effect to the recommendations of the renewing local democracy working group, which produced the Kerley report.

The approach that has been adopted seems to be identical to that which was adopted in Northern Ireland in 1972 and I am sure that the drafters of the bill have had a chance to look at the operation of the system there over the three decades that it has been in operation.

The bill is an enabling piece of legislation and is not prescriptive. We heard this afternoon that the enactment of STV for local government elections in Scotland is Scottish Executive policy. As far as we can make out, that is what this bill would do.

I will not spend too much time on the key issues that are raised by the legislation as the paper that we submitted as part of the white paper consultation was quite detailed in that regard. The most obvious effect of the legislation would be a change in the balance of party representation. I draw members' attention to the quotation of Michael Temple that is included in our submission. The research that he conducted in 1999 clearly showed that there would be more hung councils but that that would be a good thing for democracy. I will not labour that point as I think that, on the basis of all the evidence, there is no need to assume that hung councils result in less democracy. In fact, they result in more and better democracy. As far as we can make out, that view is in tune with the views of the vast majority of people who submitted papers to the consultation for the white paper during the summer. Again, the minister confirmed that earlier.

We think that the consequences of enacting the bill would be no different from those of enacting the proposed local governance bill that Peter Peacock was talking about. If Scottish Executive policy is to implement STV for local government elections, we cannot see any consequences that would flow from this bill that would not flow from the Scottish Executive's bill. We believe that this bill is one of the least prescriptive pieces of legislation that we have ever seen. It establishes the principle of implementing the single transferable vote but does not dictate how or when that must be done. As I said earlier, that is a similar tactic to that which was used in 1972 in Northern Ireland. Obviously, many election rules and regulations would have to be changed, but that could easily be done after the implementation of the bill and the text for those regulations could be lifted wholesale from those in Northern Ireland, where they have been in action for 30 years.

We believe that it is possible that all that could be done before the 2003 elections if the political will was present. It took three months in 1972 from the passing of the initial enabling piece of legislation in Northern Ireland to the full implementation of STV.

There would be a need for voter education, but I draw members' attention to the fact that, when the

returning officers gave evidence to this committee, they made it quite clear that the introduction of STV would not create a problem for the electorate as long as there was adequate voter education. I think the minister acknowledged that.

Whether you pass the Proportional Representation (Local Government Elections) (Scotland) Bill or the Executive's bill, we will have to have voter education. There would have to be training for returning officers, but those involved in the Northern Ireland experience and our sister organisation the Electoral Reform Society are well versed in providing that training, which could easily be carried out in the run-up to any implementation.

You asked for my thoughts on the consultation that was undertaken before the introduction of the bill. Again, I have to say that proportional representation for local government elections has to be the most consulted-upon topic in local government history in Scotland, although that is not necessarily a direct result of the bill. The McIntosh commission, which was set up more than four years ago, carried out two consultations and rejected the first-past-the-post system in 1999. We then had the Kerley report on renewing local democracy, which came out clearly in favour of the single transferable vote more than two years ago.

We have now had a substantial consultation over the summer months, with 94 per cent support from the public for implementation of the single transferable vote system. Their opinion matters more than does COSLA's. The issue has been consulted to death and it is time for the Scottish Executive to enact something. We need to move away from debating the topic and to see something on the statute book.

The Convener: Thank you. I was going to ask you about consultation, because the committee has to address it when we move to the general principles of the bill. However, you have answered my question by saying that you think that there has been enough consultation. As you said, the bill is an enabling bill. Do you think that there is an argument for having more detail of the proposed system in the bill?

Councillor Burns: That is not strictly necessary. The bill proposes something similar to what happened in Northern Ireland. The author of the bill is here, so perhaps she could confirm whether she read the Local Government (Northern Ireland) Act 1972. It looks pretty similar. There is not a lot of detail in the bill. The Parliament could enact it and establish the principle. The detail and the "when" could be left entirely to the Parliament. The bill is not prescriptive and I do not see any contradiction in having an open-ended establishment of STV in a bill and having the detail

worked out later, given that it has already happened in part of the British state—Northern Ireland, 30 years ago.

Mr Harding: Good evening. At the outset I have to say that I did not raise the question of consultation—it was Iain Smith.

In your opening address you said that you talked to the minister and that introducing STV is the Executive's policy, but the Executive's policy is to offer a vote—either STV or first past the post. It is not its policy to introduce STV. You say that STV can be introduced within 12 weeks, but Tricia Marwick's memorandum says that in implementing STV it would be necessary to realign electoral wards, which would involve the Local Government Boundary Commission for Scotland. How could that be done in 12 weeks?

Councillor Burns: I believe that what can be done in Northern Ireland can be done in Scotland. I really do not think that the issues are insurmountable and that we cannot introduce STV in 12 weeks. Northern Ireland faced exactly the same problems that we would face if we were to try to implement STV prior to 2003. It is possible to introduce STV in 12 weeks. Previous witnesses have made the point that we do not need a wholesale redrawing of the local government ward boundaries to implement the single transferable vote system in principle. It can be done through broad amalgamation of existing wards. It would make sense to take the opportunity of a review such as this to re-examine some of the boundaries, but there is no absolute need to redraw boundaries; we just need an amalgamation of existing boundaries. That is not a difficult technical matter.

Mr Harding: Tricia Marwick's memorandum says that the boundary commission would have to make recommendations on new electoral wards if STV were introduced. At the moment, the commission is tied up with creating new constituencies for Westminster. Where will it find the time to examine local government ward boundaries in the next 12 weeks?

Councillor Burns: I take your point, because I just gave evidence to the commission on the Westminster seats—across the road in the city chambers. I know that it is busy at the moment. But I do not think that it is impossible to implement STV prior to 2003. If it can be done in Northern Ireland in three months, I do not see why it could not be done in Scotland in three months.

Mr Harding: How can we get it through the legislative programme in time, bearing in mind the commitments that have already been made?

Councillor Burns: That is more a matter for you than for me—it is a matter of political priority.

Mr Harding: It is a matter for the Administration, not for the Conservative party.

17:15

Dr Jackson: I, too, know Willie Sullivan. Whenever I listen to Andrew Burns, I find that he is always most persuasive. No one around the table would disagree with the view that PR is a real incentive to vote. There is no doubt about that.

You have made two statements about STV. You have just told us that it has worked in Northern Ireland and, in your submission, you said:

“this stronger personal link between the electors and their councillors more than offsets the effects of introducing the multi-member wards that are necessary for any form of PR.”

There are two points that I would like you to explain in the light of those statements. First, how do the electorate relate to a number of councillors within a ward? Secondly, how can one deal with the point that Keith Harding raised about the Scottish Parliament system, which involves duplication for council chief executives, who are constantly contacted by different MSPs?

Amy Rodger (Fairshare): I will begin by discussing the councillor-ward link within multimember wards. The system works in England and in Ireland. The Electoral Reform Society has done studies on that. As you have asked about evidence a few times, we could obtain those studies and pass them on to the committee. There have also been a few academic studies and various pieces of research by the McIntosh commission.

To summarise our point, there were multimember wards in Scotland until 1996; there are multimember wards in England, under the first-past-the-post system; and there are multimember wards in Ireland, under STV. If the English and the Irish can cope, I am sure that the Scots can cope.

Dr Jackson: I want to go into more detail. Although STV might work, we want the best system. You say:

“this stronger personal link between the electors and their councillors more than offsets the effects of introducing the multi-member wards that are necessary for any form of PR.”

What do you mean by personal links? How does the system operate on the ground to achieve that personal link between the electorate and councillors? How do the electorate know whom to contact, for example? How does the system operate successfully?

Willie Sullivan (Fairshare): The term “member-ward link” is used frequently. We need to unpack it, because it can be difficult to understand. We are talking about a psychological link between the

member and the citizen, which is about much more than just being in a geographical area. That psychological link is reinforced by action. The democratic action of voting reinforces that link more than just living in an area does.

The psychological link is much stronger in an STV multimember ward system, because most people get a representative for whom they voted, through a democratic action. Such a system would create more of a link between those who are elected and their electorate than exists at the moment. At present, the majority of people in most wards voted against their representative, rather than for them. That is what we mean by a strong link.

Dr Jackson: Does the evidence show that members of the electorate would go to the councillor for whom they voted, rather than to the other four or five councillors? Is that how the system works? Is that how duplication is avoided?

Willie Sullivan: That is probably true, but it is difficult for us to think outside a system that we are all used to working within. STV is about giving the electorate a choice, and that can only be better for democracy.

Dr Jackson: I am asking what happens in practice. In STV systems, will electors usually stick to one councillor whom they contact or will there be the kind of duplication that exists at the moment in the Scottish Parliament?

Willie Sullivan: The Scottish Parliament is different because it has two types of member, whereas in an STV system the members would have the same democratic legitimacy because they would have been elected under the same system. The element of choice is perhaps a problem for the politicians, but you must ask yourselves whether it is a problem for the citizens. What happens in Ireland is probably the best example of an STV system. We will get you some information on that. I ask Amy Rodger to say a bit about the research.

Amy Rodger: When you talk about duplication, you are approaching the situation from the politicians’ point of view. The voting system should not exist to make life easier for the politicians; it should exist to make life easier for the voters. The problem of duplication arises when a voter does not get the service that they think that they should be getting from the politician or councillor whom they have approached first. If they do not get that service, they should be able to approach another councillor to try to get a better service. That may be inconvenient for the politicians, but the system should be about the voter getting the best out of their representatives.

Dr Jackson: I could come back on that issue, but I will not.

The Convener: No, you will not.

Iain Smith: Having PR and STV wards would increase choice if a woman wanted to speak to a woman representative, if an elderly person wanted to speak to an older representative or if a young person wanted to speak to a younger representative. Those choices could exist in a multimember ward but would not exist in a single-member ward—unless some very odd councillors were elected.

On a more serious note, I record an interest in Fairshare: I have supported some of the organisation's events and I know Amy Rodger well. You heard the evidence that COSLA gave earlier, claiming that there was no evidence to support the case for a change in the electoral system. I am sure that you will not agree with that from Perthshire's point of view. Perhaps you can give us a summary of the evidence that has been given to support the case for electoral reform.

Stewart Maxwell (Fairshare): The evidence is overwhelming. Going back four or five years, the McIntosh commission took an unbelievable amount of evidence from thousands of individuals, community groups, businesses and other organisations. The evidence showed that PR was wanted in the local government democratic process. Later, Richard Kerley clearly found that, of the PR systems that he considered, the STV system was the choice of most groups and individuals. The evidence that you gathered over the summer was—almost unbelievably—94 per cent in favour of an STV system for local government elections. Back in 2000, System 3 conducted an opinion poll based on the question, "Would it be fairer to have elections under a PR system?" Again, right across the political spectrum and including those of no party, three quarters of the people surveyed supported the idea of having PR in local government elections. The evidence for PR—and for the STV system in particular—is overwhelming.

The Deputy Convener (Dr Sylvia Jackson): I inform Stewart Maxwell that the evidence that was taken over the summer was taken by the Scottish Executive, not by the committee.

Ms White: I declare an interest. Although I do not know Willie Sullivan, I know Stewart Maxwell.

The committee has taken lots of evidence, some of which has stated that there may be greater confusion if we introduce another form of voting. Do you think that another form of voting would cause greater confusion among the public?

Councillor Burns: No. I draw your attention to the evidence that was given to the committee by the electoral returning officers. They made it clear that, as long as there is adequate voter education, there should be no confusion. It is patronising to

think that punters—ordinary voters—cannot cope with electoral systems. Although this might sound like a pun, the whole thing is as easy as one, two, three; it is not difficult or complicated. Compared with previous first-past-the-post elections, there were very few spoiled ballot papers in 1999 when, because of simultaneous local government and parliamentary elections, we had both additional member system and first-past-the-post elections on the same day. I am absolutely confident that voters would cope perfectly well if we had STV and AMS elections on the same day. The bigger question is whether local councils—I will not mention which ones—can count up the votes.

Stewart Maxwell: The evidence suggests the contrary to what you implied in your question. For example, people in Northern Ireland cope admirably with a list system for elections to the European Parliament and a first-past-the-post system for UK parliamentary elections on the same day. Research that was carried out in 1999 among voters who took part in the first Scottish Parliament elections showed that they experienced little or no confusion.

Ms White: Would the introduction of PR or an STV system mean greater democracy for the people of Scotland?

Amy Rodger: Yes.

Stewart Maxwell: Yes.

Councillor Burns: Perhaps I should repeat what we said when we last gave evidence to the committee. We are not claiming for a second that we could magically add 10 or 15 per cent to the turnout. However, there is evidence to suggest that turnout would increase by 2, 3 or 4 per cent, which is still a significant rise. For all the reasons that Willie Sullivan, Amy Rodger, Stewart Maxwell and others have mentioned, such a system would improve democracy no end.

Tricia Marwick: Do you accept that this whole discussion is about STV, not PR itself? The fact that some members might have had a bad experience with the voting system for the Scottish Parliament elections is not entirely helpful. We are dealing with STV. The system that was chosen for the Scottish Parliament elections had all the hallmarks of a political fix. Do you accept that an STV system is much more akin to what people, rather than politicians, actually want?

Councillor Burns: We at Fairshare would say yes. Rather worryingly for politicians—of which I am one—the STV system takes power away from political parties and puts it into voters' hands. Frankly, that scares the hell out of politicians. However, as a democrat, I am all in favour of such a system, as it would break down party control and give individual voters greater political control. I do not doubt that, after several years of STV in local

government elections, the Scottish Parliament will be keen to change its voting system.

Amy Rodger: I should point out that that is not Fairshare's view—that is Andrew Burns's personal view.

Tricia Marwick: Well, I share that view.

As you well know, I had hoped that an STVPR system would have been in place for the 2003 elections. That is now a distant hope. I agree that technically such a system could still be introduced, but any hope that that will happen is fading fast. Although I accept that the Northern Ireland elections were put together in 12 weeks, there was at least a political will behind that. Do you agree that it is important that we go into the 2003 elections with an enabling bill on the statute book that would allow the incoming Executive to propose an STVPR scheme for the 2007 elections?

Councillor Burns: I am in danger of repeating myself. There is no practical reason why that could not happen before 2003. However, it is up to you and your colleagues in the Scottish Executive—not us—to address any questions of political will and realpolitik in that respect. Our clear campaign objective is to see STV on the statute book as quickly as possible. We still think that that could be done in 2003. There is nothing to prevent the bill's enactment at least to establish the principle, as happened in 1972. The Scottish Executive's bill—which the minister confirmed is on its way and will include STV—could come along later and expand on all the detail that Sylvia Jackson was asking for. There is no reason why those two pieces of legislation cannot happen sequentially. As I said, the question whether that happens—like the question of realpolitik—is a matter for you and your MSP colleagues in the Executive.

The Convener: I thank the witnesses for attending this afternoon. You have been here before and I am sure that you will be here again. I am sorry that we kept you so late.

17:30

Meeting suspended until 17:37 and thereafter continued in private until 18:09.

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