The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 14 May 2014

Session 4

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LOCAL GOVERNMENT AND REGENERATION COMMITTEE
14th Meeting 2014, Session 4

CONVENER

*Kevin Stewart (Aberdeen Central) (SNP)

DEPUTY CONVENER

*John Wilson (Central Scotland) (SNP)

COMMITTEE MEMBERS

*Cameron Buchanan (Lothian) (Con)
*Mark McDonald (Aberdeen Donside) (SNP)
*Stuart McMillan (West Scotland) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*Alex Rowley (Cowdenbeath) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Marianne Cook (Scottish Government)
Councillor Graham Garvie (Scottish Provosts Association and Scottish Borders Council)
Calum Irving (Voluntary Action Scotland)
Councillor Tom Kerr (Scottish Provosts Association and West Lothian Council)
Dr Peter McLaverty (Robert Gordon University)
Professor James Mitchell (University of Edinburgh)
Ruchir Shah (Scottish Council for Voluntary Organisations)
John Swinney (Cabinet Secretary for Finance, Employment and Sustainable Growth)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

Committee Room 5

Scottish Parliament

Local Government and Regeneration Committee

Wednesday 14 May 2014

[The Convener *opened the meeting at 09:30*]

Subordinate Legislation

Valuation and Rating (Exempted Classes) (Scotland) Order 2014 [Draft]

The Convener (Kevin Stewart): Good morning and welcome to the 14th meeting in 2014 of the Local Government and Regeneration Committee. I ask everyone to switch off mobile phones and other electronic equipment, as it affects the broadcasting system. Some committee members may consult tablets during the meeting, because we provide meeting papers in digital format.

Our first item of business is consideration of an affirmative instrument, which is the draft Valuation and Rating (Exempted Classes) Scotland Order 2014. I welcome our panel: John Swinney MSP, the Cabinet Secretary for Finance, Employment and Sustainable Growth, and Marianne Cook, the policy manager of the local government finance unit in the Scottish Government.

Cabinet secretary, would you like to make any opening remarks?

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The purpose of the instrument is to ensure that a new gas pipeline, the Shetland islands regional gas export pipeline—the SIRGE pipeline—has the same exemption from the non-domestic rating system as all other offshore oil and gas pipelines in Scotland and the rest of the United Kingdom.

The Scottish Government is committed to making Scotland the best place to do business in the UK and recognises that business rates play a part in attracting businesses to and retaining them in Scotland. The order will bring the pipeline into line with other similar offshore pipelines that are exempt from non-domestic rates. The pipeline that the instrument relates to is currently being constructed from the Shetland islands to link into an existing pipeline in the North Sea that is known as the FUKA pipeline. As the legislation currently stands, when the pipeline becomes operational, it will fall outwith the current exemption.

We have undertaken our statutory duty to consult on the draft order and have consulted the Convention of Scottish Local Authorities, councils, the Scottish Assessors Association, the oil and gas industry, the Royal Institution of Chartered Surveyors and the Institute of Revenues, Rating and Valuation. The consultation received three responses, all of which were content with the draft order.

I am happy to take any questions that committee members have.

The Convener: Thank you, cabinet secretary. Are there any questions from members? It seems not, so we move to agenda item 2, which is formal consideration of the motion to approve the draft Valuation and Rating (Exempted Classes) Scotland Order 2014, on which we have just taken oral evidence. Does any member wish to speak in the debate?

Members: No.

The Convener: In that case, I invite the cabinet secretary formally to move the motion.

Motion moved,

That the Local Government and Regeneration Committee recommends that the Valuation and Rating (Exempted Classes) (Scotland) Order 2014 [draft] be approved.—[*John Swinney*.]

Motion agreed to.

The Convener: Thank you, cabinet secretary.

09:33

Meeting suspended.

09:34

On resuming—

Flexibility and Autonomy of Local Government

The Convener: Agenda item 3 is an oral evidence session that is part of our inquiry into the flexibility and autonomy of local government in Scotland. We will hear from three panels of witnesses. I welcome our first panel: Dr Peter McLaverty of Robert Gordon University and Professor James Mitchell of the University of Edinburgh. Good morning, gentlemen. Would you like to make any opening remarks?

Professor James Mitchell (University of Edinburgh): I do not have anything to say.

The Convener: In that case, we will move straight to questions.

As part of our inquiry, some members of the committee undertook a whistle-stop trip to Germany, Denmark and Sweden. In our neighbouring European countries and in other places throughout the world, local government has a constitutional place. Do you think that that helps local government? Would it help if local government here had a constitutional place?

Professor Mitchell: I think that it would, but a key difference between the United Kingdom and other polities in Europe is the absence in the UK of a formal, entrenched, written constitution. That would make it more difficult—although not impossible—for local government here to have a constitutional place. We must take that into account.

The issue is important in two ways. First, it is important symbolically. It is always useful to have something written down formally that guarantees the rights and privileges of the institutions of local government and local democracy. Secondly—this is my substantive point—it can make a difference in protecting local autonomy. I add the caveat that the extent to which such protection exists in reality can vary and depends on other aspects of the constitution, notably the judicialisation of such institutional politics—the extent to which local government can appeal to the courts for protection.

Overall, having a constitutional place is advantageous, but I do not think that that alone would be enough to protect local government.

Dr Peter McLaverty (Robert Gordon University): Basically, I agree. It would be good if there was something that protected the position of local government and its ability to carry out certain functions and that gave it a position that was difficult to change. If local government was given a constitutional basis, there would be some restraint on central Government's changing how local government was organised and what it could do. For that to happen, there would have to be some agreement across politics and society that change was necessary.

If local government had a constitutional place, councils would have a more secure position and more freedom to do the things that they need to do, so I would be in favour of it.

The Convener: On our travels, we have also looked at participation levels, which seem to be much higher in most of the countries that we have looked at thus far. What prevents us from having the levels of participation that Germany, Denmark and Sweden have? How can we increase participation to the levels that those countries have?

Professor Mitchell: The evidence on such matters is never definitive, but it strongly suggests that the more powerful the level of government is, the more likely people are to turn out. The issue is more about people's perception of the importance of local government.

When we look at turnout and participation in elections for different levels of government across liberal democracies, we find that turnout is far higher in elections for levels of government that have more power. There is a great deal of theoretical work and empirical evidence on that. For example, we would expect turnout in European Parliament elections to be relatively low compared with turnout in national Parliament elections—the European Parliament elections that are coming up might be an exception, for a variety of reasons—because the public do not perceive them to be terribly important. I suggest that turnout in local government elections is low partly for that reason.

However, in truth—I am sorry, but I am always adding a caveat—turnout in local government elections was an issue throughout the 20th century. In a report that I produced last year, I looked at some of the history. Back in the 1920s, people were complaining about turnout in local government elections and local government was much more powerful then than it is today.

People's perception of the importance of the institution to which they are returning representatives is important.

Dr McLaverty: That is absolutely true, and all the evidence supports that. The more that people think that the elections matter and that they will have a big impact on their lives, the higher is the likelihood that people will vote.

People have the wrong idea about the importance of local government. It covers very

important services and has a big impact on people's lives. However, it is not perceived as being important.

Turnout in elections in Britain has generally not been good recently. There is a problem with turnout at all levels, whether the election is for local government, the Scottish Parliament or Westminster. There is a general problem that is not unique to Britain but that seems to be quite developed in Britain, and what is happening in local government has to be put in that broader context. There is a mistrust of politicians and politics in Britain, which is borne out by survey research, and that is having a bad impact on people's involvement in politics, including their voting in elections.

John Wilson (Central Scotland) (SNP): I return to the convener's first question, which was about a written constitution. If we were to establish a written constitution for local government, who would draw that up, and who would enact it?

As we know, one of the problems that we have is that the Scottish Parliament was established under the Scotland Act 1998, so its powers are decided by Westminster. If we set up a constitution for local government, who would control or have the power to decide what would be in that constitution, and who would be ultimately responsible for amending or changing it?

Dr McLaverty: That is not an easy question to answer. You have raised an important issue. I do not suppose that some people at Westminster would be very keen on the Scottish Parliament and Scottish local government coming up with a constitution for Scottish local government. That is an issue.

As Professor Mitchell said, we do not have a written constitution in Britain, and very little is set out in detail regarding the powers and responsibilities of different organisations. It would be difficult to establish a constitution just for local government that was not part of a bigger constitution—and that will certainly not happen until Scotland's future is sorted out.

Professor Mitchell: I very much agree with Peter McLaverty on those points. It would be useful to take the writing of a written constitution, whether it is a United Kingdom constitution or a Scottish constitution, out of Parliament's hands, with all due respect to parliamentarians. I think that it should be done through an elected constitutional convention. I understand that that is the position of the Scottish Government.

The issue is currently being debated across the UK. The House of Commons Political and Constitutional Reform Committee considered the matter a couple of years ago, and I gave evidence on constitutional conventions to that committee. There are voices on that committee and elsewhere at the Westminster Parliament who believe either in a UK constitutional convention or in constitutional conventions—in the plural. It is conceivable that that might offer a way forward. However, although there are voices at the Westminster Parliament who support that approach, I do not detect any such voices among senior front benchers of either main party—although politics can move on.

As far drawing up a constitution is concerned, it is always useful to draw on the public at large. There are different ways of doing that. An enormous amount of very interesting research has been done on comparative constitutional developments over the years. There is now a wonderful comparative constitutions website, where you can look at constitutions through the ages—they are all available.

I have examined the extent to which local government is, and has been over time, written into constitutions. Without going into any great detail, it can be clearly seen that local autonomy is increasingly included in written constitutions, as are many other aspects—women's rights and so on—that were not included in the past.

09:45

My short answer is that under the current constitutional dispensation, the Parliament at Westminster would ultimately have the final say. The concern is that if, for example, an act of Parliament was passed at Westminster in that regard, the Parliament cannot bind its successor, so the act could be overturned relatively easily. I think that we would be looking for some form of entrenchment. Entrenchment can come in different forms: there can be not just constitutional and legal entrenchment but democratic entrenchment, which is the idea that if people very strongly support something, they would resist attempts to change it. I have to say that there is not much evidence of that from recent history. There was a great deal of opposition in Scotland to the reorganisation of local government in the mid-1990s, but ultimately nothing could be done to prevent it.

John Wilson: It is tempting to get into a debate about whether we should put local authorities' statutory duties into a constitutional framework, given the non-statutory element of what local authorities do, but I will move on to turnout at elections, which Professor Mitchell mentioned.

In Denmark, turnout was 82 per cent in the national elections and 72 per cent in the local government elections. There is an argument that turnout in Denmark, Sweden and other countries on the continent is higher because of the nature of

the electoral system, which is more likely to lead to coalition Government than to one-party Government. That means that, whoever someone votes for, their vote will have more weight than people feel that their votes currently have in the UK, Scottish or local government systems. The domination of one party undermines the concept of democracy.

Dr McLaverty: There is evidence that proportional representation systems tend to have a higher turnout; whether that is because they are PR systems or because of the nature of the countries that have PR is a difficult question to answer.

Where it is not a case of one party getting home without much of a fight, there is more likelihood of people thinking that there is a point in voting. However, I am not entirely sure that simply changing the voting system would make much difference. People have to feel that voting for local councils or more generally in Britain is worth while. The voting system can have a role to play in that, but it would be wrong to see it as the solution in itself.

We saw what happened when we tried to get the alternative vote system introduced for elections to the House of Commons. There was a big majority against that in the referendum. I am not sure that there will be much encouragement from Westminster to bring in PR systems for local government elections. The single transferable vote system in local government elections in Scotland does not seem to have made a massive difference to turnout.

We should be careful about placing too much importance on the electoral system. What matters is what people think that they can achieve by voting.

Professor Mitchell: I agree with Peter McLaverty—indeed, I would push the argument further and say that the electoral system has very little to do with turnout. There are a number of reasons why people turn out to vote. To take but two, there is the instrumental explanation, which is that a person votes for a political party because the party is expected to produce public goods that the person supports, and there is the civic responsibility explanation, which is that a person turns out to vote because they think that that is part of a citizen's duty and is the right thing to do.

In the United Kingdom and other polities—although not in Denmark, to which I will come back—there appears to have been a decline in the civic responsibility aspect of turning out to vote. People might turn out for instrumental reasons, but the civic element has declined. I stress that it has not disappeared, and therein lies a challenge.

I do not think that the higher turnout in Denmark is to do with the electoral system. In Denmark there is far, far greater civic engagement. There is far more pressure group activity, and membership of little parties is vastly higher than it is in the United Kingdom. Participation in politics generally is higher. There seems to be a civic culture in Denmark, and in other countries, that is not present in the United Kingdom.

One crucial way of addressing that involves the local level. There is no doubt that the local community is the building block of democracy and that if we have thriving local communities with a sense of belonging, we will be more likely—I stress that I am saying that this will be more likely to happen, rather than predicting that it will happen—to have a more thriving democracy locally and, indeed, nationally.

The electoral system in itself is not enough of an explanation. It is conceivable that there will be those who fail to vote because they do not think that it will make a difference, but that is true whether they think that there will be a coalition or whatever else; they may feel that all political parties are the same. I am sure that you have all heard that before. I do not agree with that view, but it is often heard.

Cameron Buchanan (Lothian) (Con): In Italy, the voting system was changed from first past the post to a combination of first past the post and PR, but that made absolutely no difference to the turnout. The problem was said to be that people did not find elections relevant because of their frequency.

We also find that people think that local government is not relevant. The turnout for European Parliament elections, which arguably are the most relevant of all as far as we are concerned, is remarkably low, and not just here. That is due to cynicism.

There is a sense of civic responsibility, public duty and that sort of thing, but it has diminished completely. In Denmark and Finland, it is very strong, and it can also be seen to be strong in regional elections in Germany, but not here. Will you comment on that?

Professor Mitchell: I agree. Some very interesting work has been done on the Italian situation by Robert Putnam. He started his work in Italy many years ago and has since developed it beyond Italy. One of his arguments, which in essence informs what I am saying today, is to do with the importance of what he calls social capital—the sense of civic responsibility and of belonging or connectedness. Some years ago, he wrote a very interesting book on decline in civic culture in the United States, entitled "Bowling Alone". He was referring to the decline of not just

political institutions but social institutions. In the 50s and 60s and into the 70s, Americans joined big bowling clubs, choirs and suchlike. In a sense, that created social cohesion. Robert Putnam argues and provides some evidence—I should stress that some of it has been challenged—that there has been decline in that social capital.

That is also true in the United Kingdom, as we have seen in a number of respects—the decline of trade unions, churches and so on. All of that is part of the issue. Those things may not be political in a party-political, politics with a capital P sense, but they are a vital and vibrant part of any active democracy. That is something that we have to consider.

I come back to my point that, at root, this is a local issue. You cannot do it from the top down; we have to try to facilitate a bottom-up approach to encourage civic responsibility.

However, we have to be careful that we do not overdo it. I would not want to overstate the point about turnout—I throw that caveat in. There is evidence that an extremely high turnout does not necessarily mean a healthy democracy. You often find very high turnout in places where there is extreme conflict. Traditionally, Northern Ireland has had some of the highest turnouts in elections, including local elections, particularly during the troubles. That was a function of the nature of the troubles; it was not a healthy aspect of democracy.

Dr McLaverty: I do not have much to add; James Mitchell has said most of it. We live in a privatised and individualised culture, in which people are not really encouraged to come together and do things collectively, which is part of the problem. People have become disconnected, they do not take a public view of issues and they see things very much in an individualised way. That is the basis of the problem.

Tackling that is not straightforward—it is not clear what we can do to turn the thing around. If we do not get a civic culture—one in which there is the idea that it is right that people should take an interest in what happens in their local communities and in politics generally—the problem will not be turned around. However, the issue cannot be divorced from what is happening in the rest of society—in the economy and so on. It has to be taken as a whole, and you cannot divorce the issue from other developments in wider society.

Cameron Buchanan: I come back to the idea of public duty. People are not joining bodies such as Rotary clubs or the girl guides. A lot of community councils have great difficulty in attracting members, although community councils should in theory be the basis of local democracy. Should community councils be strengthened so that they have more relevance? I do not know whether that would necessarily mean more votes. I agree that people must find such things relevant. On the doorsteps, people do not say that their local council is relevant; they do not know what the council does and many do not know who their councillors are.

The Convener: The week before last, we took evidence in Stornoway, where the chief executive of Orkney Islands Council made the point that we have changed local government many times since 1974—although the islands have been largely unaffected by those changes—but, since that time, we have not changed the set-up of community councils and how they operate. I add that into the mix for a response.

Dr McLaverty: In theory, community councils should be a rich part of the democratic system, but they are not. As Cameron Buchanan said, they often have trouble filling seats—elections happen rarely—and people do not take them seriously.

If we are to do something with community councils, we need to think about the whole local government system. We cannot change community councils without doing something to the way in which all of local government is organised and to who controls which services and activities.

It has been suggested that local councils in Scotland should be smaller. Their geographical areas are bigger than those of councils in other parts of Europe and they encompass a large number of people. We might consider making local councils more local and smaller. We could incorporate community councils in a rearranged local government system.

We need to be careful, because size is not the main issue, although something could be achieved if local councils were smaller. The main issue is that people feel disengaged. As Cameron Buchanan said, they are not sure what councils do and they do not know who their representatives are. Unless we can tackle that and get people to see the importance of councils and what councils do for them in the community, tinkering with structures will not solve the issue.

Professor Mitchell: It is notable that the islands councils have consistently had turnouts that are among the highest. There must be a lesson in that. However, as members know, the islands are struggling with decentralisation within the islands. Later this week, I am off to Shetland, where people can be on an island that is miles away from the chief executive and the local council's base, which can be a problem, too. That is where Peter McLaverty's point about decentralisation is hugely important.

We need to look again at the relationship between communities and councils and we need

to get the balance right. I refer to communities rather than community councils because the experience of community councils varies. In some areas, they are very active but, in other areas, they are non-existent. In some cases, it rests on a small group or one individual being active. At the roots, it is almost always women who run local communities. That is a notable feature.

We need to empower people at that level, which is not easy. If we start to give communities power, that must come at the expense of somewhere else. Are people comfortable with that? That would have consequences, so we need to think the idea through, but we certainly should look at it. Peter McLaverty makes an important point about the size of local authorities and whether we could be more decentralised.

Cameron Buchanan: Community councils in the cities appear to be less active than those in rural areas. What is your comment on that?

Professor Mitchell: There is a lot of evidence for that, but another feature is class. There is no doubt whatever that community councils in middle-class areas are much more active and more likely to be active. That is partly because people in poorer areas are trying to survive, so those areas do not have the social capital. A major feature is that we have broken down the social capital in many of our poorer communities. What you say is true to an extent in cities, but class is not unimportant.

Anne McTaggart (Glasgow) (Lab): Dr McLaverty, to go back to the point about encouraging community participation, does our education system do enough on that in schools? Do we start from a young enough age?

10:00

Dr McLaverty: Another argument that is often made is that children do not learn enough about politics and do not understand how politics works so, when they get the vote at 18 or whenever, they are uninformed about why it is important, how the system works and so on.

There is something to be said for introducing pupils, even in primary school, to the importance of politics in society—not to try to indoctrinate them in particular political beliefs but to explain why politics matters. That might help to make it seem more relevant—I honestly do not know. I know that the Scottish Parliament used to have an MSPs in schools scheme and that there is evidence that it was reasonably successful in encouraging students to become interested in politics.

The position depends on what is happening in wider society and whether politics is seen as important and worth while. We need to be honest. For whatever reasons, politics has a bad name in Britain, and so do politicians. There is no point in trying to deny that. I do not know whether doing more in schools would necessarily tackle that issue, but we should consider that.

It would be good if, when students left school at whatever age, they all had a clearer idea of how we are governed and the role that they can play in that system. That is not the case at the moment, even if students take modern studies until the end of their school life. The students whom I teach are often confused about who does what and how decisions are made.

The Convener: Some politicians are confused about that as well.

Professor Mitchell: The question is interesting and quite challenging. There must be some role for education, but I hesitate to say what that role should be, because I do not feel terribly qualified to do so. The only point that I will make—Peter McLaverty articulated it much better than I can—is that it should not be simply about politics, because there is much more to civic life than politics—indeed, there is much more to political activity than politics.

When I teach my students politics, my first lecture is entitled “What is politics?” and I point out the derivation of the word “politics”—it is about the polis and the community. As Aristotle said, man is by nature a political animal. He was saying that we live in communities, ergo we have politics and we have defined ways of living together, communicating and making collective decisions.

I do not suggest that we should go into schools and say what I have just said. However, it would be good to find a way of getting across the point that, when we live in our communities, we have to find ways of making decisions that impact on one another. We have to find ways of explaining that, throughout our lives—from the moment that we wake up in the morning and right through each day—we are affected by politics in the sense that I am talking about.

Party politics is only one small part of politics as a whole, although it is a very important part. The challenge—and possibly the problem—is that people’s perception of politics is a narrow conception. We need to get the point across, whether that is done by us as academics in our work or you as politicians in your work. It is also crucial that the media—I hope that nobody from the media is watching—start behaving in a way that puts forward a very different and much broader conception of politics.

Anne McTaggart: Hear, hear.

Alex Rowley (Cowdenbeath) (Lab): Among people in local government, there is a view that the devolution that came to Scotland did not follow through to local government and that there has been a reverse of devolution under successive Governments in Scotland—there was ring fencing from the last lot and this lot has been a bit more circumspect about how it has done that. There is a view among people in local government that there has been centralisation. What is your take on that?

Professor Mitchell: I share that view strongly and I would go back before devolution. In the paper that I wrote for the Society of Local Authority Chief Executives and Senior Managers, which the committee has seen, I traced the issue back over decades. We tend to find that parties in opposition are in favour of decentralisation and that parties in government centralise—it does not matter which political parties they are. A party in government may, for a period, decentralise but, ultimately, it will centralise.

I will not put this in party-political terms, and I am grateful that Mr Rowley did not do so. One of the issues to understand is why central Governments centralise. It is partly because of a degree of frustration and a sense that things need to be controlled, but it is also because of pressure on central Governments. That is not just about Governments—Parliaments play a part, too. I say with all due respect that many members might be guilty of using the term "postcode lottery". I suggest that that language is incompatible with believing in decentralisation, so we must get out of the habit of talking about that.

Fundamentally, I agree with Mr Rowley. I point to the report by Sir Neil McIntosh, who chaired the commission on local democracy that Donald Dewar set up in 1998 and which reported in June 1999, just a month after the Scottish Parliament was elected. That report made a series of proposals, such as a concordat between local government and the Scottish Parliament, and it proposed a way of moving forward. Some of those proposals were taken up, but too many were not.

I would like Sir Neil's proposals to be examined. By chance, I spoke at an event with him last Friday. I cannot urge the committee strongly enough to call him as a witness and hear what he has to say. He is a man with immense experience and expertise who has a fascinating insight into such matters.

Dr McLaverty: I agree with that completely. If we look at the history across Britain, we find that central Governments have been elected that were supposedly in favour of local government and councils having more power but which did the exact reverse when in government. That is a problem.

Central Government wants to control local government. That is not a party-political thing—it crosses all parties that have been in government. Unless we tackle that, councils will not get back the powers that they need. I agree that councils should have more power and freedom, but I do not know how we stop successive central Governments wanting to take more power and to control local government.

Alex Rowley: Under the previous Labour Government, a bit of experimentation happened down south with elected mayors. Is there any evidence on the impact of that?

Dr McLaverty: I do not think that the mayors have had a massive impact on increasing turnout at elections or regenerating their areas, although the situation varies, and some mayors have been more successful than others. The mayor is seen as an individual who has power, rather than as a position that has decentralised power and tried to increase public participation. It is interesting that, a few years ago, there was a series of votes in England on whether to establish mayors in certain areas, and they nearly all voted against that. I am not sure that having elected mayors is the way forward—in fact, I do not think that it is.

Professor Mitchell: I am not sure that I support mayors, but I like the idea of looking at such matters. The experience in England with mayors has varied, but it should vary and should reflect local diversity. Some of us might conclude that a mayor has been successful in one place and unsuccessful in another, but we must ask what criteria we are using in that respect. We need to look at that and other initiatives to see whether we can move forward, perhaps with some experimentation.

My fundamental point about what we ought to do is that any reorganisation of local government must come from below. I am strongly against having another royal commission from on high with great minds sitting around, drawing up a map of Scotland and deciding in that way. To go back to what I said earlier, we need to encourage almost local constitutional conventions that consider what is needed in particular areas.

As an extremely good example of the kind of local initiative that I am talking about, I cite the our islands, our future initiative, which the committee has been considering. That is a phenomenally interesting and exciting development. I spoke at the launch conference up in Kirkwall at the end of September and, as I said, I am off to Shetland later in the week. Something really exciting is going on there.

What is appropriate to the islands is not necessarily appropriate to Aberdeen, Edinburgh, East Lothian, Fife or wherever, but that is the

model that I am talking about, which involves looking from below. That approach will result in a rather messy landscape, but Scotland is messy.

The problem that we have is a mindset that expects symmetry across Scotland. People are not symmetrical and people do not live in that way. We need to reflect in our governance structures the reality that is messy Scotland. That is what we see in many of the Scandinavian countries that Peter McLaverty talked about.

Alex Rowley: We had Fife Council's chief executive in to give evidence a couple of weeks ago. I should say that, in the 1990s, I campaigned for Fife to remain as one local government unit. The chief executive gave the example that Fife's seven area committees are now developing local community plans. Fife is doing that work through its area committees and through engaging communities but—crucially—it also has budgets going to that level. The evidence that I have seen in Fife over the past couple of years is that getting budgets to that level means that there is better engagement. Is there a role for that community planning model as we go forward?

Professor Mitchell: Absolutely. We have seen similar developments elsewhere. Exciting developments are taking place in Edinburgh, where we are in effect moving towards a total place approach. That place will not necessarily be the local authority's area; it might be beyond that.

You touch on something else that is extremely important, which is the relationship between statutory and non-statutory bodies, including local government, health boards, the voluntary sector and communities. Somehow, we have to work that relationship out.

In a way, Fife has an advantage—perhaps partly because of the success of your campaign in the 1990s—in that it is conceived as a coherent unit for a number of purposes, and that seems to work. There is also the notion of identity, which we have mentioned. People identify as and feel that they are Fifers, which can be important. Its importance can be overstated, but it is not unimportant, especially in generating the sense of belonging and the engagement that can arise. That is hugely important in the island communities, too.

Dr McLaverty: I agree and I do not have much to add. It is a good idea and it should be pursued where possible.

Stuart McMillan (West Scotland) (SNP): Good morning, gentlemen. A lot has been said. I have only a couple of minutes for questions, although I could probably ask a lot more.

The Convener: Please don't. [*Laughter*.]

Stuart McMillan: Professor Mitchell mentioned the postcode lottery issue, which page 46 of the report that he provided to the committee refers to. Previously, the committee undertook a piece of work on benchmarking. If the number of local authorities changed and there were many more smaller ones, how easy would it be for them to benchmark what they delivered against others so that the people in their areas could get better services?

Professor Mitchell: That is another huge and important question, which I will try to answer. I will probably make a mess of it, for which I apologise. I will perhaps want to come back to you to speak about it.

One key thing is to determine what should be decided at which level. One would not expect to decentralise everything to the local level; there are areas where we must have joint responsibility. The key point is that we need to reflect local areas' needs. I am interested in the developments in Clackmannanshire and Stirling, which now share an education authority. They are one for that purpose—they are working together—but they did not have to get rid of the two local authorities to do that. They have protected the existence of one of Scotland's smallest local authorities—Clackmannanshire Council. That really interesting development is the kind of thing that we need more of in Scotland.

We do not want a massive reorganisation. I would very much oppose that, because we would spend far too much on it and people would be more worried about what jobs they would get and suchlike, so their eyes would be off the ball. The goal is clear—it is to provide decent services and a civically responsible community. That is the situation that we need to create. There are different ways of doing it—I could go into that at greater length and I am more than happy to come back and speak to you—but we must be careful that we do not decentralise things that cannot be run at the most local level.

10:15

The situation that we find ourselves in today is that an awful lot of things are being done at the wrong level, and there are relationships that are not quite right. We can see that from international examples and from history. We have found ourselves with health boards that are responsible for things that came under local government in the past. We are beginning to tackle that, but we have a long way to go, and that is but one of many examples that one can look at. This is where we need to reflect the needs of local communities and trust them.

Things will go wrong. One of our biggest problems in modern politics is a utopian expectation that nothing will go wrong. When something goes wrong, we call for people's heads and we say that everything is terrible and that our politicians are corrupt and hopeless and suchlike. However, when we put into perspective the vast range of responsibilities and what happens every day in the delivery of services across Scotland by many people such as teachers and nurses, we see that that is phenomenally successful.

The Convener: Professor Mitchell talked about the difficulties when something fails. Do you think that we do not push ahead with some of the radical thought about joining up services between different public bodies—whether they be councils or others—because we are scared that the audit system will have something to say about it at the end if it does not work out exactly as planned?

Professor Mitchell: Yes, although I have to jump to the defence of Audit Scotland, whose reports are fantastically good and useful.

The Convener: I am not really talking about Audit Scotland; I am talking about the other regulatory bodies that have a locus.

Professor Mitchell: Indeed. I make a distinction between bodies such as Audit Scotland, which performs a really important function, and other bodies, but it is not the regulatory bodies that worry me.

I will tread on dangerous ground by saying that one of the problems is with parliamentarians. They stand up in Parliament to make a speech and create a fuss about an issue as if something can be done about it or as if it is a minister's responsibility. We have seen that across Governments, regardless of which party is in power here and at Westminster, and it is not at all healthy. It encourages centralisation and a control freakery that is not healthy. I will not name names, but I sometimes shake my head in despair when I hear members of the Scottish Parliament attacking ministers—I stress that I have been doing that since 1999—because our criticism must be much more constructive.

The Convener: Is that media driven rather than just parliamentarian driven?

Professor Mitchell: If I was speaking to the media, I would blame the media—[*Laughter*.] I prefer to say it straight to the people whom I am addressing. I do not believe in giving people an easy time.

You have a responsibility. I am happy to go to the media and tell them about their responsibilities, and I go to colleagues in universities and tell them about their responsibilities, as I expect people to do with me.

The Convener: Thank you for your forthright views.

Dr McLaverty: Councils should be more willing to take risks and do things that are not generally done. We must get away from the blame culture, which is part of the reason why people do not like politics. There is a continuous cry of, "Oh—you've got it wrong. You shouldn't have done that. If we had done it, we would have done it so much better." Unless we take a more grown-up attitude to politics, we will struggle to engage people and get them to think that politics is important and worth while.

As for not decentralising things that should not be decentralised, in some continental countries that have small local government bodies, those bodies do things together. A number of councils work together to provide services or run facilities. There is no point in denying that that raises issues of accountability of the people who are elected. However, if there is a willingness to be flexible and to recognise that things should be done at different levels, we can start to make progress and give local democracy some meaning.

Stuart McMillan: You have said so much. I genuinely appreciate Professor Mitchell's comments and his honesty in making them.

Professor Mitchell talked about the islands and the bottom-up initiative that is taking place there. It is on the record that, when we spoke to folk from the community, many said that they did not feel that they were involved in the discussions and that they felt as if something was being done to them. They were not involved in consultations, so they felt disenfranchised from the discussion.

The Convener: It would be fair to say that many of the folks in the Western Isles felt that power was centralised in Stornoway. How would you respond, Professor Mitchell?

Professor Mitchell: I think that I have already made the point that people in the outer islands might not feel that the chief executive and councillors who make the decisions in each of the three island authorities actually represent them. That is a challenge for the island authorities, and I think that they are well aware of it. The issue was certainly debated at the launch conference of the our islands, our future campaign last September.

You make a valid point, and local authorities need to take it into account. The notion that just because someone has been elected as an MSP, a councillor or whatever that means that they are the only legitimate voice in a community is wrong. It is in the interests of elected representatives to get out there and listen—indeed, not only that, but to find means of encouraging participation. That brings me back to my point that we need a bottom-up model that encourages local participation.

We have to be very careful. I suspect that everyone in the room, particularly those who have been councillors, will be aware that in many local communities there are loud voices that have not been elected and which are not necessarily representative of the community. What do we do about that challenge? A possible response that might be inadequate but which I suspect will be as good as it gets is to put any proposed reforms to the electorate in a referendum to give them an endorsement and the kind of democratic legitimacy and underpinning that we talked about at the beginning of the session when we discussed the issue of entrenchment.

Nevertheless, I take your point. It is very important that local authorities address the issue. After all, the local authority headquarters can feel very distant to many people.

Dr McLaverty: Basically, I agree. We should look at certain mechanisms such as citizens juries and consensus conferences that are not particularly new these days but which came out of the debates on deliberative democracy.

When local councils engage with the local population through, say, citizens panels, we must ensure that the people involved have a genuine way of seeing how their engagement has affected outcomes and that they know that what they are putting forward is considered, even if it is not adopted, and that, if it is not adopted, they know why. I entirely understand why this happens, but all too often there is a tendency not to take seriously what the people involved in such engagement say. Unless we take people seriously and show the mechanisms through which they can have an impact, we are going to struggle.

Stuart McMillan: I have a final question, convener.

The Convener: Please be brief.

Stuart McMillan: We will hear from representatives from the third sector later in the meeting, but what role do you think the third sector can play in improving service delivery?

Professor Mitchell: It is already playing an enormously important role; indeed, the role that it plays is not always appreciated. Without the third sector, we would not be able to deliver services as we do.

An interesting debate is going on about the relationship between the statutory bodies and the third sector, and there are issues that I am sure you will hear about—and rightly so—from the Scottish Council for Voluntary Organisations with regard to the funding of local services through the third sector. One thing that the sector is very good at is innovation; in some cases—though not all—it is not bound by the same statutory obligations. However, a problem that I have detected in some cases is a misunderstanding in the third sector's view of statutory bodies, and vice versa. We need to create conditions and forums in which there can be more dialogue.

A hugely important point that has not been mentioned is that, as we move forward into the future, we are going to face extremely difficult financial times; indeed, I believe that the former Auditor General for Scotland described what is coming as a long, hard, cold winter. We will be required to use money much more sensibly, which will necessitate a closer relationship between the third sector and the statutory bodies. We certainly need to give the issue serious attention, because we could not provide the services that we currently offer without the third sector.

Dr McLaverty: That is just the case, isn't it? I do not think that there can be any question about that. Third sector organisations play an increasingly important part in the provision of services.

I would introduce one caveat. If we are talking about trying to increase democracy and public participation in what happens locally, we need to think about how social enterprises can fit into that. By definition, a social enterprise is not necessarily democratic or an organisation that will promote public participation. We need to think about what role social enterprises can play in an agenda that is based around strengthening local democracy and engaging with people more effectively. That will take some thinking.

Professor Mitchell: I would add one point that I did not think about until I heard something that Peter McLaverty said. One of the interesting things about the third sector is that, as its role has expanded over the years—it is massive now—it has taken on, to a far greater extent than in past decades, a role in service delivery. I have a slight concern that that may squeeze out the advocacy role that the third sector has traditionally played. When you are dependent on statutory bodies for money and suchlike, it is likely to limit your ability to criticise—and we need that constructive criticism.

That is the theory. The practice would appear to be quite different—the third sector is more than capable of being critical—but we need to aware of what can arise in certain circumstances.

Mark McDonald (Aberdeen Donside) (SNP): This has been a very interesting discussion so far. I want to pick up on the issue of how communities engage. We have focused quite heavily on community councils during our discussions. I was interested by Professor Mitchell's point about how the demographics of a community can influence how active or otherwise that community is.

In my constituency, I see communities that we would class as being deprived, in which there is a huge amount of community spirit. In those places, people are probably more likely to know their neighbours and one another than is the case in more affluent areas, yet they do not necessarily organise and mobilise to the same extent as more affluent communities might, which may be down to profession, occupation and so on. However, there are still means through which those communities organise and engage.

There seems to be a heavy focus on community councils as the forum through which community engagement is viewed, and obviously they have a statutory function in that regard. However, do we need to look carefully at how authorities engage with communities? Have we got the balance right?

The Convener: Can we start with Dr McLaverty this time?

Dr McLaverty: We need to look at new ways of doing it. Community councils operate well in some areas but play no part at all in others. They are therefore not the answer. They may be one part of an answer, but we need to be much more willing to engage with people as service users where they live locally, especially where issues relate to particular localities.

We need to be more flexible about the ways in which we engage with people and we need to encourage a more deliberative approach to the participation of people. We need to get away from what has been the norm in local government throughout Britain, which is that it is a one-size-fits-all situation, in which we have the same mechanisms for all issues and in all areas. Local councils need to be more willing to be innovative in the way in which they engage with different communities that have different needs and different ways of expressing their needs. We need a variety of mechanisms.

There are a number of mechanisms out there at the moment, and a lot of work has been done on trying to engage people. The only problem with that is: if we have all these different methods of engagement, how do we bring it all together? There is a danger that we lose an overall vision of what should be done. Within that constraint, though, there needs to be more flexibility and more willingness to use different methods.

10:30

Professor Mitchell: I very much agree with Peter McLaverty. The plurality of approach is hugely important. That which is appropriate in one area may not be in another.

On the ground, I suspect that community councils are not even noticed in many areas of Scotland. In some areas, they are very active and very much noticed but, in many areas, what they appear to be doing is the same kind of work as others, who are not doing it under the banner of the community councils but are very active.

My point about demographics—and this is a tendency, rather than a rule, because clearly there is great diversity—is that in certain middle class areas, when people decide that they want to have a club for X, Y or Z, they will have the wherewithal and resources to set one up. I live in an area that is reasonably well off and it is rich in social capital; there are an enormous number of groups and activities in which my family and I can participate. That also happens in many poorer areas, but not to the same extent.

That is not a criticism of people living in poorer areas—there are very good reasons why that might be the case—but statutory bodies, local government and the Parliament have to step in and try to even out that distribution. They have to play a part in ensuring that areas that are at a disadvantage are given help.

Plurality is important. If we can encourage that, we will also see greater engagement. You can see an interesting relationship between the demographics of an area and turnout and participation generally.

Mark McDonald: One point made earlier was about the size of local government and whether the right size of local authorities has been achieved, compared with other European nations. The point was made about the remoteness of the headquarters of island councils. You could make the same point about Highland Council or Aberdeenshire Council, which cover vast geographical areas.

I take on board the point that size is not important, so do you think that the issue is more about localism than size? Is it about people feeling that they are part of something more local? For example, somebody in Fraserburgh would not necessarily feel an affinity with somebody in Laurencekirk when it comes to the delivery of services. The localism element might drive more participation from people in the community.

Dr McLaverty: It could do. There is nothing wrong with having local councils of different sizes. The idea that all local councils should be the same size and carry out the same functions is not particularly sensible. The structure that you will need for a poorly populated rural area will be different to the structure that you will need for a built-up urban area. Thinking that you can govern them in the same way does not seem to make a lot of sense.

How you can do that in a way that keeps the system coherent is another matter. Certainly there

are much smaller local councils in other countries, but we have to be careful about equating size with people feeling committed to the local authority. That can happen, but it is not inevitable. The size of local authorities and their boundaries are difficult to get right. I do not think that there are any simple answers.

Professor Mitchell: We should not run away from the fact that there is a tension between a functional way of organising local government and a more decentralist, localist way of approaching it.

It is worth going back and looking at the Wheatley commission's report from the 1960s. It was highly influenced by a functional approach. It looked at what would be the most appropriate size of a local authority for different functions, such as education, health, housing, local planning and so on.

There is a very interesting chapter on that in the report, which concludes that there is a certain appropriate size for different functions. That makes a degree of sense, but it does not lead to a particular conclusion, because each function has a different appropriate size. The danger is that we lose sight of the other important element, which is the localist dimension. We have to get a balance somehow. My suggestion is that the best approach is to take the localist dimension as the starting point or basic building block and then build from there.

Where appropriate, functions can be joined together. I referred earlier to the Stirling and Clackmannanshire situation, and Mr Rowley mentioned the Fife situation. One could conceive of Fife as being essentially a local authority but consisting of different communities, each of which now has—to some extent—its own local budgets. That is an interesting way of looking at things.

We tend to look at local government from a top-down perspective. We should start to change our mindsets—I have come to the conclusion that the biggest problem is mindsets, rather than anything else—and conceive of things from below upwards. That does not necessarily mean that we should have X number of local authorities each of which does everything, but it might mean that we have a larger number of local units interacting with others.

I can certainly see the case for some mergers of local authorities. I must be clear that I am not saying that I would sign up to it, but I have heard a powerful case that the three Ayrshire authorities should be one. I have heard that articulated powerfully and I can see the case, particularly if there is also a degree of decentralisation from what we have at present. We should not see it as the case that we have to either centralise or decentralise. We might want to do both.

Mark McDonald: We have had a lot of theoretical discussion about more powers for local authorities, and that has come up again today. Do you have any ideas on which powers that local authorities do not currently possess it might be beneficial for them to be given control over in the future?

Professor Mitchell: Local authorities should have a meaningful—I stress that word—power of general competence. That follows from their having real local financial autonomy. Over decades, we have seen local government losing its financial autonomy. In party political debate, there are always arguments about the council tax freeze, but to be frank that is a small debate, given what is required. We need to move well beyond that kind of party politics.

Again, I cite Sir Neil McIntosh and suggest that you call him before you to look again at what he recommended in June 1999. We really do need to look again at finance, because that is the only way in which we will have real, meaningful autonomy. All parties have been guilty here, and that makes it easier for people such as us to be critical, because it is not a party political point. We need—and I urge—the committee to unite in a clear voice on that, as many others are doing. We also need to be much more open-minded about how local authorities are funded. We must avoid the silly response that, if local authorities are to gain a range of different tax powers, that necessarily means more tax being paid. That decision will be made by local people.

Dr McLaverty: I completely agree. In Europe, it is not uncommon for local councils to get 40 or 50 per cent of their revenue from their own means, whereas here in Scotland it is less than 20 per cent. We need to tackle that situation because it limits the role of local councils and how they are seen in the local community. We also need to look at giving councils more freedom to do things. A right of general competence would be a really good thing for local councils. Provided that they are meeting statutory responsibilities and meeting the needs of the most vulnerable people in society—there is no question that they have to do that—they should have freedom to spend money in the way that local people want them to. That is the way that we should go.

The Convener: One thing that we found in Europe in relation to financial powers was that there are many more options for local authorities to come together and form companies, with the profits going back into public services. Should we allow that here? A good example is that, in southern Sweden, waste collection is dealt with by a company that a number of public bodies formed together, with all the profits going back into the municipalities.

Professor Mitchell: I do not want to pre-empt the conclusions of some work that I am doing on some of those things, but I think that you need to be open-minded about that. I remind you that, in the past, local government provided many services including gas works, hospitals and so on. I am not suggesting that we remove hospitals from health and give them to local government, but we must be mindful that such things were often done and that some of the greatest innovations in public services occurred at the local level.

There is a wonderful piece written by David Donnison—another grand figure in the field of public service delivery. A few months ago, he wrote about the changes that he has witnessed over his long life—I think that he is 88 now. He observed that, if we really want to identify some of the key, really challenging and really exciting innovations to public services, we generally have to look to the local level, as innovations have generally come from there.

The Convener: You have talked about the centralisation of powers that has happened over the years. The power for local authorities to have the right to generate electricity has just been restored recently. As regards the renewables revolution, such powers could open up a lot of new revenue streams—particularly for the island authorities. Should such powers be looked at and should there be a level of flexibility in place so that councils can really mine those resources?

Professor Mitchell: Absolutely—the islands are making a case for that but it is also happening elsewhere. Fife was mentioned earlier and there are some really interesting developments there. I was speaking to people in Fife recently about some of the stuff that is going on, and they are looking at some of the possibilities. Let us look at these issues, opportunities and ideas. Let us be bolder and less risk averse.

Dr McLaverty: I absolutely agree that that is something that should be considered and, where it can work, it should be done.

I absolutely agree with the last point as well—we need to be bolder about local government, what it can do and what it should do. People used to talk about gas and water socialism years ago, when local councils ran those services. We need to make the most of local councils but we also need to recognise that if we give local councils more freedom, there will be differences and we have to be prepared to live with those differences. I think that some people would not be happy because the differences could be quite big.

The Convener: Thank you for that.

Speaking of differences, Professor Mitchell, we would be missing a trick if we did not get you to comment on the Christie report. There were a number of recommendations from the Christie commission. Where do you think we are at in terms of dealing with some of those recommendations, and where should we be looking at going in terms of allowing those recommendations to progress?

Professor Mitchell: I remember appearing before this committee a few months after the report was published. I think that I said some fairly challenging things to the committee back then, too. We have made great progress; we still have an awful long way to go. We are moving into extremely difficult times.

As regards the Christie recommendations, the four pillars remain hugely important, with a focus on the integration of services; developing local communities and individuals and the personalisation agenda; prevention; and creating greater efficiency. I take a great deal of comfort from the fact that there appears to be near unanimity around the principles—at least, people all tell me that they agree with them. However, implementation is not happening to quite the extent that I would like. Perhaps I am impatient but I think that we could and should be doing so much more. I accept that we are moving into difficult times. There is a particular issue with the prevention agenda, as it will require the shifting of resources, which is very difficult to do when we are facing financial cuts.

I am very impatient—I am sure that all the members of the commission are—but we are watching what is happening very closely. It is one of many similar reports that have been published—I mentioned Sir Neil McIntosh's report earlier. There was no rocket science in the Christie report. It was about pooling the expertise of people across Scotland on best practice. Somehow, we have to scale that up and move that forward.

The Convener: Thank you very much for your time, gentlemen. It has been an enlightening session. I suspend the meeting to allow for a change of witnesses.

10:44

Meeting suspended.

10:46

On resuming—

The Convener: We move on to our second panel. I welcome Councillor Graham Garvie, who is president of the Scottish Provosts Association and convener of Scottish Borders Council, and Councillor Tom Kerr, who is secretary of the Scottish Provosts Association and provost of West

Lothian Council. Good morning. Would you like to make any opening remarks?

Councillor Graham Garvie (Scottish Provosts Association and Scottish Borders Council): Thank you very much for inviting us. As I just said to you briefly, you were very quick off the mark to invite us just after we relaunched as an association, so we did not have time to provide a written submission. However, I have some remarks that might be of interest to you.

First, we thought that we would say a word about ourselves. As you see, we are not quite in the first flush of youth, but we are still rookies as far as the association goes. I have been a councillor since 2003, and for some years before that I was the chief executive of a Scottish local authority—it is probably unusual for that to happen in life. In between, I worked for the Foreign and Commonwealth Office at length in the Balkans in helping to reconstruct countries there.

That is a very brief résumé. My colleague will also want to say something.

Councillor Tom Kerr (Scottish Provosts Association and West Lothian Council): I thank the committee for inviting us along. I have been a councillor since 1992 and provost of West Lothian for the past seven years. Prior to that, I worked in the private sector in the marine industry. I operated my own marine consultancy for X years—that does not give my age away.

Councillor Garvie: The office of provost was established in Scotland in 1126 by King David I. The office is ancient, and was at the centre of Scotland's life until 1975, when the Wheatley report was implemented and, in my book, the baby was thrown out with the bath water. We lost a lot at that time. There were no designations, other than the lord provosts of the cities; we lost bailies and magistrates. The whole ceremonial thing was not addressed properly at that time. A large part of what the association is about is our trying to revive that side of it. We work in parallel with the Convention of Scottish Local Authorities, which does the party-political work; we work very closely with colleagues in it.

Our objectives are to promote the image and dignity of Scottish local government, to advance the wellbeing of Scottish local democracy and the people of Scotland, and to provide a forum for civic heads to pool their experiences. Civic heads are quite often thrust into that quite different role in life without any support or training, so that forum is very helpful. Our other objectives are to arrange training, which we are doing with the Improvement Service—Colin Mair is putting in place arrangements for that in the coming months—and to collaborate with COSLA closely on its work in the political sphere.

As members will know, in previous times—you should stop me if you know what I am about to say—the provost was both the civic head and the political head. More recently, councils have become much more political, so it seemed to be a natural development that there should be two distinctive roles. That has happened only in the past 10 or 15 years. Nearly all Scotland's 32 councils now have a civic head and a political leader of the council's administration. I emphasise that the on-going working relationship between the two is absolutely crucial to the harmonious working of the council's administration.

In between elections every five years—which seems to have reverted to every four years—most of the work is non-political and just involves delivering services. Therefore, it is really important that, in any administration, the people come together and work closely with the provost or convener. That to me is an interesting development. However, round about election times, things change a bit.

In this field of civic—as distinguished from political—leadership, the value of a non-political association of provosts as a defender of the institution of local government and the idea of local democracy cannot be overstated.

That is an initial statement, although I could go on about the functions that bother us and about what has happened in recent years, as was mentioned by Professor Mitchell. We have lost a lot of local government and our members are concerned not only that local democracy has been adversely affected by a power grab by all Governments to the centre—it has happened in England and Wales, too—but that the advent of the Parliament in 1999 has led understandably to something new, which is a huge public focus and emphasis on national politics, away from local government.

I think that I am right in saying that there is no national newspaper in Scotland that has a local government correspondent, which is interesting to note. Consequently, the visibility of local government has been greatly diminished. It has been argued that that general lack of visibility and the power grab to the centre, coupled with the party-political orientation of stories when they appear in the press, are the main causes of low voter turnout at local government elections.

You have probably gone over this issue before, but Mr McDonald was asking what functions should return to local government—

The Convener: I do not want you to pre-empt questions that you are likely to be asked, Provost Garvie.

Councillor Garvie: I am a convener, by the way, not a provost. Most of us are called provosts,

but some of us are still called conveners. There is a historical reason for that in the Borders, although we have honorary provosts in the towns.

The Convener: I will perhaps stick to "councillor" then.

Councillor Garvie: I do not mind; call me what you like.

The Convener: You heard Professor Mitchell answer Mr Rowley's question about places down south having moved to a system whereby elected mayors have the political power. What is your view of the idea of having elected provosts in Scotland?

Councillor Garvie: The idea is irrelevant; it does not matter. What matters is that proper powers are discharged locally by able people. Neil McIntosh, who was a colleague of mine, referred to and dismissed that idea for the valid reasons that are set out in his 1999 report. The idea is a gimmick. Some places do it; for example, London has a very popular mayor and America elects mayors, too. Scotland does not need that. We need able councillors, with proper services being run locally and accountable to local people.

Councillor Kerr: I agree with Graham Garvie. The elected mayor system does not have much to offer in Scotland, as far as we are concerned. It is decentralisation that is important. Everyone this morning, including the two witnesses on the previous panel, has talked at great length about the centralisation that has taken place. Graham and I are speaking as officers of the Scottish Provosts Association, but we could drift into personal opinions, too. I will try and distinguish between the two. I hope that you will appreciate that we are not necessarily speaking for the other 32 conveners and provosts in Scotland.

It is more important to decentralise functions down to the existing authorities. A great number of functions have been taken away. We need to look seriously and constructively at the situation—which, as has been said, varies throughout Scotland—and at what that smaller democratic system, authority, grouping or whatever you want to call it, does and what services it performs.

I have personal views on that matter. Over the years, I have had a lot of experience of community councils, and they have been a complete failure. Wheatley's proposals on community councils were a serious mistake, although they were made for good reasons and I can see why they were proposed. Community councils do not do the job that I am sure Wheatley intended them to do, simply because they were given no teeth.

In addition, over the years, some of them have become politicised, which they were never supposed to be. Others have been very good. In my authority, I could name the ones that have gone totally political and name the ones that stick very rigidly to being non-political. We must look at that situation, and I am quite happy to answer any questions on what would be the best way forward.

I have been involved in the Scottish Provosts Association in most of the seven years since I became provost. I want to get over to the committee and the Scottish Government the point that, in the first five years in which I was involved in it, the association lost its way in many respects and was not totally representative of the conveners and provosts in Scotland. I hope that the committee accepts that, over the past year or 18 months, the association has come together a lot better, which probably has a lot to do with Graham Garvie's input. There are difficulties with cities in particular, but notwithstanding that, there is a feeling among the remaining conveners and provosts that we have an opportunity to let the voice of civic heads be heard.

There will always be leaders and other councillors in local government who think that the civic role is a waste of time. However, on that, I am less interested in the opinion of my fellow councillors or even that of MSPs or MPs because I know that people have a great deal of respect for the civic heads of authorities. When I attend things as provost—whether it be a wedding anniversary, 100th birthday or an event—and am projected as the non-political civic head, the general populace respects that. The Scottish Provosts Association wants to try to emphasise that and get that message over. We have a role and the association will be the mechanism for it.

Alex Rowley: On the civic role, if we did a straw poll in any of the local authority areas, I wonder how many people would be able to tell us who the provost was.

Councillor Garvie: In the Borders, people would know who the convener was. In the burghs, they have honorary provosts. I think a lot of people would know. I travel around the 1,800 square miles of the Borders and do a lot of openings, events with lord lieutenants, royal visits and citizenship ceremonies; I visit community councils and people in the communities. I suspect that quite a large number—more than I would have thought—would know who I am, but we would have to do a proper survey to get the proper answer.

It is quite surprising how aware people are. Of course, although the national newspapers do not take much interest, the local papers in my area have the council leader, the convener or leading local politicians in every week on issues, so our pictures are in the press a lot. I am sure that Tom Kerr will repeat that.

Councillor Kerr: The situation varies from authority to authority. I am not conceited in any way, but I suggest that, in my authority, I am probably better known than the local MSPs or MPs. However, I am lucky, because I am in an area that has perhaps five traditional towns and a major new town and I get around all those areas. There may be other areas where the question would be answered differently.

Alex Rowley: What could the Scottish Provosts Association do? Earlier, we took evidence on civic engagement and pride and we heard the view that they are more important than many other factors in respect of people feeling part of a local authority, or feeling that it is worth their while to go out and vote. What can the association achieve in trying to promote civic engagement and pride, given that you are the civic heads of the council areas that you represent?

Councillor Garvie: As I said in my opening remarks, we promote civic and local government. People are not daft; they know where the controls and powers are in government. At the last election, we had a 28 per cent or 29 per cent turnout in Galashiels. People know that the powers have been taken away from local authorities—I know that the committee has been examining that. People still regard the local authority as important because it delivers services daily, but they realise that the exercise of real power is elsewhere.

Communities are interesting things—

The Convener: I will stop you there, Mr Garvie. A number of times, you have mentioned the powers that have been taken away from local authorities. Will you give us examples?

11:00

Councillor Garvie: I am glad that you asked me that question. In my direct experience as a local authority chief officer and as a councillor, I have seen that since the 1970s a large number of powers have been taken away. I have a list of them here; there are about 10 or 12, and I will quickly tell you a few of them.

In the 1970s and 1980s the Housing Corporation and housing associations were set up—I am not saying that that was a good thing or a bad thing; it is just a fact. In many parts of the country, housing authority—the running of council houses—went to housing associations. Further education colleges used to be run by councils, but they were taken away in the 1980s. In the 1990s, tourism was taken away from local tourist boards and given to VisitScotland.

Water and sewerage were taken away in 1996, first to the three previous water boards, then latterly to Scottish Water. Environmental protection was taken away in 1996 and given to the Scottish Environment Protection Agency. Economic development was taken away in part: local enterprise companies disappeared into two enterprise companies for Scotland. Fire and rescue went last year and police went last year. Perhaps worst of all, determination of local council tax has been out of our hands for seven years. Those are some examples from my experience of where local authorities have been diminished, with regard to the powers that they discharge. Before that, as Professor Mitchell mentioned, just after the second world war local authorities were the energy authorities and provided towns with gas and electricity supplies. I am not suggesting that we go back to that; those are just facts. Over the years, successive Governments have done that. People are realising that it happened to that extent and wondering why they should bother voting in local government elections at all.

The Convener: It would be fair to say that most of those examples took place at points at which there was major local government reorganisation.

Councillor Garvie: No—that is not true. Just two of the changes took place at such times: water and sewerage, and environmental protection, in 1996. The others happened outside reorganisation.

The Convener: What about the 1970s scenario?

Councillor Garvie: The Housing Corporation was set up outside reorganisation of local government in 1975. It was set up in parallel to reorganisation, but separate from it.

The Convener: Councillor Kerr, do you want to comment on that?

Councillor Kerr: I agree with Graham Garvie completely. His analysis of the centralisation of those services is factual. In addition to that, however, I say that we are not trying to make a case to reinstate those powers; we are just stating facts about centralisation. I certainly would not necessarily be in favour of a lot of those things coming back under local control.

Alex Rowley: What sometimes amazes me—I should say that until January I was the leader of Fife Council—is that local government delivers services that impact on people's lives every day: education, social work, housing, bins being emptied, street cleaning and local environment. Local government is the tier of government that impacts on people's lives every day. I agree entirely that there is a perception out there that local government is perhaps not as important as this place. I do not share that view, but I can see that that perception exists. How do we turn that

round? Local government is the thing that people have most contact with, day in and day out.

Councillor Garvie: If the service is running well, things are fine; if something goes wrong—as someone said earlier—there is a crowd pull: people will start complaining and will turn up and propose to close something. If everything is running well, people do not want to be engaged.

I have noticed that, rather than people having spatial communities where they live, they now have communities of interest—social networks and the web and all that. An interesting change in dynamic is going on in society; people's loyalty to their local community is not as I remember it when I was being brought up, when it was absolutely crucial. People's loyalty is now more to communities of interest, whatever their interests might be, and whether they are nationwide or worldwide. A change is going on in what people use their time to do.

I repeat: if services are running well, nobody is interested; no one will come to an area forum or a community council. They are interested only when things go wrong and when there is a problem, and that is when the press pick up, as well. I agree with Professor Mitchell that local government does fantastic work day in, day out, and affects people's lives in very good ways all the time. It is only when something goes wrong that people shout about it.

We should emphasise, time and again, that we are very lucky. I have worked in very bad parts of the world where, for example, to have this kind of meeting would be unheard of. We are so lucky to have what we have. What we are doing here is embellishing what we have and looking at it again, but let us be very pleased about the country that we live in. We are so lucky, as I think people realise if they travel the world.

Councillor Kerr: I agree that we need to make the electorate more conscious of what local government does, and I think that that is really where you are coming from. An appreciation of what local government does goes back to what Professor Mitchell and Dr McLaverty were saying earlier, and we are really saying the same thing. We really have to think. It is up to the committee to take on board all the evidence that it has had. How are you going to reverse a situation in which local democracy just does not exist in many ways?

West Lothian has a population of 172,000, and it is probably one of the smaller councils . How can we get local feeling back at a lower level? It will not be easy. I could make a unilateral declaration of independence in my town tomorrow and I am sure that I would get a 100 per cent vote for it, but it would not be a positive way forward. Other areas would not operate on the same basis.

The real discussion as far as local government is concerned is about how we can get local democracy with the tools in particular services that can be seen by the local electorate. There are things such as the external environment or the maintenance of playgrounds—what it is called depends on which local authority you are in—that could quite easily be done at a lower level, simply because we can get a great deal of the third sector or the volunteer sector to link into it. If the local organisations knew that they had a budget and that there were people they could approach, that would be one way of doing it. Now there are some towns—

The Convener: Can I stop you there? At the moment, you are able to devolve those budgets down to whatever level. In some places that the committee has visited while doing inquiries, local authorities are very good at giving local folks the resource so that they can do the kind of thing that you are talking about. In other places, budgets are held centrally. What is to prevent you from doing some of the things that you are talking about and giving your town the ability to spend money on grounds maintenance, or whatever it might be? Why are you not doing that now?

Councillor Kerr: You are quite right, and we do do that in West Lothian. We allocate to the towns a town centre capital programme, which is then discussed by town centre management groups, community councils and local area committees. However, we have not gone to the stage of giving them the authority and power to issue a contract. Maybe we are behind other authorities on that. It will become meaningful only if the local area committee, or whatever title you want to give it, has the allocation of capital and money as well as the authority to go out and get three quotes for a job, and can use the money that it has been allocated in the way it wants to use it. We are already going halfway towards that at the moment.

John Wilson: Good morning. I am still trying to work out the difference between civic heads and council leaders. I agree with Convener Garvie that we have seen a change in local government and how it is delivered.

We have also seen political changes in local government. I remember when the provost was quite an influential figure in the council. All of a sudden, we moved from provosts to council leaders, and the council leader became the civic head of the local authority. Is this just not a dispute between the provosts or, in your case Convener Garvie, the conveners, and the council leaders? At the end of the day, provosts and conveners of local authorities are political appointees.

Councillor Garvie: That is a very good question. I think that we have simply worked it out. Obviously, I have not consulted all the

membership, so I cannot speak for everyone, but that is my position: we make it work. It has been an important and useful development in local government to have that separation. One of the biggest advantages concerns time commitment. I spend a lot of time doing apolitical work in the community, some of which has been mentioned.

In the Borders, when we had a combined post of leader and convener, we just could not do it all. That, in itself, was reason to separate the roles.

Of course there are occasions when politics comes into the job that I do. For example, I chair the administration meetings. That was an interesting thing to be asked to do, but it works. It gives me inside knowledge. The only meeting that I do outside the council is that one, which I chair once a month. It gives me a feeling for the issues, which helps me as an independent chair of the council meeting.

Disputes about relationships do not exist. We make it work between us. I think that that is true of most of the councils: they make it work for the benefit of people. There might have been room for disputes to arise, but it has developed into a good, practical working relationship that recognises distinct and important roles.

John Wilson: Is that because Scottish Borders Council has a coalition administration, which means that there is more freedom for you, in your role as convener, to carry out that civic head function than there would be in, say, Glasgow or North Lanarkshire, where the administrations are dominated by one party?

Councillor Garvie: Yes. As I understand it, those are the only councils in Scotland that do not have coalition arrangements. I have no knowledge of how they operate. You would have to ask them.

From my experience, and from speaking to colleagues in councils that have coalitions, the way in which the situation has been outlined is the way it works. I think that there are a couple of councils—maybe a couple of the island councils—that still combine the roles of political head and convener, but that is unusual. The norm in coalition councils is to separate those roles.

Councillor Kerr: I think that the big change came when the single transferable vote system came in, and we ended up with very few councils in which one party had a majority. At that point, the role started to change. I have been on councils on which there has been a majority party but, for the past seven years, no party has had overall control of my council. I have also had experience of being in administration with two different parties—five years with one party and now, in this present administration, with another party. Sometimes there are conflicts, but a great deal depends on the individuals.

It is perhaps wrong of me to personalise this but, for example, after the past two elections, my overall consideration has been to ensure that we have an administration that would last for the full term. I was not really worried about who made up the administration; the important thing was to ensure that it was not an administration that flipped and flopped every six or nine months. If you start off with that philosophy, everything is easy.

I have worked with two different leaders, and we have to set out our roles. However, as Graham Garvie says, there is no doubt that the role of the civic head is clear. I am probably better known in West Lothian than the leader of the council is, even though the leader of the council is the political leader.

I do not know whether that answers your question, but the point is that, when you have administrations in which there are two or three different complexions, the important factor is how the individuals form the administration, and the civic head has an important role.

Yesterday, I chaired a council meeting at which I abstained on three votes, simply because I could not agree with either the motion or the amendment, which had been put forward by two different parties. However, there are occasions in which, as the civic head, I have to mediate such situations. I will not tell you the other things that went on at that meeting but, if any members of the public had been present, they would not have thought that they were very nice. However, the point is that there is a distinctive role for us.

The Convener: You mentioned that the public might not have thought that certain things that went on in that meeting were very nice. The same thing could be said about council chambers across Scotland. Is that the sort of thing that stops the public engaging in the system?

11:15

Councillor Kerr: No—I do not think that the public knew that the meeting was going on, yet it was the monthly or six-weekly full council meeting. To go back to what we discussed earlier, there are more people turning up to meetings at the lower level, such as town council or local area committee meetings, than there are attending the full council meetings.

John Wilson: Our inquiry is about the flexibility and autonomy of local government. Aside from the example that Provost Kerr gave of the meeting yesterday, what kind of influence can the conveners or provosts, as civic heads, have in convincing the public that there is a change? Do you have the power to make the changes that

people may look for in terms of engagement with local government?

Our convener made the point that how we engage and interact with the public is very important, no matter what our elected position, whether we are councillors, MSPs or MPs. As a civic head, are you in danger of raising expectations for what you can deliver for the people in your community? You both said that you are better known than the MSPs and MPs in your local area.

Councillor Garvie: I did not say that.

John Wilson: Well, Provost Kerr said it.

Councillor Kerr: I did.

John Wilson: How do you translate that civic function, which involves engaging with communities, into a situation in which communities start to engage with the councils?

Councillor Garvie: We are here to talk about the health of local government in Scotland—that is what we are about. My daughter is a professional solicitor, and when I ask her why people of her generation are not getting involved in local government, she asks how much we pay. I say that it is 17 grand a year basic pay, for all the hassle, and she says, "Oh no, I'm not doing that."

We have to look at that issue. Do we want a meaningful system of local government or not? It does not matter what the civic head does. What matters is what the next generation is saying about us, and it is saying that it is not engaged either in voting or in standing for election. If you talk to any political party, they will all say the same thing: they cannot get the right people.

It is either a professional job or it is not. I think that it is, and £17,000 sounds very nice for part-time work—or almost full time, in some cases. However, our leader does not get more than a rising professional who is just starting in their career.

We have to take a long hard look at what we are about. We need to get people involved and pay them; you get what you pay for. We might want to think about reducing the number of councillors—my colleagues might not like that, but I cannot put it any other way. We have to tackle the issue; otherwise local government will disappear down the sinkhole. I have been involved in the system for many years, and I am extremely concerned. I would not be in this job today and sitting before the committee unless I was very concerned about where we are going.

I am sorry to dodge John Wilson's question, but there is a broader issue to be examined by us, by the COSLA commission—the commission on strengthening local democracy—and by the committee. Where the heck is local government going? Is the current system the right model for a modern Scotland? I do not think that it is. Those are the issues that we ought to be looking at.

I am sorry to put that so strongly; I just feel that we have to tackle the fundamental issue. I can engage fine with the community—I will go to festivals and do citizenship ceremonies—but that is peripheral to the situation that I have just described.

The Convener: We do not like strong views being given here.

Councillor Garvie: Okay.

Councillor Kerr: I will put some of the onus back on the committee, because you are deliberating on the future of local government and will make recommendations to the Scottish Parliament.

In the provost's role, I promote West Lothian, not Linlithgow, Bathgate, Whitburn or Livingston. That is all that I can do as civic head. When I have the chain on, I am representing the people of West Lothian, and I will promote our local authority and encourage comment back to it at every opportunity.

However, at the end of the day, the issue comes down to giving people some control at a local level. I hope that that comes out of the inquiry, as that is how we will get more participation and a better understanding from people locally. We could achieve that if our local area committees in West Lothian had some real power. You could turn that back on me and ask, "Why don't you give them real power? Why don't you allow them to make decisions and issue contracts?", but I know that a lot of my colleagues would fight against that.

You are taking a lot of evidence and you are going to make recommendations to the Scottish Parliament. A bill may then come forward—I hope that it will—that contains proposals. All that I ask you is to do something that will allow local authorities to make changes. I mean local authorities as they are—I am not for changing the present 32. We have heard about Shetland and about bringing the Ayrshire councils together, and I am sure that some areas would like to break off. You can make decisions on that, but I am quite content with the size of the authorities at present. Some are bigger and some are smaller, and some are operating well and some are not operating quite so well, but the size of authorities can remain as long as we can get some control down to a lower level.

I think that it will be extremely difficult for the committee to generalise, but you will have to come up with something that allows a West Lothian, an Aberdeenshire or a Borders to be able to do that,

whether it is local area committees or something else. I believe that community councils would be the wrong way to go. They have had 39 years, and the name "community council" does not carry a lot of credibility. I think that you have to change that, but you have to get some control down to a lower level.

John Wilson: It is interesting that we have heard mention of community councils. We are coming up to the 40th anniversary of community councils in Scotland, as they were established at the time of reorganisation in 1975. Surely part of the debate about community councils is that they have not been given the place that they were expected to have within the structures of local government and within government circles.

In the changes that took place in 1975, when we did away with the burgh councils and established the town councils and regional councils, there was a grass-roots element and we expected community councils to be able to deliver. However, my experience and some of the experience that we have heard in evidence is that community councils were never treated with the authority or the respect that they should have received at that time. The statement that community councils have not delivered may be part of an issue for local government to look at, given the way in which it has dealt with them and continues to deal with them.

Councillor Garvie: I knew Lord Wheatley, as he was a friend of my father's and, as a young man, I discussed the subject with him. The idea of a community council came from the provost of Selkirk Town Council. Wheatley said to me—I remember it well—"We had to put something in place to make sure the burghs and the towns had something, but it should be looked at again." That was said a long time ago.

The community council's statutory function is a single function

"to ascertain, co-ordinate and express ... the views of the community which it represents".

However, very few of them do that. They are not funded to do that and they have not fulfilled that role because they have no money. That could be strengthened.

However, I agree with Tom Kerr. We ought to be looking at a statutory way of empowering localism, whether it is the community council concept or a slightly wider concept involving groupings of communities. We ought to statutorily empower them, or local authorities to put in place a scheme for them, to deliver some services. That would go some way towards re-energising local interest in cutting the grass, looking after cemeteries, cleaning the streets and so on. I think that you should look at that approach, and it is something that you might recommend at some stage.

I apologise to Tom Kerr. Perhaps he should have answered the question first.

Councillor Kerr: No—I agree with Graham Garvie. I would be really concerned and quite distressed if the outcome of your inquiry and what you end up doing—I will probably get murdered by community councils around the area for saying this—is boosting the power of community councils.

I know that that is an in thing to suggest and that it is a populist thing to say, but I am afraid that, after 40 years, the attitude of members of the public to community councils in my area is not good. In West Lothian there has been one election to one community council in 40 years, and we got a massive 9 per cent turnout. The credibility of the name is gone. If the Scottish Parliament were to change the system through legislation so that there were local area committees—or whatever you want to call them—and the legislation stipulated that local authorities had to hand over to them a budget, which the Scottish Parliament would very generously pass down to us, those local area committees would be able to deliver services. I am repeating a lot of what I have said, but I have serious reservations about community councils and about the name.

Mark McDonald: My point, which is about how communities choose to organise and engage, follows on nicely from what we have just discussed. You have rightly identified that, broadly speaking, community councils do not have the level of involvement and engagement that any of us would want to see, but there are other means in communities through which people become active and involved.

As we all know, people often become active only when an issue affects them and has a direct impact on them. For example, a proposed school closure will lead to a huge amount of engagement from the local community, but the minute that the issue is resolved—one way or the other—many of the people will never be seen again at a public engagement event, because they feel that they have fulfilled their role. Are we maybe putting too much hope on the notion that we can get people actively to engage? Do we first and foremost need to look carefully at how and why people engage before we reform any means of local engagement?

Councillor Garvie: If I may say so, that is a fundamental point. Society is changing, and if a piece of work could be done to ascertain why people now engage, that would be excellent. You have put your finger on something really important.

Councillor Kerr: That difficulty and problem with engagement and understanding relates not only to local government but to central Government. However, it would be much easier to implement certain things at a local level. I was really interested in what Professor Mitchell said about looking up from the bottom rather than looking down from the top when it comes to change.

Engagement at a local level is much easier if there are already many voluntary groups. In my area, one voluntary group in a town has effectively taken over 50 per cent of—how could I describe it?—not grounds maintenance but flowerbeds, hanging baskets and so on. I am sure that the same thing happens in other towns and areas. Such groups would go to a local area committee with a budget for help in kind or financial help, rather than coming to West Lothian Council, which is based in Livingston, which is distant to some people in the traditional towns.

It is necessary to give people authority at a lower level and let that feed up. You will get engagement in some communities, but in other communities you might not get any engagement, because people are not that interested. However, if people can see something happening at a local level, I think that we will get progress.

Mark McDonald: Professor Mitchell also spoke about mindset, and his point chimed with me. An example from my own area is that I suggested to the local bus company that it adopt a blank-canvas approach when looking at how bus services should be delivered, but that was anathema to it—it could not get its head around the concept. Is there sometimes a reluctance to take a blank-canvas approach when looking at what is being done? Is there a feeling that to do so would be too risky or that, to be seen to be doing something, it would be more difficult to reorganise and restructure things by taking a blank-canvas approach than by making what would essentially be insignificant changes to what we already have?

Councillor Garvie: There are no blank canvases—that is just the way it is. It would be nice to take that approach, but we are where we are.

It is interesting that you mentioned that issue with the bus company. We have a problem with buses in the Borders at the moment. I was told that the reasons for changes to timings and to where the bus goes in Edinburgh—instead of going to St Andrew Square, it goes to Waterloo Place—were all to do with drivers' wages and shift patterns, so there is not a blank canvas. I can understand the reaction of the bus company, which has to deal with its drivers and so on. We could do a theoretical exercise and see what happens but the reality is that we do not have blank canvases.

11:30

Councillor Kerr: The blank-canvas approach can be a good thing in certain areas. However, as an ex-engineer, I would say, "If the thing ain't broke, don't fix it." Some things work very well, and if we take a blank canvas and start from scratch, we could be throwing out the baby with the bathwater.

We have to look at what is working well and then consider where improvements can be made. That can be done only at a very local level; it cannot be done at the level of central Government—not in a way that will satisfy individual areas. Certainly that is the message that I get from all the areas that I visit in West Lothian.

Mark McDonald: I was also thinking about how local government is structured in Scotland and what powers rest with local government. What I am driving at is that sometimes it may be a good idea to divorce oneself from what is currently there or what was there previously. There has been a lot of talk about what existed previously in local government. You made the point, which was articulated earlier by Professor Mitchell and Dr McLaverty, that we do not necessarily want to go back to what was there before. What happened before is merely illustrative, and new things could come to local government in future—things that local government has never had control of in Scotland.

In relation to that approach, where do you feel local government needs to go in the future? I am not necessarily talking about identifying particular powers or structures, but is there a general trend that needs to happen or a direction that needs to be taken with regard to local government in Scotland?

Councillor Garvie: When I started in local government, we had part-time councillors who ran businesses and ran their local authorities. The perception is that they ran them pretty well. There was not a lot of interest in standing—some wards were not contested in various parts of the country. That has changed; the world has changed. Those people are not around any more to devote, in their 50s, the rest of their lives to public service.

We have to make being a local government councillor—like being an MSP or an MP—an attractive profession. I have mentioned that before. Professionally, as an elected member, I strongly believe that that is the direction of travel that we should be considering. You get what you pay for and we are not paying enough to attract people who can bring brains, a range of experience and professionalism to the table.

In no way do I wish to be rude about any of my fellow 1,200 councillors, but we all know that there are people in elected office who should not be—people who do not have much to bring to the table at all. We need to address that. Is this the right way to go forward? I would say no. We have to look at the direction of travel, and I am suggesting that making being a councillor an attractive profession is one possible way forward.

Alex Rowley: I want to pick up on that point. My experience over a number of years in local government is that there are different types of councillors. Some councillors will be very vocal, they will be at the heart of their local community and they will be involved in other local committees. Other councillors take a more professional approach and see their role as strategic. Is there not a difficulty there? You seem to be suggesting that professionalising local government is about having professionals at the strategic level, but what about the local representative who is very much working at the heart of their community?

Councillor Garvie: The strategic person does both. The local person cannot do both. The chemistry or mix needs to be there.

I may be on dangerous ground here, but in my professional life I have, throughout the whole system, met people who have had very little to offer and who are not working strategically. It is not because they cannot do so, as they are not doing local work either. They are only there for the beer. That is a general critique; I do not wish to individualise the issue.

An architect, a lawyer, an engineer or any other professional in the country does what they do as a profession. Why should we not do the same for elected members? Sorry—I am straying into a different area.

Councillor Kerr: I would follow Graham Garvie partially along that route. Given that councils are dealing with budgets of £400 million, £500 million or £600 million every year, we want to get good people in to make policy decisions at that level. I do not dispute that.

My concern is that, if we were to professionalise the role completely and give those people the appropriate salary, we would be as well just going over to the German system and having the role of Landrat, who is the chief executive and council leader in one. In other words, someone is directly employed as they are experienced and qualified in local government finance, and they perform the same role.

I agree partially with Graham Garvie, but at the lower level—as I have said all along—we do not need that type of professionalism. That is where we get the local person who is genuinely interested in his or her local area and wants to get on to that smaller body.

Stuart McMillan: Good morning, gentlemen. I have a couple of questions, one of which is on the number and structure of local authorities. Councillor Kerr said earlier that there should be no change in the number. What is your opinion on that, Councillor Garvie?

Councillor Garvie: I have been through two reorganisations, and they are terrible things. A reorganisation upsets the whole system for two or three years. In fact, Neil McIntosh told me that one issue was never resolved between the 1975 and the 1996 reorganisations. It is a huge upset—I would never want to engage in a reorganisation unless value was going to be measured and a business case was made.

The previous reorganisation was almost totally finance-driven by the then Secretary of State for Scotland, Ian Lang. We should be careful what we do in that respect.

Having said that, we have to address the facts. Scotland has the fewest councils; the fewest councillors; the largest constituencies; the highest ratio between the population and councillors; and—most importantly—the lowest proportion of the population engaged in local politics and the lowest turnout at council elections throughout the whole of western Europe. That is serious.

The Convener: Councillor Garvie, can I stop you there? You said that Scotland has the fewest councillors, but earlier you were arguing that the number of councillors should be reduced.

Councillor Garvie: I am, but I am describing the whole picture where everything comes together.

The Convener: I just wanted to clarify that point.

Councillor Garvie: That was just a single issue. Reducing the number would be one way of increasing funding to pay people more. That is one possibility. In the round, in the context of local government in Europe, we are not faring well with regard to our structure and how we do things.

I agree with Tom Kerr on restructuring. We should just leave it at what we have, but we need to look at what we are about: how we pay the councillors, what functions they perform and how they can work together. Ayrshire was mentioned earlier. At present, in Borders, we are moving closer together with joint appointments in health and social work and a joint public health director. All that can be done within the present structure.

I would caution us as a country against going down the route of further reorganisation. We can address a lot of the issues that concern us all

within the present structure. It is not ideal, but we can address the structure some other time if we have to. We should look at the internal operation and functions of local authorities.

Stuart McMillan: With regard to functions, you highlighted earlier several areas in which powers were removed from local authorities. One of those was housing. What would you say about the number of local authorities that have undertaken housing stock transfers to take housing out of their own control? That was their choice—it was not decided by anyone else. Similarly, local authorities have used the likes of leisure trusts and cultural trusts to take areas out of their control.

Councillor Garvie: I am not arguing for them to come back in; I am just pointing out the facts about how local government has been diminished. Each one of those areas should perhaps be re-examined, with others, to see what functions are right to be run by local elected representatives and not by external bodies such as housing associations and culture and sports trusts. I am arguing the case for local government elected councillors, who represent the people, to be examined as a vital part of our democratic system.

All that I was saying is that there are examples of how local government has been diminished. I am not arguing one way or the other for any individual function. Some approaches have been very successful. Housing associations in the Borders have been a great success, but where is their accountability to local people? That is the issue for me.

There are a number of issues to be teased out, but I am not arguing for any particular function. I am arguing for local government to be looked at in the round.

Councillor Kerr: I mentioned earlier that I did not want a major reorganisation of local government, and I stand by that. As I have said, there may be cases for Shetland and other areas, but I agree with Graham Garvie that it would be wrong to go through that turmoil and expense again.

Councils can and are becoming more corporate at that level, and that has to be encouraged. We have three depute chief executives, one of whom is paid 50 per cent by Lothian NHS Board and 50 per cent by West Lothian Council.

You will not reverse external trusts. Several authorities in Scotland have leisure trusts, which save a tremendous amount of money. It would be incorrect to call that a fiscal fiddle. They save the public purse a huge amount of money in VAT and non-domestic rates, for example, so those changes will not be reversed. Local government at that level can look at and work within that size of authority.

I completely agree that, on the whole, the number of elected representatives is low. There must be a compromise. I do not know how many mayors there are in the French system—are there 3,500 or something like that? Some of them represent 300 people and some represent 10,000 people. Guyancourt in France, which is our twin town, has a mayor, but it is a sizeable new town. A neighbouring area has a mayor for 300 people. There must be a compromise somewhere.

However, those people know who their mayor is. To go back to an earlier question, they know who their representatives are at that level. I do not want 3,500 mayors—we would probably end up with 30,000 extra councillors—but we can reach a strong compromise, and I hope that the committee will do that.

Please do not go into a major reorganisation. I went through one of them while I was in local government and another while I was interested in local government.

Councillor Garvie: I still have the scars to this day.

Stuart McMillan: The issue of public engagement has been raised. In the evidence from the Accounts Commission that we received, it stressed that

"there is significant potential for improvement by local authorities under existing arrangements and circumstances, such as in identifying good practice in engaging with citizens; better training for elected members in their responsibilities; a right leadership culture; and in improving how performance is reported to citizens."

Voluntary Action Scotland, which will give evidence later, said in its submission to us:

"Participants insisted on the need for greater transparency and openness in decision making processes, so that everybody has the necessary information, as well as knowledge on how to influence the process."

Are those fair comments?

Councillor Garvie: I have not seen the evidence to which you have referred, and I am sure that things vary across the country.

I cannot consult colleagues who are not here, but my own experience is that that is not the case in the Scottish Borders. We have surveys of the whole population—we sample the whole population every year to 18 months. The areas are small, councillors walk down the streets and, in an area with a relatively small population size of 110,000, we know the people who come up to us at all sorts of events. We are regularly made aware of what we are not doing right—at festivals, community council meetings, rugby matches or wherever.

I hear what is said but—I hope that I am not being too confident about this—I simply do not

recognise the criticism. We have moved a long way in communicating with the public and listening to what they are saying. We have set up a petitions committee, and we actively encourage people to come forward to it to speak about any grievance or issues that they may have. I would have to see the evidence that I have not seen to decide whether we are generally guilty across Scotland. Something must be bothering the Accounts Commission.

The Convener: I want to bring in Cameron Buchanan, so please be brief, Councillor Kerr.

Councillor Kerr: The words in the submissions are very good words, but the principle is difficult to implement. We have tried, particularly in the economic situation of the past three or four years. We went through two major consultations using the newspaper that goes through every door, for example, and all the groups in West Lothian were invited to face-to-face meetings to discuss the proposals and big choices.

I have to say that you can take a horse to water but you cannot make it drink. The words in the submissions are sound words, and it would be great if someone could wave a magic wand to get the answer and a positive approach. It is difficult, but we should not stop trying.

Cameron Buchanan: Councillor Garvie, you mentioned that in the Borders you have local provosts. Do they have power? What do they do? Do you think that the answer might be to have local provosts instead of mayors?

Councillor Garvie: Certain towns have them—I think that they include Melrose, Hawick and Eyemouth. It is an honorary position and for festival time. No statutory power is given to them.

Cameron Buchanan: Some of them are councillors, are they not?

Councillor Garvie: That is true in some cases, but the only one that I can think of is Hawick, where the honorary provost is an elected member.

Cameron Buchanan: Do you think that that is the answer to people having more authority and getting more recognition of who is in charge?

Councillor Garvie: It is a dual thing. In Hawick in the next two weeks, the Royal Scots will do a parade with the lord lieutenant and the colonel of the regiment. All four of us will be on the dais and we will take the salute together. Afterwards at the lunch, the provost of Hawick will say a few words and I will say a few words. We are both known, so I am not sure that there is a problem with that.

The Convener: I thank you for your evidence today, gentlemen.

11:47

Meeting suspended.

11:53

On resuming—

The Convener: We move on to the third panel. I welcome Ruchir Shah, policy manager for the Scottish Council for Voluntary Organisations, and Calum Irving, chief executive of Voluntary Action Scotland. You are welcome, gentlemen. Do you have any opening remarks?

Calum Irving (Voluntary Action Scotland): I will kick off. Two aspects of the issue of the flexibility and autonomy of local government are of interest to our network, which is a network of third sector interfaces in Scotland. Their role is about supporting the third sector in localities, but also about building a bit of a bridge to the public sector, particularly local government and community planning.

There are two sides to the interests of the third sector interfaces. First, they have a view about democracy per se and where we are going with it. They believe that democracy should not just be representative and that we need to start looking at how we make it more participative and involve local people and communities much more. Secondly, they have an interest in so far as democracy relates to public service reform, particularly for local government, and whether that could be done in a more participative way that makes the most of the assets and views of the third sector.

Therefore, their interest is twofold. They want to see two things, if you like—a better type of democratic participation, but also a better type of participation with the third sector whereby its views and assets are brought to the public policy challenges that we face.

Ruchir Shah (Scottish Council for Voluntary Organisations): The SCVO is the umbrella body for the third sector. The key question for us is what local government is for. Until recently, no one asked about that; instead, people asked how we could change and tweak the system. Traditionally, the third sector's interest in local government has primarily been around funding arrangements and how the sector is resourced by local government, but increasingly we have realised as a sector that a lot of our work to support people in communities depends fundamentally on how local government organises itself and supports that activity. That is where our interests come in.

That opens up a range of questions that we have only started to explore because we are transitioning from thinking just about the funding to thinking about the broader relationship. For

example, should local government be enablers of public services or big employers? Many local authorities see themselves as big employers in their areas. Should local government be about controlling services or about maintaining an overview of services? Alternatively, as many in our sector are now asking, how can local government focus instead on creating the right conditions for people in communities to support each other and to create their own services?

Part of the problem is that we have fallen into a situation where local government primarily sees its core role as being to deliver statutory services. In some ways, that has become an albatross around its neck over the years. The results are risk aversion, a loss of creativity and an increase in bureaucracy. Despite that, however, the public and the sector keep clamouring for more and more statutory services. We have got ourselves into a situation where we find local authorities, particularly under austerity, talking about essential, statutory services and then non-essential services, which tend to be the activities in which many of SCVO's members are involved. We want to move away from that towards a much more positive debate about local government's role and purpose in supporting people to create and own their services.

I freely admit that even our sector has vested interests. Many of our members have built up an entire professional model and mindset around how they can deliver public services under contract with local government; indeed, that has become their core business. In many ways, our challenge is that, if we are considering how local government organises itself, we need to think about how our sector organises itself as well.

The Convener: Thank you for that. As some of us went round Europe, we asked how the authorities engage with the public and maximise their participation in decision making. Very often, we got blank looks because it was just the norm for those things to happen. As we have gone round Scotland—not just for this inquiry but for others—we have found that communities that are really engaged have pretty high levels of control, including budgetary control.

I am interested in Dr Oliver Escobar's report, "Strengthening local democracy in Scotland: The VAS/TSI perspective", which states:

> "The forum argued for citizen empowerment: people as producers, not just consumers."

Is it the case that, sometimes, we do not make best use of the folk that we have on the ground, and that we do not allow them to make the decisions or to follow the public pound, which they are sometimes much better at than politicians? How do we improve on that? Mr Irving, you will have a view, because your organisation was involved in that report.

12:00

Calum Irving: Yes, absolutely. I noted that two or three of my colleagues from the Western Isles and Orkney spoke to the committee, and one of their points was that they often try to help resources in the third sector—that is, people—to use some of their capacity to provide support in dealing with some of the policy challenges that we face. There are a number of barriers that mean that that does not happen more often, some of which are about top-down design. If something is designed from the Scottish Government level all the way down through local government and then the way in which it must work at the local level is prescribed, it is hard to see how smaller third sector bodies can influence that or bring some of their resources, personal strengths and knowledge to support the public service or achieve the outcome that is sought locally.

I will give an example, on which I will maybe share more information after the meeting. We often point to the reshaping care for older people agenda, which the TSIs regard as offering a ray of hope, because it involved sign-off for the third sector via the third sector interface. That created a responsibility on the public bodies locally and the third sector interface to work in an empowering and engaging way with local communities and the third sector. Some of the best examples in that included bottom-up design of what the reshaped care would look like and consideration of what services older people wanted and needed, as well as what older people themselves could contribute. We know that older people have resources, talents and abilities that can be brought to bear in dealing with some of the challenges that we face. A classic example of that is befriending services, which are fairly common in the third sector. They are very low cost but they can have a hugely powerful preventative effect in relation to issues of isolation for older people.

It is within our powers in Scotland now to encourage more of that form of participation but, because we do not allow much of that more community-led design, it happens only on a marginal basis. It happened with the reshaping care agenda because there was sign-off for the third sector and a clear role for it, and because money was on the table that was additional to the money that was available to the public bodies locally. If you like, there was space in which that participation could happen. We would like it to happen more routinely and across the board.

The Convener: You have hit on a number of points. Going back to the evidence from the previous panel, which I think you heard, I note that

Councillor Kerr basically called for legislation to establish local area committees, even though local authorities have the power to do that now. You have just said that we should not prescribe or lay down legislation from Government or from the Parliament to create these things. Would it be a good idea for the committee to recommend that we create the kind of local committee tier that Councillor Kerr talked about? Would the prescription of that work?

Calum Irving: I am less sure about what the exact structural prescription should be but, as Oliver Escobar's paper points out, there is something about the closeness of decision making that affects the ability of smaller aspects of the third sector to be involved. I would not like to say exactly what the prescription should be, but how it works is more important to me. The important thing is whether the approach comes down in a prescribed way or whether it can be done in a way that engages people and the third sector locally and supports that—because it takes resources to do engagement properly—so that there is a bit of co-design going on, and a stronger influence. Creating the cultural space to do that is a much better approach.

Procurement reform is an example of something that you are already doing to help, and I would encourage you to extend that. Ruchir Shah started to touch on this. If we see the third sector only as something that, like others, provides services that we buy, vital though those services are, we miss the other things that it can bring to the table. Having a hierarchical purchasing relationship with the third sector misses the other things that it can provide.

The Convener: You said that we do not allow certain things. I was in local government before I came to the Parliament and I was often told, "We can't do that." However, when I asked why we could not do those things and what the difficulty was—whether there were legislative reasons—I often found that there was no difficulty at all in our doing those things. Are people stuck in a rut and doing things in the ways in which they have always done them? Rather than not being allowed to do things, are they choosing not to do them?

Calum Irving: There is a bit of that. There is some risk aversion. The TSI colleagues who gave evidence to you previously pointed out what is often felt by a lot of TSIs. Although they have done a lot of work to build relationships locally, there is still a parity-of-esteem issue—a power and control issue—going on. I do not think that there is enough trust yet for people to say that a suggested alternative way of doing things might be an improvement.

At this stage, I am less sure that systemic change could lead to a difference in that situation. A lot of people in our network point the finger at finance and legal services as creating a barrier to some of the more liberated and creative approaches that might be taken. I am not sure what the committee might suggest could be done about that.

The Convener: That is interesting. Finance and legal folk would say that the barrier often lies with the folk who are doing the procurement rather than with them.

We visited the Western Isles the week before last, and we were told by the voluntary sector and community organisations there that the islands probably would not function without the level of volunteering, third sector and community input that exists. I am sure that many other communities in Scotland face a similar situation. Yet, the community groups and the third sector did not feel that their views were being given due recognition by the local authority. Is that still the case in many parts of the country? How can we improve the situation?

Ruchir Shah: That is absolutely the case. SCVO has known for many years, from our own research, that the number of organisations per head is much higher in areas with a more dispersed population such as rural areas and the islands. We know from experience and from some of the work that we have done with government and others that the voluntary sector props up public services in some of those areas. It is very much a core part of the community in those areas.

In looking at the barriers to that involvement, we sometimes look at the situation the wrong way round. We keep talking about community engagement and the third sector being an interlocutor for engagement with communities, but I do not think that the third sector can play that role. Third sector organisations are people who come together to try to change their local environment and circumstances—that is at the heart and the root of what a third sector organisation is.

We have an idea of community engagement being the way in which communities can exercise some control over their services or the decisions that are made about them. However, I would argue strongly—we have been quite consistent about this—that the focus for many people in the third sector and people with whom it works is community empowerment. It is about empowering people in communities to make change happen; it is not about community engagement. The two are not the same thing; community empowerment is not the same as community engagement.

In our view, the key questions are about how we ensure that people in marginalised communities get equal access to decision-making power and

control over their lives in comparison with more vocal and better-resourced communities. The convener asked Calum Irving about the local area committees model. Again, however, that might simply mean that the same people come along to the committees and offer their views. How do we ensure that those who are more marginalised get a say?

The turnouts in the recent by-elections in Govan and Shettleston were in the high teens and low twenties, so it is clear that the current model does not work. Instead of looking at how we bring people into the local authority or local government to try to influence decisions, we should turn the question round and ask what sort of organised activities public authorities should invest in to enhance local democracy and community action.

We see a pivotal role for local government and local authorities—in their representative capacity—in playing a strong supporting function in the type of participative democracy to which Calum Irving alluded. That is an essential role. We do not want a situation in which we try to talk up the third sector and what happens in community life in opposition to what local government does.

Going back to our earlier exchange about the finance and legal people getting in the way, I note that that sort of thing speaks to the risk-averse, us-and-them mentality that has built up over the years. We should think of ourselves as individual people who have a stake in public services, rather than as this or that sector. We can then try to influence those services, whether that is done through our work in public authorities or through community organisations—many of us wear multiple hats. That would free us up from that mentality to some extent.

Cameron Buchanan: On the question of how we can improve our community councils, I note that the third sector is not represented on them. Do you think that it should be? Would that strengthen the community engagement that you have spoken about? Are community councils the vehicle for engaging with the third sector?

Ruchir Shah: Community councils are not the vehicle, but they are a vehicle. They can play a role, as many other organisations do, at a local level. There are also development trusts, TSIs and campaign groups, many of which sometimes work in opposition to one another. That is part of a healthy democracy. We should not try to identify one vehicle, whether it is a community council or something else, as the only way of doing something.

We submitted evidence to the COSLA commission on local democracy and we shared that with this committee in response to its call for evidence. In the appendices, we give a couple of examples of how some of the suggestions might be put into action. One example is from Rwanda. The committee might think that that is an unlikely place from which Scotland might want to learn, but we need to look to that type of radical example. Rwanda has a model that is similar to the community council model, but it has a slightly different twist and it organises itself in a slightly different way. There are other opportunities and other ways in which we can look at things.

We should not try to find out who is representing the community and identify a vehicle for that. Ultimately, the issue is about people and their communities, and how we support them to make decisions to their agendas.

Calum Irving: Again, I would be concerned if we became fixated on the need for one particular part of the structure to be re-engaged or restrengthened. There are approaches available within the existing structures that could strengthen community empowerment and engagement.

An interesting question that was raised with the COSLA commission was whether there is a place for citizens juries in the system. That would be a more participative way of bringing in voices. A citizens jury is a deliberative and educative process and it can be used to bring in to scrutinise things—in the way that the committee does—people who would otherwise not be involved.

I was involved in setting up and running citizens juries in poorer parts of the north-west of England a few years ago. In one area, we were told, "You can't do that there—it won't work and nobody will come", but that was because no one had tried such an approach that would allow people to get involved and to see the impact of what they were doing. There are mechanisms and approaches just now that could be better injected into the system and supported to improve the system and create a more participative edge to democracy than we have at present.

Mark McDonald: We have spoken about community engagement and empowerment and the means by which communities organise themselves. From your perspectives, given that you work with voluntary organisations, what evidence are you seeing out there of community involvement and participation? Is there the disparity that Professor Mitchell identified earlier between affluent and deprived communities in terms of people's participation and involvement through either voluntary organisations or other means?

12:15

Calum Irving: It is a mixed picture. In some more deprived areas a good deal of community activity goes on but, as Ruchir Shah pointed out,

we often find that, partly because of tradition and partly because of the remoteness of authority, a lot of activity goes on in relatively sparsely populated rural areas.

I do not have the research that would give you a clear answer to the question. It is a mixed picture. However, to a certain extent, the relationship with public bodies and local government matters because it can create a more enabling environment in which we can get more of a flourishing of third sector activity. It takes a more permissive environment for that to happen.

Ruchir Shah: There are 45,000 voluntary organisations out there and we estimate that 1.2 million people volunteer with them, so there is a massive resource. Given the scale of that activity, it is not all happening in affluent areas; it is happening across the board. Indeed, we see people in some of the most marginalised communities taking the initiative, trying to inspire the people around them to change things and thereby bringing many other people on board. That happens everywhere.

We need to move away from the traditional idea of volunteering being a middle-class thing. Voluntary action is about community life and activity, and it is happening across the board. Not all of it is resourced by government, and not all of it needs to be. The key issue, which I keep coming back to because it is important, is that this should be not just about the funding relationship that local government has with these activities. It is also about how local government can organise itself so that the environment within which those 45,000 organisations operate is a flourishing one that can encourage even more activity.

Mark McDonald: I do not know whether you have read the evidence that we took in the Western Isles, but the point was made that in urban areas volunteering is something that people opt in to do, whereas in places such as the Western Isles it is essential that people do it to ensure that the community functions.

You said that 1.2 million people volunteer in various organisations. How can that be translated so that people move from doing some voluntary work to being more involved in other aspects of the community? Could that help to repair or restore the link between communities and local government and those who make decisions on behalf of communities? Is there a role for volunteering in that respect?

Ruchir Shah: That is a very good question. We need to be really careful that we do not seek to control and direct what people do when they want to become active. People will become active for different reasons. Some people become active and it will not even be visible to any volunteering survey—I am thinking of, for example, carers and those who support people in their own homes. We will not always see that activity in the figures.

It is important that we do not try to fit people into a certain mould and say that, because they are already active, we can get them to become more active in sitting around committee tables on local area committees or whatever in order to influence decisions. They might have absolutely no interest in that. A lot of activity takes place despite what government wants, not because of it—that is the beauty of a healthy, vibrant democracy. It is about government recognising that things out there are already working, and the question is how the environment can be improved so that even more of them can happen.

Calum Irving: That points again to the two types of participation to which I tried to allude. Some participation in the community's democratic life will not be about influencing and decision making, but will be about getting involved in third sector volunteering, for example. Sometimes it will cross over into influencing and decision making, but sometimes it will not. The topic is too diverse to say that it necessarily could.

From experience I can say that, where we support somebody to be brought into it a little bit more, we pique an interest in the ability to do more and to influence things. In some places in Scotland, we have slightly weakened the sense that people would automatically do things beyond their day jobs. Sometimes a bit of support can help to bring them back to thinking that they could do more, help to make more decisions and be more involved in their communities.

Mark McDonald: How do people go from volunteering to becoming more active if they wish to do so? Is the balance right between communities? Do you get the sense that, even from a volunteering point of view, areas of activity are not always areas of need?

Ruchir Shah: Absolutely—you are right. Professor Mitchell alluded to that earlier. The people who are more actively interested in their local politics or in contributing to what the local authority wants to discuss or decide may well be those who have experience of sitting around committee tables and working in that model, so we might see more activity in areas where there are more of them than in other areas.

I guarantee that in areas such as Govan and Shettleston, where the level of interest in participating in the decisions that the local authority takes is low, as is evidenced by the voting records, some excellent activity takes place with parents groups, sports clubs, befriending initiatives, lunch clubs and a range of community supports in which people are actively involved.

That is not to mention food banks and the volunteering that takes place in them.

We have seen some excellent examples from around the world, which have been reflected in Scotland as well, of participative budgeting in which some genuine power to make budgetary decisions is given to people. The amounts of money are small, but the people can actually make decisions. In one of the examples that we submitted to the committee, which is from Porto Alegre in Brazil, the amount constitutes 9 or 10 per cent of the local authority's budget. However, in Scotland it is difficult to get even small scraps to be invested in such activity, although we have seen a few examples here.

Calum Irving: I will give an example of participatory budgeting, although the amounts of money involved were smaller. It relates to Mark McDonald's point about how people might move from volunteering to being more engaged and influencing decisions.

Edinburgh Voluntary Organisations Council, which is part of the third sector interface in Edinburgh, undertook participatory budgeting with older people—volunteers and people within the local community. Those people took part because they could see that they were able to influence an outcome. They could see that something would change as a result of their moving from volunteering to bothering to give a view and take part in the participatory budgeting.

That is the secret. If people—whether volunteers or the wider community—think that something will be worth while and will have influence, they might think that it is worth taking part in.

Alex Rowley: The difficulty that I have with this discussion is the broadness of its range. When you talk about the third sector and the voluntary sector, you are talking about organisations from local sports teams to large providers of services, and you touch on the issues that confront us in terms of the future direction of local government and how that all fits together. I want to home in on how community planning can be used to tackle some of the issues that have been raised.

I have noticed a situation arising over the past few years in my constituency of Cowdenbeath and across Fife. Over a number of years, local voluntary organisations have been developed in exactly the communities that have been mentioned, where need has been identified, and have been providing certain services. However, suddenly, a contract has gone out for those services and has been won by a large third sector organisation that has people who are able to write the tender documents and so on. As a result, the local organisation, which had a local committee and a local board, has become defunct. It seems that there is a bit of a contradiction there.

The opposite side of the issue concerns the matters that we discussed with Professor Mitchell earlier, which involve local area committees and local community planning at that level. One of the outcomes concerns improving health and wellbeing in the local community. In my constituency, hundreds of volunteers are engaging thousands of kids in sport every week. We also have the cubs, the scouts and various other uniformed organisations. Those organisations and people engage many more young people than the council does through its youth services. The question is: how is that activity organised? How do we get the money to finance it and ensure that those organisations have a say? It seems to me that that is to do with community planning and recognising the different levels. It is a bit like the situation with the third sector. When you talk about it in those terms it is massive, so you have to break it down to the community level going up to the strategic decisions.

The Convener: Would you like to respond to that, Mr Shah?

Ruchir Shah: Sorry—what was the question?

Alex Rowley: There is an issue even with the third sector interface. You represent the third sector and the voluntary sector, but they are wide and massive. A lot of the activity is taking place despite—

The Convener: I think that Mr Rowley is talking about the difficulties that often exist when third sector and voluntary sector organisations are competing with one another for the budgets, which often leads to the demise of the smaller units.

Alex Rowley: It is not just that, convener. I am talking about the levels at which people engage, how they engage with the community planning process and what the role of the third sector is in community planning.

Ruchir Shah: Okay. I can reflect on the part of that that deals with the diversity of the sector.

People engage at different levels at the same time, so they will be involved in local activities such as sports clubs at the same time as they are involved in the larger organisations—for example, as a trustee of a group or as an employee of one of the larger charities. People feed into the community planning process at different levels. Calum Irving will explain the agreement that we currently have with the Government about how we organise ourselves to engage in community planning.

Broadly speaking, we see the diversity of the sector as a strength. The issue that is slightly difficult for us is competitive tendering for services

for people. We have argued strongly that that model is broken and that we need to move away from it. The recent changes in European structural funding and European procurement rules directives have started to make available opportunities for thinking differently about how services are procured, particularly services for people. I hope that all levels of government in Scotland and the UK will take those changes into account and begin to change the way in which such services are procured. That will reduce some of the fighting against each other that you can sometimes see charities engaging in within our sector—let alone between sectors—which creates a lot of problems for the sector and the people whom we serve.

12:30

Calum Irving: Alex Rowley has gone straight to a very challenging part of the third sector interface role. The grand agreement says:

"Building the Third Sector relationship with community planning".

I do not think that anybody has fully explored what that means. It is a hugely challenging thing to do. As Alex Rowley said, the third sector is massively diverse and parts of it will compete with each other from time to time, so that is a very difficult thing to do.

We have talked about it with TSIs and others in the third sector and have pointed out that the role in community planning is twofold, in effect. It is less about representation and more about contributing the views of the third sector. It is also about trying to encourage other community planning partners to look at what assets in the third sector could be supported to help with some of the challenges for the community that they are meant to be planning for.

One of the problems is that community planning is done in quite a rigidly linear fashion but the third sector is not always designed like that. If things are planned in a linear, topic-based fashion, how can you support with resources community activities in the third sector that might have a preventative effect but that do not think of themselves as being involved in social care, community transport or whatever? A community organisation that does not fit a certain topic might actually have quite a big impact on it.

I apologise for returning to the reshaping care agenda, but the problem shows up in that. A community organisation might be helping with older people's outcomes even though it does not think that it has anything to do with them. The TSI is trying to translate all the noise and information in the community planning sector and to say, "There are these other people over here who could help." An example that TSIs often use is that of bringing youth volunteering to some of the challenges that exist out there.

There is a problem with structures in the way that we do community planning—with the lack of resource sharing and the lack of genuinely looking across linear boundaries. In addition, as Ruchir Shah pointed out, if we continue to procure things on a very large scale we will struggle to bring into the equation the groups that Alex Rowley mentioned, which might miss out on local support.

I am not sure how clear that is, but it is a big topic.

The Convener: Briefly, Mr Rowley.

Alex Rowley: I made a point about the hundreds of volunteers who engage with thousands of kids every week on the football pitches and everywhere else. That happens despite what the council does and—with the greatest respect—despite what the interface, SCVO or whoever does. That activity happens anyway. Part of the challenge is to enhance and support that activity so that it develops and builds even further. In many sectors, people at the community level are doing that themselves.

Politicians and others sometimes think that we have to do things for people, but people actually lead the way and just need a bit of support. Community groups often ask how they can get a bit more support. If you go through a lot of the outcomes that are set in community plans by the partners, you will see that community groups are achieving more than the massive, million-pound resources that the councils are throwing at the outcomes.

The Convener: Never ask a politician to be brief. I throw into the mix again the question whether this is happening because we are looking at people as consumers rather than producers, as the report said.

Ruchir Shah: You are absolutely right about looking at people as consumers. We could encourage local government to do some practical things. One is to invest in community capacity and the kinds of support that help groups to thrive. For example, meeting places and fields—physical infrastructure that organisations can use—can help such activity to thrive. Local authorities can also use their planning functions to make the environment in which the activity needs to take place easier for groups to organise themselves around.

Finally, let us see a return to small grant schemes. During the past decade or so, the trend has been to shift funding away from smaller grant schemes to more formal larger contracts. That is the wrong direction—let us shift back.

Calum Irving: I agree. I would like more support for organic, community-based voluntary activity and the development of smaller social enterprises. That is simply a question of scale and finance.

I talked about one role of a TSI—the community planning bit—but the traditional roles that the organisations involved were associated with for some time before somebody invented the TSI supported volunteering, social enterprise and voluntary organisations. That is vital and is probably more important now than it has ever been before. I strongly encourage politicians to continue to support that and to consider supporting it more.

Stuart McMillan: I asked the first panellists about the number of local authorities. If Scotland had more smaller local authorities, how would benchmarking take place between them and how would they approach the wider horizon view?

Calum Irving: I am sorry, but I am not sure what you mean by benchmarking.

Stuart McMillan: I mean comparing services.

The Convener: You are probably not aware that we have been looking at how local authorities compare services. If you are not up to speed with that, the question might be difficult for you.

Calum Irving: My apologies—that probably is quite a difficult one.

Ruchir Shah: I have one comment, which is not about benchmarking but about the rest of what Mr McMillan said. The sector is still discussing how local government needs to operate at the most appropriate scale to maximise public engagement with the policies that affect the communities that local government serves. A lot of people have referred to the fact that Scotland's ratio of local authority councillors or local authorities to the population is quite large in comparison with that in many other countries, which creates a bit of a barrier.

Any reorganisation would be very costly. The resources that the third sector gets from local government took a dive in the mid-1990s during the previous local government reorganisation and, as a result, the sector had to diversify and raise its resources in other ways. The issue is difficult, but we will engage in a debate with our members on it.

Stuart McMillan: On the Escobar report, is there enough transparency and openness in how local government decides on what it is doing and in its discussions with the third sector?

Calum Irving: Sadly, I think not. The problem has two aspects. I go back to a point that I made and which comes out in Oliver Escobar's report. Even when the relationship is very good with TSIs and when other third sector organisations have worked hard to build good relationships and get activity going, there is still a slight issue with parity of esteem. For example, people are willing to share some things around the community planning table, but they will not share the totality of decisions that need to be made. In other words, preformed decisions arrive at the table.

The second point is also important. Marine Munro from the Western Isles tried to bring out this point, which is common to TSIs. When a mass of information and complex data comes from a suite of large public bodies, it is hard for a small TSI and the third sector beyond the TSI to interrogate the data meaningfully so that the rest of the third sector can understand it, understand how to influence it and understand how to get involved in the activity to which it points. Information is power.

That points to an issue about how much we want to level up the relative power of the third sector in such relationships and how strong we want it to be. Do we want the third sector to come up with and interrogate such complex data and information, when public bodies, because they need to, have a variety of staff and resources through which they can do that? There is nothing on the same scale in the third sector, so it is difficult to get into that.

The Convener: Mr Shah?

Ruchir Shah: I have nothing to add to what Calum Irving said.

John Wilson: I chair a local community organisation that works hard to deliver services in the community. One issue that the organisation often raises is the preferred conduit for local government funding. Mr Irving referred to the reshaping care for older people agenda. North Lanarkshire Council decided that the funding for reshaping care would go through a particular organisation and that communities would bid for the money.

It is often said that communities do not feel that they get the share of such resources to which they are entitled and that the resources seem to go elsewhere. That applies to food co-operatives, community transport and other aspects. Communities feel that they are being short-changed by the organisations that administer the money on behalf of local authorities, even in the third sector. Do you monitor that? Is the SCVO or Voluntary Action Scotland willing to make recommendations on good practice in that situation?

Ruchir Shah: In North Lanarkshire in recent years, a public-social partnership model has been used for recycling furniture, with a pipeline built around it that involves many types of organisations of different sizes contributing their expertise. That model, which speaks to a collaborative ethos, sits

well with the way in which the third sector likes to operate and reflects its values.

The SCVO has run a consortia model for the past few years, starting with the future jobs fund, which concerned employability, and then moving to the community jobs Scotland scheme. That has been successful, not least because it brings organisations together rather than putting them in competition with one another. For us, the key is how we build more collaborative approaches to public services.

Calum Irving: One of the guards against the issue is the brokerage role of TSIs, which has worked well when it has been supported. If a TSI can act as a neutral broker and is supported to engage the wider community and the third sector, there is more opportunity for other parts of the community and the third sector to come to the table to access funds and provide services.

We are going to develop work to provide data on how that approach works. There will be a huge diversity, and it will happen in some places but not in others. It is a relatively new thing that is not supported in every area, but we want to look at how the TSI role can best be used to deal with the challenge of widening the opportunity for and engaging with the third sector. As we gain information on that, I will happily provide it to the committee.

John Wilson: I am concerned that many local authorities might decide to divest themselves of the decision-making process in relation to local community organisations and might give the funding to a TSI and tell it to get on with divvying that up, because they do not want to get involved in the local debate. We are talking about local democracy. What have you done to ensure that local democracy exists in the structures? How do we ensure that the different interests, including community organisations across the board—whether they are made up of volunteers or are some of our good professional voluntary organisations—can come together so that decisions are made on equal terms across the sector?

12:45

Ruchir Shah: We have spoken a lot about co-production, shared decision making and shared outcomes. We cannot replicate the model that the authority that gives the resource has used.

On the Scottish Government's behalf, we have recently jointly run a grant scheme with the community transport sector, which is on-going and is about upgrading community transport buses. That system involves community transport providers bidding for resource. We face such issues in that system, and it is imperative that we build a grants panel that fully reflects the diversity of input, expertise and interest in the matter.

We cannot get away from the fact that not everybody will benefit from such schemes and that there will always be somebody who feels left out. That is in the nature of any grant scheme.

Calum Irving: Absolutely. The third sector might be fully engaged and involved, but some people will feel that they did not get their part. Finances are limited. If John Wilson is picking up on a particular example—it sounds as though he is—I am happy to talk about it away from here.

John Wilson: I was just expressing concerns that have been raised with me. Mr Shah talked about community transport. The allocation of minibuses in particular areas has been raised, and a community group has said that it thought that it had not been fully considered in that process. Part of the problem is giving communities that are to participate in the process the confidence that a transparent decision-making process is in place that is similar to what we are calling for to ensure local accountability for local authorities. The voluntary sector must understand that it, too, must be accountable in making such decisions.

Calum Irving: I fully agree with that sentiment.

The Convener: I will finish with what might seem to be a flippant question, which is about the language that we use. I know that this is a Scottish Parliament committee meeting, but we see terminology changing all the time. To truly engage communities and empower folk, we probably need to think a bit more across the board about the language that we use.

Among some of the new terms, "co-production" is the word of the minute, and "community anchor organisations" and "third sector interfaces" are referred to. We chop the terms down and use acronyms, which are extremely confusing for people and a bit of a turn-off. I hope that you and your organisations will put us right when we add to that verbiage. Do you have any brief comments on that?

Calum Irving: The TSIs have often said that being a translator is a big part of their role. That applies to the wider community—how would it know what all those words mean?—and to the smaller end of the third sector, or the community sector, which we talked about. Why on earth would people in that sector know what all that terminology means? TSIs spend a lot of their time trying to translate that verbiage for the community sector.

Ruchir Shah: I totally agree with the convener. We do not use such words and language in the SCVO's public briefings; indeed, we sometimes do not even use the term "third sector". However,

when we are in front of a committee such as this or speaking with Government officials, we tend to fall back on shorthand to save time.

The Convener: To be fair to the SCVO, its community documents tend to be okay, but I have heard other organisations continuing to use such language, which is extremely confusing.

I thank the witnesses for their time.

12:48

Meeting continued in private until 12:57.

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