

LOCAL GOVERNMENT COMMITTEE

Wednesday 12 January 2000
(*Morning*)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

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

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

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

CONTENTS

Wednesday 12 January 2000

	Col.
REPRESENTATION OF THE PEOPLE BILL	419
DEPUTY CONVENER	423
VISITS TO COUNCILS	424
ABOLITION OF P OINDINGS AND WARRANT SALES BILL	440

LOCAL GOVERNMENT COMMITTEE

1st Meeting 2000 (The Hub)

CONVENER :

*Trish Godman (West Renfrew shire) (Lab)

COMMITTEE MEMBERS :

- *Colin Campbell (West of Scotland) (SNP)
- *Mr Kenneth Gibson (Glasgow) (SNP)
- *Donald Gorrie (Central Scotland) (LD)
- *Mr Keith Harding (Mid Scotland and Fife) (Con)
- *Dr Sylvia Jackson (Stirling) (Lab)
- *Johann Lamont (Glasgow Pollok) (Lab)
- *Mr Michael McMahon (Hamilton North and Bellshill) (Lab)
- *Bristow Muldoon (Livingston) (Lab)
- *Mr Gil Paterson (Central Scotland) (SNP)
- *Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

WITNESSES:

Alan Adams (Glasgow City Council Protective Services)
Madge Adams (Glasgow Braendarn Link)
Mr Frank McAveety (Deputy Minister for Local Government)
Geoff Owen (Scottish Executive Development Department)

COMMITTEE CLERK:

Eugene Windsor

ASSISTANT CLERK

Craig Harper

Scottish Parliament

Local Government Committee

Wednesday 12 January 2000

(Morning)

[THE CONVENER *opened the meeting at 10:00*]

Representation of the People Bill

The Convener (Trish Godman): Good morning, comrades. I wish everyone a happy new year.

The first item on this morning's agenda is the Representation of the People Bill; to discuss it, the minister, Frank McAveety, has joined us. Members will have received an explanatory note on the bill, which deals with postal voting on demand for local government elections. Frank McAveety will make some comments, answer questions for clarification and, if necessary, we will open the matter for debate. I should point out that an Executive motion will go before Parliament, to be taken without debate. The issue does not seem to me to be very controversial; however, that may change. I invite Frank McAveety to give his comments on the bill.

The Deputy Minister for Local Government (Mr Frank McAveety): Thank you. I extend my good wishes to the committee for the new year.

We are in a new committee room in the Hub and I note with interest the ring of fire that is directly above my head. I am rather worried that the committee has some levers—opposition members have given me assurances that there are levers under the table—which will be pulled depending on the answers that I give. In theological terms, if the ring of fire rises above my head, it will look good at chapel on Sunday.

The Representation of the People Bill is a piece of UK legislation, which includes elements that may have an impact on local government work in Scotland. We want to draw the committee's attention to the matter so that we can address it in the context of Scottish local government elections. The bill is the outcome of the all-party group chaired by George Howarth at the UK ministry, to address the effectiveness of electoral mechanisms.

The bill includes the establishment of new provisions for electoral registration, the most prominent of which is the concept of the rolling register, which most parties see as a positive development. The rolling register allows the electorate to register or change registration at any

time, in contrast to the current annual system. It is a reserved matter but, as it will apply to UK elections, it is important that the Scottish Parliament has a chance to address the issue.

There are many other elements to the bill, such as making voting easier for disabled people. That will apply to parliamentary elections, but we can bring forward supplementary legislation to apply that to local government elections in Scotland. Today's committee presents an opportunity to address that. There are other opportunities, such as pilot schemes for local authorities to test new forms of voting. I know that many members who have been involved in council work have been exploring various possibilities, such as electronic voting. We must consider that approach in the context of the McIntosh report.

Today's motion relates to postal voting on demand. Local government elections are a devolved matter, but the bill has been drafted to include Scottish local government elections and today's motion asks the Parliament to agree that. The postal voting arrangements must be consistent. If we do not address the matter, people might be able to demand a postal vote for national elections, but not for local government elections. We share the frustration of individuals who have not been able to register their votes. We must attend to their concerns. It is important that we deal with the Representation of the People Bill in the context of Scottish local government elections. I hope that members will support the motion. I am happy to address members' questions.

The Convener: Are there any questions?

Donald Gorrie (Central Scotland) (LD): Like other colleagues, I support the general thrust of the proposal and the common sense behind the idea that Westminster should legislate for Scottish local government elections in this particular case. I have advocated postal voting on demand for some time—it is a good idea.

Other people may have had the same experience as I have had when canvassing for local government and national elections, which is that by the time people wake up to their need for a postal vote, the deadline has passed. Do the proposed regulations make the closing date for postal votes closer to the election date?

Mr McAveety: I do not have the details of that, but I will ask one of the civil servants to come to the table to answer the question.

Geoff Owenson (Scottish Executive Development Department): It will be a rolling register, so that people will be able to register throughout the year. However, at the end of the day, it will be down to publicity to make people aware of elections and closing dates.

Donald Gorrie: The rolling register is obviously a positive part of the proposal. The memorandum mentioned lots of publicity in the run-up to the election; however, allowing for the general lack of public interest in the political process until the very last minute, the more it is possible to allow those who have only just woken up to the fact that they need a postal vote to get one, the better. There are obvious logistical problems. Nevertheless, the later it is still possible to get a postal vote, the better.

Mr Kenneth Gibson (Glasgow) (SNP): What Donald Gorrie is asking is whether there is any intention to extend the final deadline for postal ballots. Although some people may be aware of local government elections, others are not. Members will recall that the television advertising in the run-up to the Scottish Parliament elections talked about people having two ballots, but the local government elections were completely ignored; until they turned up at the ballot box, many people did not realise that local government elections were taking place. As well as improving publicity, we should extend the final deadline for submission of postal votes.

Mr McAveety: I will check whether that is included. There will be deadlines in any context—someone will always be too late. No matter how well intentioned we are about involving the electorate, there will always be some folk who are not engaged.

The detail of Howarth's paper—we will provide copies if members do not have them—tries to address ways in which we can energise the public and make electoral structures more accessible. The reasons why people do not participate in elections may relate to broader UK political matters. We will consider the issue of deadlines and flexibility of implementation and come back to the convener of the committee with an answer.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I welcome this initiative, particularly in relation to accessibility for disabled people. However, there may be costs involved. Has some thought been given to the fact that such changes may involve increased costs for local government? Where would it be appropriate to deal with that?

Mr McAveety: Local government should address those matters. The most far-sighted authorities in Scotland are those that have recognised two distinct issues. The first issue is whether folk want the flexibility to register for postal voting more effectively, at an earlier date, because of their disability. The second issue—one that the committee is concerned about—is the accessibility of polling stations and the cost of adaptation. Local authorities should address those issues in any assessments that they make of the

resource base. There are variations throughout Scotland, and I would be reluctant to say that there is a standard issue. If there was a planned programme, I do not think that the costs would be excessive, given the budgets that are available. I think that local authorities could cope.

Since May, no representation has been made, by either the Convention of Scottish Local Authorities or local authorities themselves, specifically to the ministerial team on any of those matters. I would have thought that, given the two or three months' evaluation process that followed the difficult joint elections, which had been undertaken for the first time, those matters might have arisen. I suggest that those matters might be worth exploring with COSLA, through this committee, to determine whether accessibility is an issue.

Essentially, Howarth's paper addresses the registration concept rather than the physical barriers to participation when people want to exercise their right to vote. Committee members will probably know as well as I do the utter determination of the elderly, in spite of their infirmities, to get to the polling booth to register their vote. There is an incredible courage in that, and I admire them.

The Convener: As members have no more questions, is there anything else in general that anybody wants to say?

Mr McAveety: No. [*Laughter.*]

The Convener: I was not addressing the minister.

Does the committee agree that this legislation should be pursued by the United Kingdom Parliament?

Members indicated agreement.

The Convener: The committee will write to you, Frank, about the comments that have been made this morning. An Executive motion will then be put before the Parliament without debate, and the legislation will be changed appropriately. Thank you, Frank, for your time.

Mr McAveety: Thank you.

Deputy Convener

The Convener: The next item on the agenda is the choice of the deputy convener of this committee. As members know, there has been an agreement about the appointment of deputy conveners for committees. For this committee, the deputy convener will come from the Labour party. The nomination from the Labour party is Johann Lamont. I suggest that we agree that nomination.

Mr Gibson: Can we nominate someone else? [Laughter.]

The Convener: No. Do members agree with the nomination?

Johann Lamont was elected deputy convener by acclamation.

The Convener: Johann, do you want to say something?

Johann Lamont (Glasgow Pollok) (Lab): I am not sure whether this is the point at which I become tearful and thank my mother, my family and everyone who knows me. I certainly thank the committee for agreeing to the nomination, and I look forward to working with Trish Godman. Members may think that she is firm in the chair, but 20 years as a schoolteacher has made me even worse. They should hope that Trish is in the chair as often as possible. Thanks very much.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I have now changed my mind. [Laughter.]

The Convener: Members may be interested to note that, at one point in our history, Johann was the chair and I was the vice-chair of the Hillhead Labour party. As a duo, we were kept very busy.

Visits to Councils

10:15

The Convener: The next item on the agenda is the proposals for further visits to councils. Members have a report on this. I hope that everyone will agree to additional visits to North Lanarkshire Council, Scottish Borders Council and Western Isles Council. Reasons for those additional visits, which I think are appropriate, have been supplied. If anybody has anything to ask about that, please feel free to do so now.

North Lanarkshire Council has had specific problems, following the decline of traditional industries, although that decline has occurred in other areas. I would like to draw a comparison between the situation in north and south Lanarkshire, as both areas sit on the periphery of Glasgow.

Scottish Borders Council has established a working group to carry out a self-review of political management structures. It might be interesting for the committee to consider how those structures are being addressed, what that review is about and what the results have been. It might be interesting as well to examine political management structures in the context of a non-aligned, rural council.

A visit to Western Isles Council has been suggested to examine another island, which is different from Shetland. There has been massive unemployment up there, and there are problems that are quite different from those in Shetland. It might be useful for the committee to compare and contrast the two councils and to consider the high level of unemployment, the impact of the Gaelic language and the culture of the western isles.

As members have no specific questions, I ask the committee to agree to those extra visits. I also ask the committee to notify me if there are to be any changes to the list of those who can either make the visits or act as reporters, so that the visits can be arranged, having spoken to the people concerned and to the clerks. Sometimes people's diaries change, and they find that they cannot make a particular visit, although they would be able to undertake another, and that, therefore, they cannot act as reporters. It would be helpful if the committee could give me that leeway. Does the committee agree?

Members indicated agreement.

Johann Lamont: I have a question on the practicalities of that, specifically the dates. Colin Campbell and I are expected to visit both Clackmannanshire Council and Western Isles

Council.

The Convener: We are dealing with that. Craig Harper is looking into the matter. There was some doubling up when we added the three other councils. I ask you to allow Craig and me to deal with that, as it is a housekeeping matter.

Johann Lamont: Does that mean that the visit on 4 February to Scottish Borders Council might not go ahead? Are all the dates flexible? I have to make decisions today about 4 February.

The Convener: We will deal with that at the end of the meeting, as a housekeeping matter. I do not want to waste the official report's time and our money discussing such things now.

We now move on to the reports from the councils. The first is from Highland Council, and the reporter is Donald Gorrie.

Donald Gorrie: Gil Paterson, Bristow Muldoon and I had a good visit. We were all impressed by the council, and we spent the afternoon with some very sparky youth groups that are doing very good stuff.

The council has provided a written submission to the committee. Several individual points were raised, which I do not think would register in our overall Scottish considerations, but which are important to the authority. At some stage, the committee should work out a mechanism for dealing with those specific points. We should be oiling the wheels between the councils and the Executive.

For example, Highland Council thought that the crofting unit that is based in Edinburgh, which employs 15 people, should be somewhere in the Highlands. In a small way, that would obviously help the population there. The specific point was made that the council would like to experiment with videoconferencing for committees, but that the law does not allow it. The Local Government etc. (Scotland) Act 1994 requires that all committee members must be present at meetings. The issue is whether we could address that and change the situation.

The council had a specific grumble that there was no Highland councillor on the board of North of Scotland Water Authority and no Highland councillor or Highland resident on the board of the Scottish Environment Protection Agency. It thought that that situation was rather poor. We should have a mechanism for dealing with such issues.

Overall, the council is genuinely decentralised. I am sure that we have all experienced somewhat fictitious decentralisation. Like some other councils, Highland Council has a problem with a growing population. The financial settlement does not make allowance for that fact. The councillors

were bitter about the disastrous ward boundary changes. They thought that best value was too prescriptive. The council agrees targets with each area committee and the arrangements can vary. For example, one village did not want street lighting and therefore did not get it. The decentralisation that the council has achieved, including 24 service points, costs 1 per cent of its budget.

The council believes that the financial rules do not recognise the additional costs of rural areas. I must apologise to members as I have left out some words in the second-last paragraph of my submission. It should read:

"The time spent by one social work team on travel is equivalent to the work of 1.5 FTE staff."

There were other examples. Meals on wheels costs five times as much in rural as in urban areas and day care costs 1.5 times as much.

The councillors mentioned that water purification charges were a major problem for the food processing industry in the Highlands. They did not offer any solutions to the problem. I think that they wanted some financial help.

Many points had been covered in the written submission. They mentioned the need for a financial review. They are against having a directly elected council leader and a cabinet system, which would not fit in with their decentralised system. They feel that responsibility allowances should be spread as widely as possible as they allow people who would not otherwise be able to become councillors to do so.

The council's youth work was impressive, particularly in involving young people in the management of some of its projects.

The Convener: Does anyone who was on the visit to Highland Council want to add anything?

Bristow Muldoon (Livingston) (Lab): The councillors were sceptical about changes in the electoral system that would increase the size of wards. That concern was related to the geography of the area. They said that if a multi-member ward were set up in Sutherland, it would be possible for a villager in the extreme north-west to be represented by somebody who lives up to 100 miles away.

Another issue that was important to them was how changes in the electoral system would affect independents. Highland Council has a large number of independent councillors and no party has overall control. The councillors wondered whether it was essential that all councils in Scotland have the same electoral system. They suggested that large areas that are sparsely populated might need different arrangements from those that are suitable for urban areas.

Mr Gil Paterson (Central Scotland) (SNP): Donald Gorrie's report was full and I do not know if I have anything to add.

The issue of transport costs came up when we were talking to the councillors and the young people. It was felt that the costs had implications for the ability of people to travel to large centres of population. The young people felt somewhat deprived in terms of being able to function socially. Two young people relied on the services of another person to get to Inverness to go to discos and other such things.

As Donald said, the level of involvement of the young people was impressive, particularly in the drug forum. They almost had control of the forum and seemed to be very switched on and critical of ways to publicise the facts about the misuse of drugs.

Mr Gibson: Members of this committee appear to have talked to only four councillors, yet there are 80 members of the council. How representative were the views of the councillors? Who did they represent, given that there is no administration?

Donald Gorrie: I think that they were all independents. David Green is the leader and Alison Magee is the deputy leader, but they come from widely different parts. The other two were chosen because of their areas of responsibility: one was the spokesperson for children and young people and the other was the chairman of the working with communities group. One or two other people had been asked to come but were unable.

In our business, we are being conned all the time, but I did not feel that I was being conned on this occasion.

Mr Gibson: I just wondered whether the four people represented the council or themselves.

Mr Paterson: I got the impression that they represented the view of the council. The structures in the area were inclusive and I do not believe that there was a con. It was refreshing.

Mr Gibson: I am not saying that there was a con; I was asking for clarification.

Colin Campbell (West of Scotland) (SNP): Donald, your submission says that area committees have local discretionary funds. Do you know what those are worth? Are they granted on a per capita basis? Obviously, there are situations where the local discretionary funds can be derisory.

Donald Gorrie: The council is trying to decentralise control of as much of the budget as possible. Jamie Stone, who was until recently a councillor in the Highlands, might be able to clarify this, but I understand that a significant amount of

money is given to the area committees, which can spend the money as they see fit. If they want to spend the money on wheelie bins and not on grass cutting, they can.

Colin Campbell: The money is not just for cosmetic things at the fringes, I assume, but for more fundamental things. Perhaps Jamie can help.

Mr Stone: Sorry, Donald, but you are wrong. Until May, the grant ran at around £3,000 a councillor.

Colin Campbell: Is it set on a per councillor basis?

Mr Stone: Yes, per councillor, although they do not have the freedom to introduce wheelie bins. I am sorry to contradict you, Donald—I feel that I am teaching my granny how to suck eggs.

I think that the councillors were mostly speaking for the central part of the Highlands. Had Caithness councillors been represented at the meeting, we might have heard a slightly different story. It is all very clever of me to have 20:20 hindsight, so I will shut up at this point.

10:30

Bristow Muldoon: Donald Gorrie partly touched on this in his report, but the question of changing the legislation to allow decision making by videoconferencing was pushed very strongly by the councillors. Given the geography of the Highlands, some of the councillors live far from the council's headquarters in Inverness—perhaps three hours' driving time. When the committee considers the Executive's legislation—or if we produce an interim report on McIntosh—we should highlight that issue as one that the legislation should address.

The Executive must deal with another issue that arose at the meeting—a number of the council's committees are extremely unwieldy, with perhaps 40 members. I suspect that that makes for difficult decision making; indeed, the council's convener recognised that and the council is reviewing the issue. The matter must be examined urgently.

Mr Gibson: Particularly as the members are all independents.

Did any of the councillors suggest that the local authority boundaries should be altered, as the area of Highland Council stretches from Caithness right down to Fort William? Were any views expressed that perhaps the council was too unwieldy, or did the councillors think that it was the right size to deliver its strategic objectives? Was that issue discussed?

Bristow Muldoon: The councillors said that, at the time of local government reorganisation and

the establishment of the Highland Council, many members who had a district council background felt that the council was too unwieldy. However, most of the councillors now believe that the structure of the council is right and would not want substantial change. However, there was an undertone of opinion within the council that it should be split up.

Mr Gibson: One concern is that there is no competition during elections in many of Highland Council's wards, because many people who would like to represent their community cannot afford to give up a full-time job in order to travel two hours to council meetings and two hours home. That is one reason why many meetings are decentralised, but the sheer size of the council area makes it difficult for many people to stand who otherwise might wish to. Those people who were elected are obviously those who stood for election, and so they might have a vested interest in not seeking competition.

Bristow Muldoon: We discussed that issue and Donald Gorrie pursued the fact that it was a bit unhealthy that a number of wards were uncontested. I do not think that we got a satisfactory response to the questions about people not being able to stand because of the time involved. Perhaps the political parties, rather than the councillors, should consider this issue—even if parties do not win seats, they should ensure that there is competition in the wards. Ultimately, it is not in the interests of many of the well-established independent councillors to encourage competition.

Mr Paterson: Kenny Gibson raised an important subject. The councillors gave two reasons why they believed that people did not stand, or why there was no competition in wards. First, the culture in the Highlands is such that, if someone is doing a good job, people will not stand against them because the area is sparsely populated and the society is close-knit. Secondly, a large number of people are employed by local government, which militates against them standing. If the rules on those eligible to stand in council elections were relaxed, people such as teachers and so on would be able to become involved in the political process.

The Convener: Thank you—that was a good report. Although the foreseeable timetable and agenda is tight, part of the reason why members go on these visits is to highlight issues that might need to be considered later, such as videoconferencing and the eligibility of people who are employed in local government to stand in local government elections, which the McIntosh report deals with. When we collate the evidence that we have gathered, I will consider which areas the committee should pick out and give attention to, either as a short report or to obtain further

information.

The next report is on East Renfrewshire Council; I am the reporter. I found the visit interesting, as the council has a cabinet system. In a previous life, one or two members of that cabinet had been opposition members and I found it interesting to see them working closely with the cabinet as a group to make changes in the areas that they represented. Their way of working included constructive criticism, discussion and, in some circumstances, compromise. It was interesting to see how they were prepared to sit around the table and make decisions that would help service delivery.

As members will see, the report is quite thick, so I will pick up on just a couple of issues. Whenever I go out on these visits, I am asked about the power of general competence. Some councils seem to think that if they dig deep enough, they will find that that power exists and that change can be effected, while others view the situation differently. East Renfrewshire Council saw the power of general competence—if it had such power—as allowing it to devolve power in terms of delivering services in a different way.

The council commented that it was unfortunate that McIntosh could not consider local government finance. It thought that finance was too complicated for the public to understand. I thought that it was too complicated for the council to understand—certainly, it is too complicated for me to understand. However, I assured the council that this committee would, at some point, consider local government finance, with the proviso that that did not mean to say that the council would automatically receive more money.

As a small local authority, the council found it not only difficult to get money but time wasting, as officers have to spend their time making bids for challenge funding and for money for this and that. A lot of officer time was spent on that work, with few results; even where there was a result, the work still tied up officials for a number of months. However, we should remember that East Renfrewshire is a small council.

As I said, the cabinet system was interesting, as it enabled people who would usually be making political points to sit round the table trying to agree. However, the council is reassessing the system; once that work is concluded, it will inform the committee about any changes that are to be made.

Councillors were concerned about the legal requirement to have three Church representatives on an education committee. That creates problems for a cabinet system that has no education committee. Their solution was to call in Church representatives when education issues

were discussed.

Councillors believed that they were less involved under the old system, which gave them less power but created more bureaucracy. They were also keen to talk to us about the scrutiny role of committees, which they felt had to be both clear and constructive.

The council thinks that there will be a move to proportional representation, although it was insistent that there should be a link between councillors and wards, which is what most people are saying. The council favours an alternative vote system; if such a system is not implemented, it would be happy to return to first past the post. It saw community planning as the way ahead, with local authorities taking a central role in terms of facilitating and so on.

The council has a corporate strategy for young people—we attended a log-on cafe, which was good when we were there, although Kenny Gibson may wish to say something about it later. It believed that the covenant with the Parliament was absolutely necessary. It was committed to it, because it felt that if such a covenant did not exist, the Parliament would suck up the council's power. Those are some general comments about the visit—I would be more than happy for Kenny or Michael McMahon to add to them or to answer any questions.

Mr Gibson: I was impressed with East Renfrewshire—it is an innovative council. The three parties that are represented are willing to work together for the betterment of the local authority. The councillors are all very taken with the executive style of administration—it is good to note that they are trying to involve those who are not part of the executive and who are involved in the day-to-day running of the council. The council's size—there are only 20 elected members—may mean that such a system is more appropriate. However, we should take serious note of what is happening in East Renfrewshire as a possible model.

I went to the log-on facility with my seven-year-old son a few days later. As a member of the public and a local resident—as opposed to an MSP—I did not consider it that impressive. The facility is expensive—I think that it costs about £300,000 a year to run—but I was not particularly impressed with it. However, that is an aside. What is important is that the council genuinely welcomes the involvement of the Scottish Parliament and wants to use any opportunity that the Parliament gives local authorities to try to improve the way in which they are run. Trish Godman has alluded to the power of general competence—the council was enthusiastic about how it could consider different areas of operation.

On the operation of electoral systems, it is interesting that no council wants a reduction in the number of elected members. All local authorities seem quite happy to use whichever system is most appropriate to their specific interests—I am talking about individual interests as much as party interests. Many of the SNP councillors whom I met feel the same way. It has to be borne in mind that there are big social divisions between the Barrhead end of East Renfrewshire and the Newton Mearns end. The alternative vote system that the councillors propose would mean that, of the 20 councillors, about 16 or 17 would be virtually guaranteed continued representation on the local authority. When we consider these matters, regardless of which political party we are speaking to, we have to bear in mind any personal vested interests.

The visit was interesting; East Renfrewshire Council represented a tremendous contrast to the other local authorities that I have visited. We may want to return to it, perhaps in a few months, once the executive system has bedded down further and has been tweaked by the council.

In every local authority, we find that nobody shows any interest in directly elected provosts. Keith Harding will say that it is in the Tory manifesto that Tory councillors do not want them either.

Mr Keith Harding (Mid Scotland and Fife) (Con): I have read the report—were there any Tory councillors there?

Mr Gibson: You cannot get more Tory than Iain Drysdale. [*Laughter.*]

10:45

Mr McMahon: I had been going to make a similar point—innovative and enthusiastic are two words that describe that authority, which had made many changes and seemed to be receptive to new initiatives. Because of that, I was struck by the fact that it was so against electoral reform and so opposed to the idea of the elected leader. That came across strongly from all the political parties. I am not sure whether that was to do with the parties looking after their own backs, as Kenny Gibson suggests. It seemed to be a cross-party approach, in an authority that could see that there might be an advantage in making changes in some areas.

Overall, the council thought that it was best to leave things as they were. However, if it were to go down any proportional representation road, the alternative vote system is the only one that it would accept. It had experienced some of the practical difficulties of the cabinet system, but had also witnessed some of its advantages. It was worth listening to its views on that. I was struck

that an authority of that size had identified that the cabinet system worked. However, it could see that, because of logistical difficulties, the system would not work in larger authorities.

As East Renfrewshire is not afraid of change—it has implemented a lot of changes—its opposition to PR and its concerns over cabinet systems for bigger authorities are worth listening to.

Bristow Muldoon: When you say that the council would favour the alternative vote system, do you mean AV without any top-up?

Mr Gibson: Yes. That is not one of the three systems recommended by McIntosh.

Bristow Muldoon: Is the innovative and harmonious relationship between the parties a result of the lack of SNP councillors on the council?

The Convener: Bristow, please.

Colin Campbell: Not if this committee is anything to go by. [*Laughter.*]

Mr Paterson: How many members are in the cabinet?

Mr Gibson: Five. There are also five shadow members, which means that if a cabinet member wishes to put forward a proposal, the shadow—a Conservative—will meet the member and try to hammer out a common view. If they cannot do that, there is a division.

Mr Paterson: Are the cabinet members all from one party?

Mr Gibson: It is a Liberal-Labour administration. I think that the cabinet is made up of four Labour members and one Liberal member. The five opposition members are all Conservatives. Ten members are involved: the five cabinet members and the five scrutineers. In addition, the 10 members from Labour, the Liberals, the Conservatives and the one independent member form the back bench, so to speak. At the moment, the cabinet is trying to get those 10 more involved in the process—

Mr Paterson: By doing away with the whip?

Mr Gibson: No, they are trying to involve them more—

Mr McMahon: The council has a general ethos of trying to be inclusive. The chair of the audit committee, which scrutinises the cabinet's financial affairs, is the Conservative leader.

Mr Paterson: Is there a whipping system? If so, where do the public come into play? I ask that because I could not quite work out how another council operated the cabinet system.

Mr Gibson: There is a whipping system, if you

like, but it is not generally implemented because most things are done fairly consensually. The council tries to hammer things out, rather than go to a vote. Everybody knows the balance of the council, so it has gone beyond the stage of pushing things to a vote for the sake of having dissent and so on recorded. The council is genuinely trying to achieve things. Although East Renfrewshire is an area that might be considered to be politically polarised, it is not. I have known some of the councillors for years. Trish Godman has been a regional councillor and knows Iain Drysdale well.

The fact that it is a small council means that its attitude is, "Let's get on with it and, where possible, try to bury the differences. Let's ensure we have a council that is run in the best possible way." I do not know how Michael McMahon or Trish felt, but I was refreshed by the council's approach.

Although the council is in favour of change, it is not in favour of change to the electoral system, because the members may not be there personally to implement the change in the system. One always has to consider how any change affects individuals directly. That does not mean that they would not be innovative in other areas. I am sure that, if we could give them a cast-iron guarantee that they would still be there four years later, they might be in favour of changing the electoral system. Vested interests always have to be taken into account; that is true of our party as much as it is of any other.

Mr Stone: I have two questions. How big was the change from what went before—if you happen to know that, convener—and how difficult was it to bring the change about?

The Convener: The change was marked. When the council got together for the first time and considered what had gone before, it was quite clear that it had to make some substantive changes if councillors were going to make any difference to the lives of the people whom they represented. There was a feeling that there was not much of a link between what went on in the council chambers and the way in which services were delivered.

The council decided quickly that, because of its make-up, it would collapse if it did not act consensually. It therefore opted for an inclusive system. The council is also going to review the system, even though it has been up and running for only six or seven months, because the technical aspects, as well as working relationships, are needing tweaked. As Kenny Gibson said, the aim is to include back benchers and spokespersons in a much more direct way. It was clear to the council from day one that it had to do something imaginative, and that is what it has

done, as far as I can see.

Mr Gibson: Although the council is run by a Labour-Liberal administration, the Conservatives have not sought to obstruct the executive. Rather, they have adopted a constructive and positive approach and engaged with it. With such a system in an authority of such a size, it takes two to tango. The opposition has to be willing to work with the executive and not to oppose simply for the sake of opposing. It is refreshing to note that that has happened in East Renfrewshire. Perhaps I should not say that, because Keith Harding will probably phone up the Conservative group there to say, "Put the boot in, lads." [*Laughter.*] However, his party has certainly helped to make the system work effectively, at least as far as we could see.

Donald Gorrie: You made two additional points in your text that I think we should pursue. The first was about studying the amount of management time and expense that is devoted to private finance initiative or challenge funding bids. That is a major issue that a number of other councils have raised with me.

Secondly, we should remember that there is a lot of knowledge among local government officials and councillors. Local government officials know far more about many things than people in the Scottish Executive know. There is a big pool of people on whom we can call for good advice.

The Convener: Those points are well made. We would certainly want to consider the amount of time that officers spend on challenge funding or PFI bids and what results from that. They seem to be saying that they spend a lot of time on it and that that time is not always productive.

To sum up, the three of us found a very innovative council, which was not afraid of change. Michael McMahon's point—that although the council is not afraid of change, it feels that two proposals in the McIntosh report would not work—is well made. The size of the council may mean that it would not be happy with PR anyway. I enjoyed my visit and would be keen to go back to see how the system has been changed, what faults were found in it and how it has been adjusted.

We now move to Sylvia Jackson's report on her visit to Aberdeen City Council.

Dr Sylvia Jackson (Stirling) (Lab): I went with Kenny Gibson and Jamie Stone, who will, I am sure, have some points to make. We had a very interesting time. The visit concerned housing repairs and the roads department, if I remember correctly. We found it difficult, as is the case with most visits, to fit everything into the day, given the various discussions that were involved.

The material that was originally sent by

Aberdeen City Council was fairly comprehensive. It was, perhaps, not as comprehensive as the report that we have just heard, but it contained most of the points that were elaborated on when we visited Aberdeen. I will pick out one or two of those—members will see that there is considerable similarity with points that have been made already this morning.

One important point concerned the power of general competence. As was said earlier, the council felt that it could do much more itself—take more initiatives and arrange things differently—if the power was extended.

The council was very positive about community planning. Although it had not been involved in the first round of community planning, it had managed to get the idea under way. It thought that community planning was important in terms of seeing the big picture and developing partnerships, about which the council was also enthusiastic. The council thought that, with regard to environmental issues, a case could be made for devolving greater responsibility to local council level. A lot was said about looking to Europe for examples of further devolution in that area.

The council was quite scathing about guidelines, which it thought were similar in most respects to capping. It talked about the effect of the gearing principle and the difficulties that it had with that. It thought that there was far too much ring fencing and that it needed more control over its priorities and planning. We have received that message from elsewhere. The council thought that there were particular problems in Aberdeen: because it is an affluent area, building land is quite expensive. The council described how American, Dutch and other businesses demanded a high-quality infrastructure that was difficult to deliver in some cases.

We were told that Aberdeen had difficulties because it did not receive any European funding. The council contrasted that with the situation in Dundee.

The council had changed its committee structure, largely because ward changes had reduced the number of councillors and it was felt that the previous system could not operate with fewer councillors. The change has allowed for a more joined-up approach within the various areas. The material that was sent previously lists the committees that have been established, and members will see that they cover broader community services than was previously the case. The council was very positive about developing the committee structure. It thought that this was the first phase and that further moves would be made later. It was very enthusiastic about the standards committee, as it felt that it was important that there should be a scrutiny role to

ensure best value. The council members and officers talked at length about that in the first part of our meeting.

We then talked about whipping, selection of candidates and so on. A sharp distinction was made between party-political issues and issues that the council as a whole can take on. I am not sure that we moved too far with this discussion, but we talked a little about voter turnout. The council felt that that needed to be addressed, but it was far from convinced that changing over to a form of PR would increase voter turnout.

The council commented on the number of MSPs who were demanding to be given more information about various services and so on, and said that its work load was increasing at a phenomenal rate—I suppose that we need to take that on board. Like all council leaders from whom we have heard, the council was not in favour of directly elected council leaders.

Finally, we returned to the issue of community planning, which the council thought was a key issue. It has a number of important initiatives, such as “Imagine . . . Aberdeen”, which involved 900 people in a consultation exercise to project what Aberdeen will look like. The council was keen to pursue other initiatives to consult the public more. It also thought that civic education was a key issue and that it should be carried out more widely than just in schools.

The council was very positive about its relationship with the Scottish Parliament, but not so complimentary about the role of the Convention of Scottish Local Authorities. Indeed, I think that the council wanted to replace COSLA with the Local Government Committee.

11:00

Mr Stone: The distinctive nature of Aberdeen quickly became apparent—the people we met see themselves as pretty different from people in the rest of Scotland. There is a great pride in the city.

I want to emphasise Sylvia Jackson's point about COSLA. The council did not like COSLA at all—the invective was colourful at times.

Mr Gibson: There seems to be a struggle of ideas within Aberdeen City Council. I got the impression that a number of councillors want things to stay as they are and have always been, but two or three others are much more innovative and perhaps frustrated that their colleagues are not as far-sighted as they are. I do not know whether Sylvia Jackson noticed that difference in attitude.

Dr Jackson: I think that Kenny Gibson is right.

Mr Gibson: There seemed to be a tiredness

about some of the councillors. It was as if they were ground down by the whole process of having to meet us, although, of course, they were very courteous. Some very old-fashioned views were expressed. One member of the administration, Councillor Lamond, suggested that the best way to resolve local government finance issues was to go back to the poll tax.

I was not so impressed with Aberdeen council. I got the impression that there was a fear factor among the councillors—as if we had gone up there to caw the feet away from them, rather than to work in partnership with them. I hope that our visit reassured them about that. I think that we got through to them that we want to work with them, rather than against them.

I have nothing further to add to Sylvia Jackson's very full report.

The Convener: Are there any questions?

Johann Lamont: I have an observation rather than a question. It strikes me—from looking at the list of names of people present at the meeting—that none of the council officers were women. We may want to consider that point when we produce further reports. I know that at one time in Aberdeen, certainly within the Labour party, there was a lot of interest in equal opportunities and in work to develop the involvement of women. It would probably be useful to break councils down by gender. Much credit has been given to the Scottish Parliament because it increased the representation of women, but my anxiety is that things are not shifting in the same direction in councils and that the work that was done to increase equal opportunities and so on is not developing as it did. I do not know whether the convener can give me details of the balance of representation within Aberdeen council.

The Convener: It will be worth considering that general point once we have collated all the evidence.

Donald Gorrie: I know that the issue of collaboration with neighbouring councils is particularly important in Aberdeen and Dundee, where the city boundaries are very tightly drawn. A great problem is that a ring road for Aberdeen would go through the Aberdeenshire Council area rather than Aberdeen. Did the council raise the issue of collaboration, for example, over housing?

Dr Jackson: Yes, but I cannot remember what was said about the issue.

Mr Gibson: In fact, the council did not mention collaboration with neighbouring councils. The politics of the area are interesting. Aberdeen has a Labour administration, but none of the 68 councillors in Aberdeenshire represents the Labour party. I think that Aberdeenshire has a

Liberal/independent administration. I do not know whether the councils do not co-operate as much as they did because of differences in political ideology. The only area in which the council referred to co-operation was the gritting of the roads—we visited garages for that. More widely, it seems that co-operation is fairly minimal.

Donald Gorrie: One issue that Aberdeen City Council raised, which also affects Highland Council, and with which it is hard for the powers that be to come to terms, is the additional costs that are incurred by blossoming areas. The tendency is to help poorer areas because it is fairer to do so, but development creates a lot of cost for the council. We will have to tackle that issue some time.

The Convener: I think that you are right.

I will make a statement on behalf of members: I assure COSLA that the Local Government Committee has no intention of taking up its role, and I do not think that that will happen in the future. Perhaps that should be recorded in the *Official Report*.

Colin Campbell: That is unanimously endorsed.

The Convener: I thank members for their reports. I found the contrast in the visits interesting.

Abolition of Poindings and Warrant Sales Bill

The Convener: The next item is the Abolition of Poindings and Warrant Sales Bill. I welcome Alan Adams of Glasgow City Council protective services. The procedure is that after you give a presentation, I will open the meeting up for questions. I will sum up at the end.

Alan Adams (Glasgow City Council Protective Services): Good morning. I suspect that members will have copies of the letter that I sent to the clerks some weeks ago. As I mentioned to the committee clerk in a recent telephone conversation, there is not much that I can add to the text of that letter, but as an introduction I will remind members of my background. I work in the consumer and trading standards division of Glasgow City Council protective services. The division has a statutory responsibility to enforce a wide range of consumer protection and fair trading legislation, which more and more we try to do in partnership with legitimate trade in the city.

As a non-statutory service, we deliver a number of advisory services, for which I have responsibility. They include consumer advice, through a consumer advice centre, and money advice and debt counselling services through our main office and a number of community projects that we supervise. The money advice service began a few years ago. It grew out of the consumer advice service that we had run for some time, but also drew on our experience of the enforcement of the Consumer Credit Act 1974, which was our statutory responsibility. An amalgamation of our expertise in consumer credit matters and in counselling helped us to provide a debt counselling and money advice service.

In view of remarks that were made at previous meetings, I should make it clear that I am not representing the views or policies of Glasgow City Council in any way. The short note of evidence that I have provided is based on our officers' experience with their clients. Most of the clients who come to us for assistance are neither feckless nor reckless. They had been managing their affairs fine until unforeseen circumstances such as the loss of a job or overtime, or a partner leaving them with multiple debts. As most of our clients want to pay whatever they have to pay, we have a large area of common ground with creditors and other agencies. Our role is to put clients' financial affairs in order and, by doing so, help to put their lives back in order as well.

Our experience—and I draw on 20 years' experience of mixing with and managing money

advisers—suggests that poindings and warrant sales do no good at all. Statistics indicate that very few poindings are followed up by warrant sales, which is certainly our experience. Scores of poindings have been carried out, but I can count the number of warrant sales that have been carried out on the fingers of both hands.

Our clients' experience indicates that poindings are invariably used to frighten debtors who are already greatly stressed by their situation. I notice in this morning's press that, at yesterday's Justice and Home Affairs Committee meeting, someone suggested that poindings and warrant sales were a means of unlocking sums of money. Our clients do not have large sums of money that can be magically unlocked by a poinding or a warrant sale. The threat of such measures causes only greater distress to people who are in difficulty.

Because most of our debtors have very few assets, poindings generally value goods at sums that in no way cover the outstanding debt and most of them will meet only the sheriff officer's fees. Our experience suggests that poindings and warrant sales are aimed at the poorer end of society. In general, only goods that are necessary for the running of the household are poinded. For example, televisions and video recorders are often the only means of information, news and entertainment for the family, particularly the children.

I have brought one or two case studies with me. Do you want me to run through them, or would it be more appropriate to ask whether members have questions at this stage?

The Convener: Perhaps when we are asking questions, you might use the case studies as examples.

11:15

Alan Adams: Right.

The majority of poindings that are carried out arise from council tax arrears. We feel that that is no way for council tax to be repaid. As I said earlier, people who are subject to poindings and warrant sales do not have large sums of money that such measures can magically release.

There is a danger that people will be pushed into the hands of legal and illegal moneylenders to find the money to meet their debts. Most of our clients fall into the "can't pay" rather than the "won't pay" category and come to us because they want to sort out their affairs. I am happy to say that we can do that in most cases by arriving at a payment arrangement that satisfies both the creditor and the debtor.

Commercial creditors could do more to avoid putting their debtors at the sharp end of a poinding

or warrant sale. If the creditors who deal with the disadvantaged sector of the population were to underwrite their business more correctly—if I can use that word—such situations might not arise with the same frequency. For example, some mail order companies seem to use the poinding and warrant sale mechanism of civil diligence in the hope that they can poind the goods that have been sold through their catalogues and recoup some of their money. However, such measures cause only distress to the folks who are already in difficulty.

As I state in the final part of my letter, the director general of the Office of Fair Trading might be interested in information that showed that companies were underwriting their credit business in a way that resulted in an unduly high number of poindings and warrant sales. Members might be aware that everyone involved in the provision of credit has to be licensed by the Office of Fair Trading. However, before a licence is granted, the director general has to be satisfied that the applicant is fit to hold it; furthermore, he has to be satisfied that the licensee is fit to continue to do so during the currency of the licensing period. He can take into account whether the creditor's activities are lawful, which gives him wide discretion in determining whether creditors are fit to hold a consumer credit licence. The director general might be interested in information that we—or other agencies that are involved in this area of work—have on this issue.

The Convener: Thank you very much. Before I open up the session to the rest of the committee, I want to ask a couple of questions.

Submissions that we have received from people on both sides of the argument, and from neutral parties, suggest basically what you have said: it is more a case of "can't pay" than "won't pay" that ends up in a poinding or warrant sale.

Alan Adams: In fact, it is a case of "can't pay and would like to".

The Convener: Furthermore, the general public do not seem to be aware of a system on the basis of a summary warrant whereby a person can go back to court and offer to pay off a debt by a certain amount every week or through regular lump sums. Do you have any thoughts about that?

Your other comment about using the benefit system to pay off debt was interesting. Fuel debt and electricity bills could be paid directly from benefits, if the client so wished. Could you expand on the idea of collecting debt through benefit, with the agreement of the client? When would it be appropriate to do that? Benefit is an interesting word—the money they get from the Government is hardly a benefit.

Do you agree that we are not getting across to

the general public the fact that there are means to pay off debts before reaching a situation of pouncing and a warrant sale?

Alan Adams: Sadly, most people who come to us come too late. That is the common experience of agencies involved in money advice and debt counselling. People come to seek advice because the crisis has already happened. It is very difficult for clients to come to us and tell us that they have failed. However, the fact that they have come means that we can do something with them; usually we can resolve the problems.

It would require a deal of publicity on the part of the local authority and other agencies to advise the public that there are services to assist them. It would also help if more money was available to fund debt counselling services. In the local authority in which I work, budgets are shrinking and we have difficulty in retaining our staff. We know that there is a huge, unmet demand for money advice and debt counselling services. That is clear from the rise of fee-paying debt counselling and money advice services that advertise in the weekly press.

I am afraid I do not have extensive knowledge of the benefits system, but I take your point that any deduction from benefit must involve the agreement of the debtor. I can only imagine that any deduction from benefit would make a small, but significant, contribution to outstanding debt, particularly in relation to council tax.

Donald Gorrie: Many people have argued for warrant sales rather as others do for the atomic bomb: one would never use it, but it is useful to have. If warrant sales were scrubbed—accepting the argument that those who will not pay are still a minority—would there be a need for a stick to compel people to pay?

Alan Adams: I am not sure that I like the word “stick”, although I know what you mean. Mechanisms to enforce payment are fine when folks have the wherewithal to make payment. It may be that in the area of commercial debt there should be mechanisms to redress the balance between creditor and debtor. I can only reiterate that, in our experience, this system has no effect.

Donald Gorrie: I was very interested in what you said about the Office of Fair Trading. I think that banks and all sorts of other people who lend money act in a totally immoral and wicked manner by making it far too easy for people who should not borrow money to do so. Could we try to make lenders act more responsibly, whether it is the Bank of Scotland or a wee man in a wee office in Muirhouse?

Alan Adams: I think that that issue needs to be addressed and I have been talking recently to the media about the ease with which credit is available

in the high street. However, I do not think that that problem is the same as the one that we are talking about. Although instant credit is available in a number of high street stores, a bank card or a credit card must first be produced. That means that the people who are given that credit are of a certain financial standing. Most of the people with whom we deal do not have bank cards. They get credit from the local moneylender or a mail order catalogue. We can deal with moneylenders, legal and otherwise, through the mechanisms of the Consumer Credit Act 1974, but there might have to be a decision taken on the ease with which credit can be obtained.

The Convener: Councils have a statutory right to collect debt. It seems to me that it is the threat of the warrant sale, rather than the pouncing, that makes people pay. Nobody seems to have come up with a humane yet effective replacement for the process. Have you any ideas? You seemed to suggest that some commercial debtors use pouncings and warrant sales almost as a first step in debt collection: people receive goods, do not pay and are immediately pounced. If that is the case, I would be interested in examining that further from a legal point of view.

Alan Adams: Other mechanisms exist by which debt can be collected but they are sometimes not used. Experience has shown us that someone in financial trouble will place a summons from the sheriff court behind the clock on the mantelpiece along with the other bills. It will be ignored because the person feels that they cannot do anything about it. Our job is to get to those people before the summons arrives. We can negotiate with creditors to arrange a repayment programme that will satisfy both parties and will avoid the need to go to court along with the expense and the distress that that causes. We need to intercede at an earlier date than we are able to in most cases.

The Convener: It seems to me that information about that should be given to people when they first make a contract with the creditor. People should be made aware as early as possible that they can contact someone if they get into trouble.

Alan Adams: The information does not appear on the contract, but there is a requirement under the Consumer Credit Act that a statutory notice must appear on any default notices that are sent out. The notice states that advice can be obtained from a local citizens advice bureau or a local trading standards department. However, I suspect that people see the notice simply as another bit of the form.

Colin Campbell: It will be in terribly small print, I imagine.

Alan Adams: There is a requirement that it should be legible and of the same size print as the

other text.

Colin Campbell: But all the text is small.

The Convener: It is also formal. Most people will not know about their local trading standards department.

Donald Gorrie: Would it be possible for a court to notify your organisation or a citizens advice bureau when it sends out a notice? I take your point that most people ignore the well-meant notice telling people to speak to trading standards. If the court were to send a duplicate to you, would that work, or would you sink under the burden?

Alan Adams: We would sink. We explored with the clerk's office of the sheriff court the possibility of sending out information with the summons, but that is not possible because the summons has to appear on its own in a brown envelope; they are not allowed to put any extraneous material in with it. That might have been a useful way of getting the message across. Please do not suggest that the sheriff courts send us copies of all the summonses.

11:30

Johann Lamont: I am very interested in what you had to say about catalogue companies and the way in which people get credit from them. It is almost as if the less money people have, the more expensive the credit they get. They also get pursued for a smaller amount of debt. As the mother of two young children, the idea of anybody taking my video recorder fills me with dread. Families without resources are losing the very thing without which they cannot entertain their children.

You seem to be saying that we have a very punitive system in which people with nothing are pursued for small amounts of debt, so that there is a stick that can be used against people who can pay and will ultimately do so. There is plenty of evidence that people with huge amounts of debt are very imaginative about dispersing their property so as to avoid repaying it. Would it be right to say that your work shows that the kind of debt recovery with which you are dealing, involving the poorest folk, is disproportionately harsh, and that people who accumulate larger amounts of debt on goods that have cost them proportionately less have a variety of ways of avoiding the difficult process that you describe?

Alan Adams: Yes. That is exactly the situation.

Johann Lamont: Would it be right to say that there is no correlation between threatening those who will not pay and treating those who cannot pay harshly?

Alan Adams: No distinction is made between

the two when the civil diligence mechanisms come into play.

Johann Lamont: But there must be in the statistics.

Alan Adams: We are using the same tool—the same weapon, the same stick—to beat both parties. With one it may work, but with the other it certainly does not.

The Convener: I agree with everything that Johann Lamont has said. The innovative ways in which those who can but will not pay get rid of their money make it difficult to establish whether in fact they have the money. It is very difficult, for example, to find out how much someone has in their bank account. The idea of having poindings and warrant sales for those who can pay but will not and not having them for those who genuinely cannot pay and find themselves in deep trouble is difficult to implement, is it not?

Alan Adams: It certainly is.

Johann Lamont: If we are going to move forward with this bill, we will need to establish that the process does not affect people with big debt who can pay. Ultimately, this is not the process by which money is got from them, as they are rarely in the circumstances in which it applies.

Alan Adams: That may well be the case, but those folks are not coming to us.

The Convener: It is the threat of poinding and warrant sale that makes the people who can pay eventually pay up. That takes me back to my original point: unless we have something that is “threatening” as the poinding and warrant sale for those who can pay, it will be difficult to collect that debt.

Alan Adams: You may be right, but the threat is perceived as very real. That may be a wrong perception on the part of someone who has nothing, as there is nothing that can be poinded and sold, but the threat is there just the same. The sword of Damocles is still hanging over people.

The Convener: However, people who can pay but will not have things that can be poinded. The problem is getting to them.

Alan Adams: Yes.

Mr Gibson: It is almost an upside-down argument. In its memorandum, which you may not have seen, the Executive stated that the board of Customs and Excise obtained summary warrants for more than 30,000 items of debt, but there were only 36 sales. That means that the ultimate measure was taken in only one case in 1,000.

You mentioned the idea that money should be recovered through benefit, that there should be a financial cut-off point of around £300, below which

level of debt goods could not be poinded or subject to warrant sale, and that, given the scare tactics, poindings and warrant sales could be retained for larger sums of money. Can you give us examples of other countries that have more humane methods of pursuing debts?

What do you think will be the impact of making credit less available to poor people? The prospect of poor people resorting to loan sharks is a matter for serious concern. The last thing we want in abolishing what we consider to be a barbarous piece of legislation is to make the situation worse by forcing people to borrow from loan sharks because no one else will lend them money. Do you have any comments on those points?

Alan Adams: I have forgotten what the first point was.

Mr Gibson: The first point was about a cut-off point.

Alan Adams: Our experience indicates that it would make no difference. Folks who have nothing sometimes owe large sums of money and sometimes owe small sums. The effect of poindings and warrant sales is exactly the same—it has no effect.

Mr Gibson: That is clear.

Alan Adams: There may be other considerations where commercial lenders are involved. At some level, it becomes commercially prudent simply to write off the debt and many commercial organisations do that. However, we cannot do that with council tax.

I do not have any information about the systems of debt recovery that are used in other countries, but I would be happy to search for it if members would be interested.

The third point was about the poor always paying more. Some years ago, the Scottish Consumer Council published a report that indicated that the poor always pay more; they certainly do in this regard. The problem of people being driven into the hands of other, less scrupulous, lenders is a very real one. People may be pushed into borrowing money from family members or from the local collected credit agent, who calls every Thursday anyway for money for other things. In desperation, they may even be pushed into the hands of the local loan shark or illegal moneylender. We know that that happens. If family members can help out, that is fine, but it does not resolve the problem of people being forced to resort to legal moneylenders—the collected credit trade—or to illegal moneylenders or loan sharks.

Often, the role of credit unions is mentioned in discussions about credit and the poor. Credit unions are fine and our council and others in

Scotland want to promote and support them. They go a long way towards resolving the savings and credit problems of those who are on low incomes; they fill a gap. However, most of the people with whom we deal do not have the money to make an initial deposit with a credit union. A credit union is like a battery; one can get something out of it only if one puts something in. The credit union solution would therefore not necessarily be appropriate in this case.

The other day, I was talking to someone who is interested in credit unions and we discussed the need to change the attitude of people who are in financial difficulties. Most credit unions now operate children's savings clubs, which are run either through schools or through the credit union offices. Those savings clubs seek to change the culture of youngsters so that when they go out into the world on their own they will have a slightly different attitude towards the need to save for the future. That may go some way towards changing the culture and the problems that we deal with every day.

Mr Gibson: If you do not think that there should be a cut-off for the amount borrowed, what about household income? If the present legislation were not to be abolished completely, should there be a cut-off so that, if a family's income is below a certain level, the legislation will not be applied?

Alan Adams: The family income does not come into play in poindings and warrant sales.

Mr Gibson: But do you think that it should, especially as the poorest people are the ones who suffer?

Alan Adams: Yes, which brings us back to the point that I made earlier: family income could be brought into the equation only if advisers can be brought in to consider the problem before the legal processes start.

Our successes arise as a result of our being in the small claims court or the summary court with debtors so that we can place before the sheriff the schedule of the debtor's means and outgoings in order to arrive at a fair payment for the creditor. Of course, that obviates the need for poindings and warrant sales. However, that requires us to be involved at an earlier stage of the problem than is generally the case.

Colin Campbell: Given that—whether we like it or not—an element of threat will always be necessary for some people some of the time, who are not all well intentioned, and given that poinding seems to be a threat that works in some circumstances but that clearly does not work when people have nothing, can you think of a substitute threat, which does not have the same punitive effect on the people who are least able to pay?

Alan Adams: I suspect that minds greater than mine have been thinking about that for some time but have not come up with anything. Neither have I.

Colin Campbell: Can you give us a summary of what the minds greater than yours have come up with?

Alan Adams: Not really.

The Convener: Thank you very much, Mr Adams, and I apologise again for keeping you waiting. You have been very helpful.

Alan Adams: Thank you.

The Convener: Right, comrades—[*Laughter.*] The next speaker is Madge Adams from Braendam Link. Welcome to the committee, and again I apologise that, because we are running a bit behind time, you have had to wait. I hope that what went before was interesting to you. I saw you nodding your head a few times, so you were obviously agreeing with some of what we were saying.

The procedure will be that, after you have spoken to us for a few minutes, I will open up the meeting for questions on points that committee members want to pursue.

Madge Adams (Glasgow Braendam Link): Good morning. My name is Madge Adams and I am the home visitor with the Glasgow Braendam Link. The link works with families who are living in poverty. It is committed to bringing about change in the structure of society, so that the voice of the poor is listened to and the issues of the poor are addressed. I am very privileged to be here this morning representing the families with whom I work.

We are currently responsible for supporting 150 families throughout Glasgow—people who are living in some of the most deprived areas of the city. The families who come to us are initially referred to the Braendam family house in Stirling. The referrals are mainly from social work, and the families go to the house for short-term respite from a variety of personal, social and/or domestic issues. We come in at the end of the respite period and offer on-going support to the families.

The Glasgow Braendam Link supports Tommy Sheridan's bill on the abolition of poindings and warrant sales. The evidence that I will present is based on my personal involvement, having supported and worked with families who have had the misfortune to go through the experience of poindings and warrant sales.

11:45

One family member who suffers from various physical and psychological conditions had sheriff

officers arrive at her house and poind the following items because of an outstanding £600 council tax bill: £5 for a coffee table; £15 for a microwave oven; £5 for a wall unit; £5 for a black and white portable television; £3 for a nest of tables; £10 for a hi-fi. The value that was placed on the poinded items amounted to £43. The fee for the sheriff officers was £61.25, which increased the debt of the family member.

If the sheriff officers had taken the time to speak to the woman and gather information, they would have found out that, like the majority of our families, she was in receipt of state benefit—arrangements could have been made to have payments made to the creditors directly from her income support. The woman appealed successfully at the sheriff court against the poinding on the ground of undue harshness. Arrangements were then put in place for deductions to be made from her benefit to recover the debt, although at another unnecessary cost.

Another family member, who was also on benefit, was recently widowed and suffered from nervous debility and asthma. She was confronted by sheriff officers at tea time in the presence of her children aged five and 12. Officers were there to poind the furniture. When they asked her whether she could make weekly payments, she stated that all she could afford was a couple of pounds. After their visit, she received correspondence advising that weekly payments of £10 had to be made, and threatening further legal action if the payments were not maintained, yet the woman had said clearly that all she could afford was a couple of pounds. She has been unable to meet the payments, and an appeal against the amount of the weekly repayments is pending.

So far, I have mentioned only the financial implications of poindings. However, other issues must be considered—the emotional and psychological impact of poindings. In the first case that I mentioned, the poinded items contributed to the woman's security and comfort and gave her a sense of identity, which are necessary for her day-to-day quality of life. The television and hi-fi were her only sources of entertainment and the coffee table was used as a dining table from which to eat. Her microwave was an essential item, not a luxury, because the woman has mobility problems and cannot stand over a cooker. Those items were all necessary because of her health.

Both families were clearly traumatised by the experience and admit to feeling humiliated, frightened, harassed and powerless. They claim that the experience added more stress and hardship on top of existing problems. The pittance that was put on their worldly possessions reinforces for some the belief that they count for nothing. Can you imagine what that must feel like?

I would like to finish by quoting Father Joseph Wresinski, founder of Aid in Total Distress Fourth World, with which Glasgow Braendam Link is affiliated. Father Joseph said:

“Whenever men and women are condemned to live in poverty, human rights are violated. To come together to ensure that these rights be respected is our solemn duty.”

The Convener: Thank you for that contribution. Before I open up the meeting to questions, I would like to raise two issues that arose from something that I asked a previous speaker. You have experience of debt being repaid through stopping state benefits at source.

Madge Adams: I am not saying that that is the answer. I do not know what the answer is. All I know is that people are traumatised and frightened. When push comes to shove, people want to pay. As Alan Adams mentioned, people go to moneylenders and put themselves into further debt.

The Convener: Would you agree that the information that people can pay something up every week, or that there may be the facility to pay so much every so often, does not get to them quickly and clearly enough?

Madge Adams: The information is not clear enough. Many of our families also have problems reading and writing. I do not know how to ensure that the information gets to people. We encourage people to use citizens advice bureaux, Money Advice and welfare rights officers.

Mr Stone: You mentioned CAB and Money Advice. In your opinion, how big is the gap in what is presently on offer and what should be on offer—for example, in the cases that you outlined?

Madge Adams: There might be a four to six week waiting period for an appointment to see someone at the CAB, depending on the office. That adds further stress. A person may know that court proceedings have been put in motion, but they cannot stop it if they do not get an appointment. We encourage our families to contact their local councillor. There are not enough resources available to meet the needs of the families.

Mr Stone: To take on board Colin Campbell’s point about the alternatives, the beefing up of CAB, Money Advice and local government services is closely linked to what we are talking about today.

Madge Adams: It is important to make more resources available.

The Convener: The better use of welfare rights officers in local authorities is also necessary.

Madge Adams: That service is very limited.

The Convener: Yes, there are not as many welfare rights officers as there used to be.

Johann Lamont: A councillor who has experience of people with problems paying their council tax told me that one difficulty is that, when the recovery of the debt goes out of the hands of the council, things become less flexible and there is less ability to negotiate. Is that your experience? You described a case in which an unreasonable demand was made for a payment that the woman had already said that she could not pay. We could require that, once the matter goes to a debt recovery agency, there should be an obligation on that agency to be more flexible and willing to meet someone with difficulties to arrange a reasonable repayment. What you say shows the importance of getting help and advice when the matter is still at a stage at which people can be more reasonable.

You talked about the difficulties for families who have this experience. Has any work been done on the impact that it might have on children? Some authorities have argued that—on the basis of best value—there is no point in pursuing warrant sales, because they cost more than they recover. The experience of warrant sales can put pressure on all the agencies, as youngsters are not able to go to school and families find it much more difficult to keep things together; the agencies must offer crisis support because the children and families are under pressure and cannot maintain their normal lives.

Madge Adams: We must also consider the message that that gives to the children.

Johann Lamont: You must have experience of youngsters who take all the worry and anxiety on themselves.

Madge Adams: Yes, I do. We work with more than 150 families. Another issue is that youngsters cannot have the designer gear that some of their friends have. That is because the majority of our families are on state benefit.

Johann Lamont: That also explains why families take on catalogue debt—it is often because of the pressure put on children. I know of youngsters who were bullied and would not come to school because they did not have the right gear. That sounds silly, but it is a real experience for children. Families can get themselves into serious debt because of it.

The Convener: Councillors and council officials argue that, in pursuing council debt for non-payment of council tax or poll tax, they bend over backwards to ensure that the payment is only £2 if that is all that the person can afford. That is the picture that they paint.

However, there is also commercial debt of the kind that Johann Lamont referred to—mail order

companies, shops and so on. Do commercial companies pursue debt differently? Are they inclined to be more active in pushing people down the road of poinding and warrant sales? Do you agree with what councils and councillors tell me that they rarely go down that road but try to come to an accommodation and to help as soon as the debt appears in the system?

Madge Adams: I cannot comment on what you say about catalogue companies, as the majority of our families do not have access to catalogues. They might have access to Provident, perhaps, or to Crazy George's, where they pay back more than a third of the original cost in interest. Most of our families are pursued for council tax debts.

The Convener: Do you agree with the defence that councils use when they say, "We rarely go as far as poinding and warrant sales. Before things go out to sheriff officers, we are in dialogue with people. There is a payment system?"

Madge Adams: No, I would not agree with that.

The Convener: That is interesting.

Mr Gibson: You talked about council tax arrears, but are many of your families being pursued for poll tax arrears?

Madge Adams: Yes.

Mr Gibson: Do you think that poll tax arrears should be written off in Scotland, as they have been in England and Wales?

Madge Adams: If you are asking me personally, my answer is yes, as I have seen the trauma that those debts have caused.

Mr Gibson: What proportion of the 150 families that you deal with have poll tax arrears?

Madge Adams: I would say that more than half do.

Mr Gibson: Therefore, writing off those arrears, as has happened in England and Wales, would relieve a lot of debt.

Madge Adams: Definitely.

The Convener: As there are no further questions, I thank Madge Adams for attending the meeting—her evidence has been helpful and interesting. I am aware of the Braendam Link—I visited the organisation while wearing a different hat. We may call you to another meeting, Madge, if we think that we need more information from you.

As we will move on to housekeeping matters now, the official reporters may leave and have lunch.

11:58

Meeting continued in public until 12:20.

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

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 19 January 2000

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

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Annual subscriptions: £640

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

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

Single copies: £2.50

Special issue price: £5

Annual subscriptions: £82.50

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £2.50

Annual subscriptions: £80

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

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

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 01 71 242 6393 Fax 01 71 242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 01 21 236 9696 Fax 01 21 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01 179 264306 Fax 01 179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 01 61 834 7201 Fax 01 61 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 01 232 238451 Fax 01 232 235401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 01 222 395548 Fax 01 222 384347

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

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

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

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers