

# **LOCAL GOVERNMENT COMMITTEE**

Tuesday 4 July 2000  
(*Afternoon*)

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## **LOCAL GOVERNMENT COMMITTEE**

**23<sup>rd</sup> Meeting 2000, Session 1**

### **CONVENER**

\*Trish Godman (West Renfrewshire) (Lab)

### **DEPUTY CONVENER**

\*Johann Lamont (Glasgow Pollok) (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)

\*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

### **THE FOLLOWING MEMBER ALSO ATTENDED:**

Mr Frank McAveety (Deputy Minister for Local Government)

### **WITNESS**

Richard Kerley (Renewing Local Democracy Working Group)

### **CLERK TEAM LEADER**

Eugene Windsor

### **SENIOR ASSISTANT CLERK**

Irene Fleming

### **ASSISTANT CLERK**

Craig Harper

### **LOCATION**

Committee Room 2



## Scottish Parliament

### Local Government Committee

Tuesday 4 July 2000

(Afternoon)

[THE CONVENER *opened the meeting at 15:17*]

### Political Parties, Elections and Referendums Bill

**The Convener (Trish Godman):** Right, comrades, can we start? I welcome Kate Berry, who is a research assistant to Morag Brown—we will keep you busy, Kate.

We begin the meeting with the minister, Frank McAveety, who is here with Ted Davison. We have an Executive memorandum on legislation on a devolved matter to be progressed at Westminster. The deputy minister will make a statement and answer questions, if required, and then we will make a decision on the matter.

**The Deputy Minister for Local Government (Mr Frank McAveety):** You will all have had a chance to look at the amendment to section 93 of the Representation of the People Act 1983. Essentially, the amendment is to update and modernise the act to address broadcasters' concerns about their ability to give fair treatment to all candidates standing at parliamentary and local elections. The provision was not applied at the elections to the Scottish Parliament and indications were that that did not lead to any problems. Therefore, it was felt right for the UK Parliament to replace section 93 with a more appropriate duty on broadcasting authorities and to ask them to draw up a code of practice on the involvement of candidates in broadcasts that include items about the constituency in the case of a parliamentary election, or an electoral area in the case of a local government election, pending an election.

Before writing the code of practice, the broadcasting authorities will be required to have regard to any views expressed by the electoral commission about it. Once the code is adopted, they will be bound by it. The code of practice will be a matter for the broadcasting authorities in consultation with the commission, but it is envisaged that broadly equal weight will be given to candidates from the principal parties—that is, those that currently have representation in the House of Commons. We should think about reflecting the broader dimension of Scottish politics.

The memorandum represents a pragmatic response to our experience at the Scottish Parliament election and our view on whether the change can be made at a UK level. The bill will go to committee stage in the House of Lords after the summer recess. It is likely to come into force for the local government elections in May 2001.

**Donald Gorrie (Central Scotland) (LD):** Paragraph 3 of the memorandum is pretty tortuous and does not actually say that broadcasts cannot take place unless all candidates agree. Is that the main issue—that section 93 means that every candidate has to agree before there can be a broadcast? If the voting system for local government is changed to multi-member wards, with the single-transferable-vote system or the additional-member system, that would make it even more important to make the change.

**Mr McAveety:** I would like to put it on record that I agree with Donald Gorrie. [*Laughter.*]

**The Convener:** Are you sure?

**Mr McAveety:** That is what is known as a parliamentary opportunity. Now he will change his mind.

**The Convener:** Are there any other questions? If not, I will put the question. The question is, that the committee is content that the matter will be progressed by the UK Parliament. Are we agreed?

**Members indicated agreement.**

### Item in Private

**The Convener:** The next item on the agenda is to ask members whether they agree to our taking item 6, our annual report, in private. I am open to the idea of discussing it in public if that is preferred.

**Donald Gorrie:** There is nothing secret about it.

**The Convener:** Okay, we will take it in public.

## Renewing Local Democracy

**The Convener:** Richard Kerley is here. Members have Richard's report; we will follow the usual procedures.

**Richard Kerley (Renewing Local Democracy Working Group):** May I take my jacket off?

**The Convener:** Yes. Better to take it off at the beginning than in the middle.

**Richard Kerley:** That might indicate panic.

Thank you. If the committee considers this an appropriate approach, I propose to go through the thinking that led to our report, not in the order in which the remit was expressed but in the way in which the working group tackled it. I do not wish to dwell on the fine detail of the document but I will highlight those aspects that either seem to me most in need of explanation—they may allow for a number of alternative understandings—or have been raised with me or other members of the working group as areas where there may be a lack of clarity in our expression or a lack of certainty about what we meant.

Members know the terms of our remit. We strove to address that remit very directly and not to be tempted to go beyond its terms, for a number of reasons. One is that there are several organisations or actors with an interest in the consequences of the McIntosh committee report, including this committee, the Executive and the leadership advisory panel, which is working with local authorities at the moment. We believed that the Executive had made a considered judgment, agreed by the Parliament, on how it would handle the outcome of the McIntosh report.

We started from the premise that we had to direct our attention to making local government service more attractive to a broader range of people within the community and therefore more representative. There is nothing to suggest that the current 1,200 or more councillors do not make a good job of representing their community. However, it seems to us that they are not representative of that community. There are far too few women members in local government—in some councils the level is lamentably low. There are far too few people of a youngish age in local government; the data show not only that people under 30 are weakly represented but that people under 45—which is by no stretch of the imagination young—are, too. With all due respect to those of a certain age, like me, I will say that it is difficult to put oneself in the position of a young parent or other young person—or someone who is caring for youngsters at home—when one is beyond that. That should be tackled in a number of ways. We tried to understand, through the

discussions that we had and the research that we commissioned through the Executive, what factors motivated people to consider being candidates, to stand for election with a prospect of winning and to continue to be motivated if elected.

There are a number of elements to making local government service more attractive and therefore more representative. The focus of 21 of our 36 recommendations is on attractiveness and representativeness. Some are commonplace, in the sense that councils should be doing these things anyway—organising their business in a fashion that accommodates people's working, family and social lives and other responsibilities. It is a matter of recollection to me that Edinburgh District Council as was—and, I believe, the current City of Edinburgh Council—habitually holds its meetings at 11 am or 2 pm, so that people can have lunch at the end of a working morning in committee or at the beginning of a working afternoon. As far as I can establish, that has been done for around 50 years, with no consideration of changing demographics or the possibility that people might find it easier to meet at 9 am or 4 pm. Therefore we suggested a review of working practices.

We also wanted to make it clear that councils can make it easier to be a councillor. There are basic tools, facilities and equipment that councils should expect to provide. We made a recommendation on that to protect councils against the charge that will inevitably be made by local newspapers or perhaps by some members that telephones and computers are a dreadful waste of money that would be better spent on new schools. What I call the Uriah Heep tendency is present in almost every local authority in Scotland.

There are things that should be done. I have already said to several councillors that they should consider the recommendations and ask what their council is doing and whether it is doing it along with other organisations to get best practice. The answer to that question should be yes. I suspect that many councils will say that they are doing that. Any official report, by its very nature, will say that things are already being done and that the process will speed up. I hope that the reports are true and I wish the councils good luck.

15:30

I hope that we will eventually see a broader range of people standing for election and being elected to local authorities. Implicit in some of our recommendations is a recognition that much of that is the responsibility of political parties. Although there is a significant number of independent councillors, most councillors are elected on a party label, which means that the composition of the body of councillors owes much

to the choices and actions of the political parties that the members of this committee represent.

Which electoral system to use was perhaps the most contentious part of what we were asked to examine and what we have said. We examined the options that would be open to the Executive and the Scottish Parliament if it was decided that electoral systems should be changed. Our starting assumption was that, as the conclusions of the McIntosh report had been, in effect, passed on to us in our remit, there was a broad wish to change the electoral system. We were asked to reconcile a number of elements: proportionality and the councillor-ward link; the position of independent councillors; geographical diversity; and wards and natural communities. We have done our best to do so, and the conclusion that we have arrived at is that those elements are best reconciled by the single-transferable-vote system in wards whose membership would be two or more, depending on which part of Scotland the ward was in.

Reconciling proportionality and the councillor-ward link is extremely difficult. It is impossible if the councillor-ward link is interpreted as meaning that there must be only one councillor to one ward and that no one else can legitimately intervene in the councillor's relationship with that geographic area. That arrangement is incompatible with proportionality. There can be a preferential form of voting, which we might call the Ken outcome, as it is what we saw with the London mayoral election. People had a chance to express a preference and they moved their votes on the second vote to elect Ken Livingstone as mayor. If we are thirled to the notion that the only form of councillor-ward link is one person to one piece of land with no one allowed to intervene, we cannot have proportionality.

A balance can be struck between proportionality and the councillor-ward link. There are a few ways in which that could be done. One is the additional-member system, which is used for the Scottish Parliament. That would see one councillor being elected for a specific area and a large number of councillors being elected across the council area to ensure proportionality.

I have done some juggling of figures using a fictional local authority of 49 councillors and a voting pattern roughly similar to that in many parts of central Scotland. The outcome was similar to the one we see in the Scottish Parliament: a large number of constituency members from the largest party; a small number from the other parties; and a top-up list evening out the voting balance. The consequence of that—as in the Parliament—is that there is one directly elected representative and a significant number of other people who can reasonably say that they were elected by the votes of some people in a particular area and therefore

have a right to intervene in that area, whether or not they are asked to do so by a constituent. AMS produces multiple representation.

I will come to the STV option in a moment. There is a system in the middle, which is as proportional as possible—the list system that was used for the European elections, and which seems to be acceptable in many European countries. That system has some disadvantages. It totally removes the notion of a councillor-ward link. One hundred people would represent Glasgow, 30 would represent Clackmannan and so on. The other disadvantage is that even that system is not fully proportional. If there are 100 representatives for Glasgow, for example, how would the party that got 0.6 per cent of the vote be handled in relation to the party that got 1.4 per cent? Which gets one councillor and which gets two? Is there a fair way of dealing with that situation? However, the system is perhaps as proportional as any system can be.

Another consequence of the large-list system—which we should be aware of, although I detect no great enthusiasm for it—is that, to use the Latin phrase that Jack Straw was fond of using in the debate on the European elections, there would probably have to be a *de jure* threshold. That is, parties that obtain less than 3 or 4 per cent of the vote would not be entitled to be represented. That is partly to avoid fragmentation and partly to avoid the inclusion of parties that some might consider to be extremist. I speculate that, if we had a list system in Glasgow, we would see a Pastor Jack Glass party or a James Connolly memorial party, each of which might sweep up 1 per cent of the vote.

The majority of us came round to thinking that the best system that reconciled the differing elements of our brief was the STV system. We had to take account of the diversity of the country, which is difficult to do. As one councillor said this morning, in Highland Council, one ward can be as big as Fife. Equally, Highland Council also contains Inverness, a city whose population is greater than that of many central-belt towns and is immediately recognisable as an urban area comparable with Edinburgh, Glasgow, Stirling or Falkirk.

We thought that all that could be reconciled by using multi-member wards that ranged in size from two members to five members. That would mean that there would be five-member wards in Inverness and a two-member ward covering that great part of the Highlands that does not contain many people and which is over on the left-hand side at the top—I can never remember whether it is Caithness or Sutherland, although I have received many letters from people who could tell me where the boundary is down to the last inch.

Most of us thought that that was the best choice, as it fitted our remit and enabled a minimisation of the electoral boundary problem for natural communities. The Boundary Commission for Scotland rightly observed that a lot of complaints that it receives are misdirected. Complaints are often about where the voter is voting, which is to do with the council, not the Boundary Commission. The variable-member system that we suggest would mean that a village could have two or three representatives as seemed appropriate for the balance of the population. That would be particularly important in an area such as Fife, which has many villages as well as a couple of large towns.

Our brief specified that our recommendation on remuneration should reflect available resources, but we did not start from that point. Instead, we decided that we would consider the matter, attempt to get the right solution and then examine how it balanced out financially. Things work out at about the right level if—it is a big if—one takes account of our suggestions on the number of councillors.

There is no right way of determining how much councillors should be paid. We have laboured mightily in many institutions in the United Kingdom to determine the right amount of money to pay the Prime Minister, or members of Parliament or the Scottish Parliament. You will probably agree that a significant proportion of the population might have a very short answer to this question, but it might not be particularly helpful for sustaining any kind of life at all. There is no right answer. We started from the presumption that, in order to make council service more attractive, it had to be emphasised that it was reconcilable with other aspects of life, such as employment, family responsibility, social activity, or business. Equally, we had to let people know that, if they were elected as councillors, their income for the four years or whatever in which they served would be X and would not be randomly dependent on whether their party group, the council or other councillors decided that they merited a special responsibility allowance, which, if taken away, would reduce their income by half. We thought it right to set a base level, which would offer a reasonable remuneration for the majority of councillors, if we defined the role as being predominantly part time.

We then had to consider the appropriate amount for people who had major responsibilities. We took the view, with which you may or may not agree, that parity of esteem was important. That is a phrase that was used a lot in the McIntosh report and in your debates on local government in the Parliament. It is not the only factor, but defining payment as a significant measure says a lot about parity. That is why we suggested that the leaders

of the two biggest city councils—Edinburgh and Glasgow—should be remunerated at the same level as back-bench members of the Scottish Parliament. We also paid attention to the notion of a total remuneration package. It is of great concern to many councillors that they have none of the benefits that are associated with employment and all the disbenefits. They are taxed and charged national insurance, but they cannot make pension arrangements and are not able to set off any pensionable payments and so on.

We have a dilemma, however. In 1999, more than half the newly elected councillors were aged between 51 and 60. It is probably not a good idea simply to say that they should have access to a conventionally funded superannuation scheme. For many of them, such a scheme would be disadvantageous—it would not work, as upfront costs would absorb any major benefits to councillors. Many of those councillors would be debarred from such a scheme, as a significant proportion of newly elected councillors of that age are already beneficiaries of publicly funded pension schemes and could not participate in a scheme for councillors. We should seek tax equity. The Executive should talk to the Treasury, the Inland Revenue, which has a say in this matter, associations of councillors and the Convention of Scottish Local Authorities to reach an agreement that will probably be based on some form of stakeholder pension. That is the most appropriate means of offering people a way of pensioning their service as a councillor.

The final part of what I will say relates to the number of councillors. Just as there is no right way in which to determine what councillors should be paid, there is no right way in which to decide what is the right number of councillors. I have asked council leaders, chief executives and councillors what the right number of councillors is for their council. With a little humming and hawing, most of them have said that it is approximately the number that they have at the moment. Drawing on this committee's report on local government, I can say that Orkney Islands Council was the only council that was bold enough to commit itself to a number. It said:

“The Council believes that twenty one elected members is the minimum level for operation of a viable committee system.”

It is no coincidence that Orkney Islands Council has 21 members.

15:45

We looked afresh at that question and thought about the implications. We reached the view that the minimum number of councillors that is needed to run a council is about 20. Several factors are



involved. First, if we have a different voting system, which you or the Parliament may determine is appropriate, we could reasonably expect an approximately half-and-half division between those councillors running the council and those not. The demands of partnership working, community planning and external representation place as extensive an array of demands on a small council such as Orkney Islands Council or Stirling Council as they do on a council in Glasgow, Edinburgh or Lanarkshire.

A hobby-horse of mine was that there should be an odd number of councillors—I was going to say a number of odd councillors, but that perhaps begs many questions. I was surprised by the evidence that was submitted to you. For example, Stirling Council, of which Mr Harding was a member, decided that the appropriate number of councillors was 22. Given the history of Stirling, where on two occasions the heat and fury of local elections have produced a result that has led to the cards being cut to choose a convener, I found that—to be impolite—extraordinarily purblind. I cannot conceive of any arrangement that leaves a council with an even number of councillors. It is ridiculous that we end up in such situations.

We also tried to take account of the variety of forms of dispersal and rurality—that is a new word for me, convener—that characterise councils. For example, on a number of dimensions, Fife is a very rural council, but it is quite easy to get around there. Funnily enough, Dumfries and Galloway on one dimension is slightly less rural than Fife, but it takes two hours or two and a half hours to get from one side of the area to the other. Hence, we arrived at a series of recommendations on a range of numbers. There is a range of numbers because, if there are to be multi-member wards, the Boundary Commission will require a little flexibility. The numbers range from the minimum at which a council could run effectively to the maximum that is manageable in a debating rather than a legislative forum, which is what the Scottish Parliament is, with potentially 120 people in the room at one time.

That is the sum total of what we have arrived at in the report. I am happy to answer questions of fact, detail or opinion. We have done the best that we could to meet the remit that was given to us to the general approval of those who spoke in the debate in Parliament on 2 July 1999. We recognise that this is the part of a debate that will continue in the Executive and the Parliament. I shall stop now. I hope that I have outlined some of our thinking to you.

**The Convener:** I will start the ball rolling. It seems that in your report you are initially considering councillors as part-timers. However, if councillors are given a job description and a salary

of £12,000 and some of them are given an SRA, would you regard the job of councillors as full time? Do you think that the job of every councillor should be full time, regardless whether they are on the back bench or have special responsibilities?

**Richard Kerley:** Last time I gave evidence to the committee, I said that we shared—or at least that nobody in the working party dissented from—the view expressed by the McIntosh committee that being a councillor is a form of public service, not a job. The cost and consequence of giving up time, effort, family life and so on should be remunerated, but if the role is to be representative, it should be such that some people—not all, but some—can combine being a councillor with other activities in their lives.

As with any commitment to any organisation or institution, it is always possible that some people will be able to extend the time that they have available and be available for a greater part of the week. We felt that we had to find a way of allowing others to be councillors—to represent their community—on a part-time basis, by letting them know what they would be letting themselves in for, hence the role description. However, if someone wants—in shorthand—to run the council, it is highly unlikely that they would be able to do so part time. A minority would do that; the majority would do otherwise.

**The Convener:** I will abuse my position by asking a question on a different subject. Three members of the group were dissatisfied with your position on PR, based on the ward-councillor link, which, apart from proportionality, is the central element of the concept. Has that weakened the report in any way?

**Richard Kerley:** I went back to the Wheatley report, which, I think, is still an exemplary document in the debate on local government. I realised when I went back to it that I had completely forgotten—increasingly I have what my family call “senior moments”, but they tend not to relate to something like the Wheatley report—that there were four notes of dissent to the report. One, I think, was from Russell Johnston and another was from Betty Harvie Anderson, who argued quite explicitly against the majority recommendation for the creation of a Highland council and for the three island groups to be separate. I happen to think that that recommendation—recognising, as it did, the diversity of Scotland—was one of the most creative decisions made by any Government. Dissent is no insult to any aspiration that one might have.

Sandra Osborne wrote a lengthy note of dissent, with which Marilyn Livingstone agreed. They focused on the councillor-ward link. Daphne Sleight's note of dissent was in support of the

additional-member system, because she felt that it

“Has a high level of proportionality;  
Satisfies the member/ward link;  
Gives a fairer provision for independents.”

I understand the first note of dissent. If the starting point is one person, one ward, with no intervention from elsewhere, that is a clear and unequivocal position—it cannot be proportional.

I find the second point a little harder to understand. Yes, AMS has a higher level of proportionality—it depends on numbers and scale—but I cannot see how it satisfies the member-ward link. For example, if Glasgow has 59 councillors—I will stick with our recommended numbers for now—we would require, as the Parliament does, roughly five twelfths of those people, almost 30 people, to be elected at large and the others to be elected for a ward. Potentially, therefore, there could be one person to represent Glasgow Scotstoun and another 30 who could say, “Somebody in that ward voted for me.”

I have heard another option being discussed, which takes us into an even worse realm of confusion. Under that option, the jurisdiction of the city could be split up into north-west, north-east, south-east and south-west for example. However, that would still mean that there were seven or eight people who could say that somebody voted for them, without the areas having any coherent, established shape or boundary. Some members of the Scottish Parliament are elected as list members, but they have an association with their area—such as West of Scotland, or Mid Scotland and Fife—that people can understand. It is hard to see how that could be done at local authority level, unless we reverted mechanically to the system that pertained in a few councils 30 years ago, which was to have ward number 1, ward number 2 and ward number 3, with no physical identifier at all.

**Johann Lamont (Glasgow Pollok) (Lab):** Do you agree that the additional-member system, as it operates in the Scottish Parliament, has become a multi-member system, because that is the way in which list members have carried out their business? That goes back to the point he made about the difficulty of managing the system. At least under the STV multi-member system, members are identifiable.

I am interested in the number of councillors. You seem to have tried to trade off the cost implications against numbers. I agree with you about the importance of having part-time councillors, to ensure that there is richness and diversity, rather than folk who see themselves as politicians on a career ladder. Given the amount of work that has been identified in local government and the level of expertise that is required, is there not a danger that if we have a smaller number of

councillors, some of whom are part-time, we will end up with a great deal of power being concentrated in the hands of a small number of people? That would operate against the diversity that we seek to achieve. As a consequence, there might also be less time for constituency work. The great strength of local government representation is that far more is done at a local level than at other levels.

My final point also relates to reducing the number of councillors. How can we enforce your recommendations on improving the representation of excluded groups in the context of reducing numbers? The situation is less than diverse at the moment—we are chock-a-block with white men. All our political experience tells us that if there are fewer seats, the situation will be worse. How can we ensure that excluded groups are represented, given that the natural tendency will be for the people who are already there to hold on to their seats? Are you proposing that our aspirations for improved representation for excluded groups be underpinned in legislation?

**Richard Kerley:** I will try to answer those points in order.

On the point about whether the current system is multi-member, there is a distinction to be made. The current system in the Scottish Parliament is, in effect, multi-member, but on the basis of unequal status and unequal authority. I do not want to start members shouting at one another, but there is a continuing discussion about the respective duties, responsibilities and rights of constituency members and list members. Some parties have clearly taken action to attempt to manage the situation, at least internally. I hesitate to quote a member of the Scottish Parliament directly, but Dorothy-Grace Elder wrote in Corporate Scotland this year about how much she enjoyed being a member of the Parliament:

“There are about ten constituencies in every region”—

in fact, I think it is eight—

“and they can all call on you, although my party has assigned me”—

that is important—

“primarily to three—Baillieston, Shettleston and Springburn, all in the east end, which I love”

If that is accurate—it is reported in her words, so I assume that it is—it would seem to represent a pragmatic solution to a difficult problem. Whether it is the right solution, I am not sure. There may well be somebody in Drumchapel or Kelvin who thought they were voting in the election for Dorothy-Grace Elder. How would she respond if they contacted her, and vice versa?

The STV system places each elected representative on exactly the same basis in terms

of rights, responsibilities, duties, access and everything else.

16:00

On the second question, the first sentence of the chapter about numbers says that

“There is no right answer”.

I cannot tell you whether that statement is unarguable; equally, nor can any councillor in Scotland tell me that they will go to the stake for Stirling to have 22 members as opposed to 21. What is the difference? It is not significant.

The working party had a discussion, which we did not prolong, on whether to recommend the radical conclusion—akin to the experience in some parts of the old white Commonwealth and north America—that it would be perfectly possible to run Edinburgh or Glasgow with 10 or 12 councillors. That appears to be satisfactory in Boston and Baltimore, which are both thriving cities. Wellington in New Zealand, with 18 councillors, is often cited. We did not recommend that radical conclusion, because we recognised that this country’s cultural and political traditions attach importance to constituency service. People want access to someone they can define as their local councillor.

How do parties tackle the problem of councils being unrepresentative? Councillor turnover is quite high—increasing numbers are retiring at each election, not because they are turfed out but because they choose not to continue. How that would bring in a new, different group of people is hard to work out; that would be a matter for the political parties.

The franchise is a reserved matter, and I understand from Sandra Osborne that the Westminster Parliament is discussing the removal of candidate selection from the constraints of the equal opportunities legislation. The Labour party’s decision not to challenge the equal opportunities legislation was wrong. Being a candidate is not a job, so as a point of law, Labour should have challenged the legislation. However, that is a matter for parties to determine.

It is no coincidence that if a woman wishes to be a candidate, she will opt for a party that will not win. For example, I believe I am correct in saying that the Liberal Democrats have the greatest proportion of female candidates, but not the greatest proportion of female councillors. To put it bluntly, when a party knows that it will lose in many places, there is not much competition to be a candidate in those places. There is not much competition to be candidates in all the parties around this table anyway. Several parties have commented that they struggle to find candidates in various parts of Scotland.

**Johann Lamont:** The report is based on the idea that we need a new system with diverse representation, yet that is not deliverable, because what would make it diverse relates to political parties. Other things that are perceived as constraints in local government—numbers and so on—will be pushed through. The report tries to deal with the negative image of local government—that it is spendthrift and there are far too many councillors—by recommending a reduction in numbers, while the more aspirational elements about the democratic process and engaging people are less likely to be delivered. Some people would see that as a clash in the report. We will get smaller numbers but we will not get what I would see as the quid pro quo: more diverse representation.

**Richard Kerley:** I understand what you mean, but I do not agree. We deliberately did not say, “Take this report as a piece” because that is just a fantasy world—nobody will do that. However, when taken as a piece, our recommendations make the notion of serving as a councillor more attractive.

Even in political parties, people are unclear about what is involved in being a councillor. We wanted to be able to say to people that if the recommendations were accepted and put into practice, people who were considering standing for election would be given a good idea by their local council of what was expected of them. Their local council is, after all, the only one that counts. If someone is a candidate for Glasgow, it does not matter what Orkney does. They would have a clear idea about the time commitment and the fact that the remuneration would be £12,000 a year—or slightly more than that each year—for four years. They would have a degree of certainty that, for example, they would replace their employment income in some way, enabling them to compensate for superannuation reductions elsewhere. The numbers are a factor in that. Our suggestions, for the reasons I have already indicated, have number implications. A briefing paper is going around that bears the somewhat disconcerting words “Kerley maximum” and “Kerley minimum”. The reduction is focused on a small number of councils.

**Johann Lamont:** The least popular ones?

**Richard Kerley:** No. Just the biggest, generally.

**Bristow Muldoon (Livingston) (Lab):** I have questions on two different areas. First, what feedback did you get from councils and other bodies in civic Scotland on the proposed changes to the electoral system?

**Richard Kerley:** Most organisations have been canny—“We will say something when you say something” has generally been the message. As

the committee will know from the evidence it received, councils usually expressed their support for the changes in general terms. The same has happened in informal discussions with councils and other organisations. My guess is that the enthusiasts for the single transferable vote are widespread but few. The enthusiasm for some kind of change is far more extensive but is not coherent—"We are not sure what we want." People confuse different forms of proportional representation and they confuse preferential voting with proportional representation. They do not like the list. The Parliament's experience of AMS, and the coverage that the system received, was not a positive recommendation for its use in local government.

**Bristow Muldoon:** My other question concerns remuneration and the issue of part-time and full-time. First, I can imagine the remuneration that you suggest working, in relation to some councillors being part-time. I am not so sure about the remuneration that is proposed for the small number of councillors that might have additional responsibilities. For most of those people, remuneration seems to be around £20,000. Is a broad range of people likely to go for such a position, presumably full-time, at such a salary? I recognise that it is not a salary; it is remuneration.

Secondly, you will be aware that the Executive is considering whether to extend the ability of staff who are employed by local government to stand in local authority elections. It recently published a consultation paper on that. Even if the rules are relaxed in the way that the Executive is proposing, given that staff would still have to give up their posts, it is unlikely that many staff would decide to stand, because of the £12,000 salary.

Do you think it is reasonable that staff in that situation should be required to give up their posts, or could it be made workable for them to remain in post and carry out council duties part time?

I want to ask about a point of detail in relation to West Lothian Council, part of whose area I represent. I note that West Lothian, along with other local authorities, is in a band that places it below Dumfries and Galloway Council and Dundee City Council, both of which are smaller than West Lothian in population terms. Furthermore, West Lothian's population is growing. You have talked about the rurality of Dumfries and other areas, but could you cover that point and also explain how those classifications came about?

**Richard Kerley:** I will answer the last point first. We took two approaches to banding and classification. The approach on representation involved a combination of factors relating to size, different forms of rurality, distance and accessibility in relation to travel-to-work patterns.

Those factors were the justification for suggesting that Highland, exceptionally, would require a stretching of the number of councillors.

On remuneration, we simply adopted the banding that is used for chief executive salary payments. That is exactly what councils and the organisation that represents chief executives have negotiated out as a combination of factors to do with size and the range of responsibilities, plus intangibles such as civic responsibilities. I guess Edinburgh and Glasgow are at the top of the range because their chief executives have responsibilities that others do not have. So there are two different bandings.

Bristow Muldoon's other question was about money. I will return in a moment to the matter of eligibility to stand for election. The question is imponderable—I do not know the answer. If we make a recommendation to pay remuneration that is competitive with what a mid-range professional or somebody in a successful business would get for their time, we are unlikely to gain social acceptability or to obtain the Government's enthusiasm or the Parliament's willingness to make the funds available.

Money alone does not motivate people. We know that money does not motivate people to make the commitment to be a local authority councillor, or, for that matter, a candidate for or a member of the Parliament.

We were trying to find the right spread to arrive at an appropriate level of pay, to remunerate everybody and to ensure clarity. To give an analogy, teachers in Scotland are paid the same salary on entry in Orkney, Dumfries, Edinburgh and Glasgow. Even in the trading sector, when someone takes a job as a newly qualified accountant, they will have roughly the same salary in KPMG in Aberdeen as in Ernst & Young in Glasgow. The base level or entry level is roughly the same. We must also consider the differentials in the responsibilities that fall on people. Being the leader of Glasgow City Council is clearly different from and more demanding than being the leader of Orkney Islands Council.

As for the middle, I simply say that we were trying to work within the range. I was in a meeting this morning at which a significant number of local authority councillors expressed the view that they should be paid more than members of the Scottish Parliament. I demurred from that view, but I can give you their names afterwards privately if you want—[*Laughter.*]—although it was a private meeting.

I was going to say, "Let's face it," but I will try not to speak in such a debating fashion. The current arrangements are unsustainable. We cannot have an arrangement whereby everybody on a council

gets a special responsibility allowance because the basic package is inadequate. That neither makes the position special nor indicates any responsibility. In my judgment, the very word "allowance" is quite Victorian. It is like saying, "If I don't like you or if you're a bad boy or girl, I'll withdraw the allowance." With a click of the fingers, income is halved.

On the point about standing for election, I must confess that I do not have a settled answer in my own mind. In terms of civil rights, it should be open to people to stand for election to public office. Problems arise with organisational commitment and the perception of other people in the organisation. I find it difficult to imagine that someone who is a teacher, an architect, a cleaner or a refuse lorry driver would stand for election—I am not saying that they could not contribute—without wanting to become a member of the committee responsible for education, buildings, cleaning or refuse collection. That always happens and that could pose an incredible conflict of interest—it would for me. It could create the perception among their fellow employees of a conflict of interest. That is a tough one. I have no right answer. Sorry.

16:15

**The Convener:** Before calling Michael McMahon, I should mention that everybody wishes to ask questions. I do not wish to close down anyone's line of questioning, but it would be helpful if the questions are succinct.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I will do my best, convener. As someone who is on record as a supporter of electoral reform, I should also go on record as saying that, if I were to choose a form of proportional representation, I would not choose STV. Having studied the various options, I have always believed that STV ensures a proportionality among the people elected. However, it does not necessarily ensure proper representation. In the case of some communities in my area that would lend themselves to multi-member wards, but that are quite diverse, with some highly deprived areas close to other, upwardly mobile, areas, it is conceivable that all the elected representatives could come from one or other side of that divide. How then could representation be ensured in the multi-member ward? Which councillor takes on the responsibility of the deprived area, and which one takes on that of the leafy suburb? Why would STV, in your view, be better?

**Richard Kerley:** Those circumstances exist now. I note what has been said about our report being produced by a bearded academic—three members of the working party had beards. Similarly, as Norman Murray, the president of the

Convention of Scottish Local Authorities, said in passing, the typical councillor is male, white, 53, owns a house and a car, has a family, and has a beard—the last bit is a joke. Those councillors are not representative of the communities that they represent.

I understand what Mr McMahon is saying about how to determine who is responsible for what. We were trying to find a way of reconciling proportionality with representative capacity. I do not know what form of alternative electoral system you are in favour of, Mr McMahon, but we believe that we avoided the worst features of the list, of AMS and of AV top-up—the list with an alternative form of constituency election—which was also suggested. We opted for STV. All councillors, if elected under that system, would have equal responsibilities and duties.

People who are elected now can neglect an area. I hesitate to say that they do, but they can if they so choose.

**Mr McMahon:** Was the possibility of setting up protocols between different levels of councillors discussed? I would support AV top-up, in which councillors have to be elected by 51 per cent of the vote, but there is a direct link between a geographical area and a representative.

If a protocol was established for the top-up list, that would allow a councillor at one level to operate at the strategic policy level, while another councillor operated at the coal face. Was that considered?

You said that the Scottish Parliament was not a good example, because of the difference between the list and first-past-the-post elements, but we can learn from the mistakes that were made. The main mistake was that no protocol was set up to establish that difference from the outset. Having learned lessons from the mistakes that were made in the two-tier system here, could not the problems be overcome by the establishment of protocols and through considering different ways in which local authorities operate at a strategic level?

**Richard Kerley:** That is an interesting suggestion. We touched on that issue but did not discuss it in detail, probably because we regarded it as a down-the-road question in the event of Parliament deciding that that should be the appropriate system for any local authority election.

On the basis of current opinion polls that reflect electoral outcomes in central Scotland, the consequence of an AMS system—whether by AV top-up, straight AMS or first-past-the post selection in wards—would be a reduction in the number of wards. That would happen unless the number of councillors in Scotland was increased by about 500—which was not suggested by anybody—and the size of wards was increased.

The outcome, judging from experience, would be that virtually all the directly elected members would be from the Labour party, the Liberal Democrats or the Conservative party. A significant proportion of the list members would be from the Scottish National Party.

We should not use protocols too much. Take the example of the Parliament: the question might have arisen as to why the First Minister and leading members of the majority party did not stand on the electoral lists. That is because they would not have been elected. The list system operates to redress the disproportionality of the constituency election. It is possible that there are many elected representatives who would love to be on a list, as long as they could be guaranteed election. That is an argument for an all-list system, which would have much to recommend it but which is alien to our traditions.

**Donald Gorrie:** Many people in England have three councillors in their ward because one third of the councillors are elected annually. That used to be the case in Scotland and was the case when I first became a councillor. Has any research been conducted into whether the public are more or less pleased by having three councillors in each ward instead of one and into whether any of the alleged problems of having more than one councillor in each ward arise in practice?

**Richard Kerley:** That question stretches me because it is not on my natural territory or specific interest. What I have read recently suggests several different possibilities. First, there is no significant difference between the view that is expressed by the public in parts of England in which there are three—or occasionally four—councillors to a ward and that which is expressed by the public in areas in which there is only one councillor to a ward.

Secondly, there do not appear to be significant differences in electoral interest or turnout between those areas, except that some of the annual elections in three or four-councillor wards—which we are not promoting—tend to produce a lower turnout than the all-at-large elections.

Thirdly, when there are elections for three or four councillors at a time, the distribution of votes appears to be influenced only marginally by the candidates. However, given that some councillors in Scotland win or lose by 30 votes, that margin is sometimes enough to make a difference.

There is no substantial evidence to prove whether having more than one councillor to a ward makes for a better or worse system: it depends on what people are used to. Such a system seems to work satisfactorily in some urban areas in England. Perhaps if the system were changed, a different view would be reflected.

**Mr Keith Harding (Mid Scotland and Fife) (Con):** I do not know who you consulted on Stirling Council about having odd numbers of councillors, but I would support that—I know quite a few councillors in that area who would choose to have an odd number. How important is it to hold local government elections separately from parliamentary elections?

**Richard Kerley:** We said that there were arguments for and against that. We equivocated slightly, as we did on a couple of other recommendations on matters that the Executive was considering.

On balance, it is not vital that those elections are held separately. We did not linger over that issue. The argument could be put that if two elections were held simultaneously, there would be a far greater turnout. The reality is that the turnout for the local government election would be on the coat tails of the parliamentary turnout. In England—accidentally or fortuitously—some elections for local government fall on the day of a general election and there is a far higher turnout. Whether that is more important than a free-standing local government election getting a turnout is a matter of judgment. I do not regard it as an issue on which there is a clear answer.

Holding elections simultaneously might put pressure on electoral administrators, but it would not phase the public greatly. Good evidence from last summer from Scotland and Wales shows that the public coped in a relaxed way with having three different ballot papers to complete. There did not seem to be a big problem. I do not accept the notion that people voted in different ways because they were confused; they voted in different ways because they chose to do so.

**Mr Harding:** You urged the Scottish Executive to make an early decision on the date of implementation of any new electoral system. Given all the information and data that you have collected, how practical would it be to introduce a new system before the elections in May 2002?

**Richard Kerley:** Mechanically and technically, I argue that it is possible to act on what we have suggested. However, Parliament and the Executive will want to discuss the matter. It is clear that the First Minister attaches great importance to the matter and is, therefore, chairing the Executive committee on it. The two parties that form the partnership will have to arrive at a view, the Parliament will have to talk about it and legislation will be required. Some of that legislation would be achievable in one bill; other legislation that we have suggested might have implications for the franchise. The timetable will be tight.

You are all members of political parties, and I would have thought that you would want a new

system done and dusted and up and running by October, November or December—at the latest—of the year preceding the election. That does not allow much time.

**Mr Harding:** Especially as the local government bill will not be introduced before then.

**Richard Kerley:** That allows even less time.

**Colin Campbell (West of Scotland) (SNP):** I admire your boyish optimism about getting the job done. I hope that the Administration shares it.

**Richard Kerley:** I have not been called boyish in a long time.

**Colin Campbell:** At my age I can call anyone boyish and get away with it.

You have gone to great trouble to discern ways in which being a councillor can be an inviting option and to encourage people to become councillors by considering salaries and other conditions. To what extent did you consider the way in which the first-past-the-post system has deterred people from becoming councillors? How much would PR encourage people to become councillors, rather than just being something that we are examining because it is a good idea in principle?

16:30

**Richard Kerley:** I had not thought about that. Some people find it difficult at a personal level, or in terms of their status within the community, to engage in the vulgarity of saying, "Elect me, because I'm better than him." It is no coincidence that in those areas of the country where there are many independent councillors we see the highest proportion of uncontested elections.

If Mr McMahon, Donald Gorrie or Mr Harding stood in an election against Colin Campbell, they would say, "Vote for me, not because he isn't a very pleasant man, but because I represent the Labour party, the Liberal Democrats, or the Conservatives, but he represents the SNP." In an independent election, they would say, "Vote for me because I am better than him. He is stupid, lazy, venal and dishonest, but I am not." In that sense, the head-to-head that goes with the first-past-the-post system might be a deterrent in independent areas. That would not be a problem elsewhere.

People expect to get a bit bruised when they stand for election. I know that politicians like to be liked, but the reality is that some people will say horrible things about them. I stood for election four times. On one occasion, a perfectly legitimate ballot paper had the words, "I'm voting for this bastard" written on it, with an arrow against my name. The returning officer thought that that was fine, and allowed me the vote.

**Colin Campbell:** That was a vote "for" you.

The reason I asked my question is that I come from a party that did not do as well in the past as it is doing at the moment. For people of a particular political disposition to go into politics and go up against a monolith, and to have to live with that monolith, is not a pleasant way to spend time, therefore such people might just avoid that and leave politics to the monolith.

**Richard Kerley:** There is evidence that in some parts of the country the overwhelming dominance of one party has discouraged members of another party. For example, the overwhelming dominance of Labour has made it difficult for the Conservatives in west central Scotland to find candidates. That is not a function of the system; it is a function of the shift in electoral support. In a predominantly two-party system the first-past-the-post electoral process is not bad.

When you move to a four, five or six-party system, first past the post is not robust and is unpredictable in its consequences and—to put it bluntly—it is unfair. The Conservative party was never able in the past to muster many candidates in Strathclyde region—or now in Glasgow or North Lanarkshire—not because the electoral system is poor, but because few people support it. I suppose that that is a natural progression. Similarly, the Labour party struggles to find candidates in Aberdeenshire. It is not the rough and tumble that puts people off; they wonder what the point of standing for election is

**Mr Gil Paterson (Central Scotland) (SNP):** In a similar vein, in the evidence that we have taken we have not found a councillor who is in favour of proportional representation. What evidence have you taken from the public? What do the public want to get out of a new system? Do the public want the same as councillors? Do they care?

**Richard Kerley:** We did not take evidence from the general public in the sense that Gil Paterson means. The researchers organised a number of focus groups, at which we talked about different aspects of local authorities. From the evidence that is available—which is based on polling—quite a lot of people would like to see a change in the electoral system, although they are not clear which change they want. Many councillors are not in favour of change in the electoral system, but they would say that, wouldn't they? That applies to every party.

A number of councillors—representing every party around this table—said, "My party is in favour of a change in the electoral system to STV. However, in the special circumstances of my council, my ward and me, I don't think it is a very good idea." People do not mind disruption; I am not being facetious. If you work with a system

there is a sense of inertial acceptance, which is that the system works after a fashion. What can we do about that?

**Mr Paterson:** I agree. On the issue of achieving reasonable equilibrium between councillors who get responsibility payments and back-bench councillors—who probably work just as hard—would your proposed salary of £12,000 level things up? Would it stop a coterie of people being involved at the top level, so that a broader opinion would prevail?

**Richard Kerley:** Two arguments persuaded us. First, if our recommendations were accepted, a person who stood for election would know what their income would be for four years, if they did not seek further responsibility. Secondly, some councils have an extraordinary array of positions that merit special responsibility allowances, so basic salaries are increased anyway.

The differential is hard to define, but I have no doubt that it should exist. As was indicated by councillors, the reality is, that with few exceptions, those who have positions of significant responsibility—such as the leader of the council and the chairs of social work, education or planning—put in more time in many different ways than those who are elected simply as councillors and who have no such responsibilities. The time they put in takes different forms and the work is more demanding. People may work hard as back-bench councillors, but they do not have the constant pounding of media interest and demands on them to speak to different people, and so on.

**The Convener:** One of your recommendations was that we should perhaps allow 18-year-olds to become councillors. Related to that, many councillors said that they had given up, or that they were not happy, because of the way in which council business was perceived by Joe Public. Do we need to start teaching children about councils? I know that that is done automatically with education about the social security system in other countries, such as Sweden and Norway. Do you agree that life experience is part of being a councillor? Most councillors become councillors because of an experience—probably negative—that they have decided to do something about. An 18-year-old might not have that kind of outlook. How early should we talk to youngsters about what councils are about and what being a councillor entails?

**Richard Kerley:** One of my recommendations refers to civic education. I know that the Executive has talked about consulting on that matter. We visited the Republic of Ireland and Northern Ireland, because what they are doing there is far more relevant to us than what they are doing in New Zealand or Germany.

We spoke to councillors from three main political parties from one part of Ireland where, as a matter of course, councillors from all three political parties go along to the two local high schools every so often and hold question-and-answer sessions with senior pupils. They see that as being part of a broader civic education. They can say, "I look like your teachers. You have legitimate concerns as an 18-year-old", or whatever age it might be.

As the parent of an 18-year-old, the prospect of that fills me with dread. However, 18-year-olds can do many other things. They can elect both members of this Parliament and councillors, and it seemed to us important that there should be concurrence between the capacity to be a candidate and the capacity to vote in elections. Civic education is important, as we have a lamentable record of voting. In this country we take less interest in voting than they do in many countries where people are shot for doing that. That is pretty shameful, when you think about it.

**Dr Sylvia Jackson (Stirling) (Lab):** I am sorry for arriving late—I was at a funeral. I hope that nobody asked this question earlier, but I would like to follow up on the issue that Michael McMahon raised. It relates to how STV operates in practice—to the larger ward areas involved and the number of councillors that would be elected within that larger area. What protocols need to be put in place to ensure that those councillors operate in a reasonable way in their different areas? That relates to what Michael McMahon said about leafy suburbs.

My second question is about the electorate. How will we get over to the electorate the implications of their voting in different ways? I assume that some councillors will continue to take on an executive role and may not have such a strong connection with the ward, although earlier you seemed to say that councillors would still take on a number of roles and that they would retain a link with the ward. Would you say a little more about that?

**Richard Kerley:** I will try. We have discussed the notion of protocols. This may be a boyish aspiration, but if we are concerned to strengthen democracy at local, Scottish and UK levels, that requires collaboration between political parties. We should allow for legitimate argument and debate about matters of value, but set aside certain important things—the franchise, representation and so on—on which everyone can agree. I hope that the parties can agree on those things.

Having said that, it is a banal but true fact that politicians compete for votes, both between parties and within parties. I suspect that that is an eternal characteristic of politics. When we had regional and district authorities, for example, most of the



directors of housing in the districts reported to me that about 30 per cent of their correspondence came from regional councillors. Indeed, in response to a question the other day a minister in the Scottish Parliament said that about 30 per cent of correspondence received by the Scottish Executive came from members of the Westminster Parliament. Why? Is it because they are stupid? No. It is because they are seeking to represent the people who have come to see them. Relationships need to be worked out both within and between parties.

That can be done only by rough-and-ready development. I would argue that changes in electoral systems are adapted to more or less quickly by individual representatives, the public and parties. For example, in the May 1999 elections only two parties reflected on the fact that there was a different electoral system and played to that—the Scottish Green Party here in Lothian and the SSP in Glasgow. Other parties pretended that we had the same old system and committed their energy in different ways. There needs to be a learning process. We need to acknowledge that a proportional system requires every party to indicate where its other preferences are. The greatest secret of Scottish politics is that, by and large, the second preference of people who vote for the Labour party is for the SNP, and vice versa.

**Dr Jackson:** How might the electorate become informed about STV if we followed that route?

16:45

**Richard Kerley:** I would argue—as we say in the report—that that should be achieved through a public education exercise akin to the process that preceded the Scottish Parliament elections. The available evidence of the British election study shows that the vast majority of people in Scotland and Wales understood the system. There were a couple of technical aspects that were not understood but, by and large, the system was understood and people experienced no great difficulty in coping with it. There were differential success rates in the education campaigns in Scotland and Wales. There is clear evidence that the system was understood better here than there.

**The Convener:** Thank you. The working group has obviously worked extremely hard to produce the report and the committee extends its thanks. We have to decide how to move on from that. It has been interesting to consider the report. I do not want to separate the different elements but, clearly, PR will be the one that we will have to examine most closely. I hope that you will return to the committee to give evidence should we wish to call you back.

**Richard Kerley:** I have a day job, convener.

**The Convener:** We will not call you back before September.

Before we consider our annual report, we should decide what action to take on the Kerley report.

**Mr McMahon:** My initial reaction would be that we should leave it in abeyance, for purely practical reasons. We do not know what the format of the committee will be after the recess. We do not know who will be on it and there is a suggestion that it might be reduced in size. Any decision that we take just now might have no bearing on what can be done when the committee reconvenes. We should wait until the new committee is in place before we deliberate the matter.

**Mr Harding:** I understood that any change to the committee structure would need all-party support and that is not in place. Today, we heard that the plan to change the committees had been dropped.

**Johann Lamont:** Have the other parties changed their line on the committee issue? It will be a matter for further discussion.

**Mr Harding:** Is the SNP not asking for an audit of the committees before we change the structure?

**Mr Paterson:** Yes, I think that we are.

**Dr Jackson:** I cannot hear what members are saying, convener.

**The Convener:** They seemed to be having a conversation between themselves.

**Donald Gorrie:** I would like us to make progress as rapidly as possible. In the real world, the most contentious issue is that of the electoral system. In the autumn, an Executive working group will be considering that. I imagine that its decision, although not final, will be highly influential. We might be able to pursue other issues. There is no harm in us reaching our own view on the electoral system separately, but it might be more sensible to wait until the Cabinet working group produces its conclusions.

**The Convener:** First, we are not sure whether we will have a new committee. I take Michael McMahon's point, but it sounds as though we might be the same committee after the recess—we are not absolutely sure.

I take Donald Gorrie's point about perhaps separating an issue out, but I certainly do not want the summer to go by with nothing happening. On the other hand, do not panic because I do not call you back for a particular committee meeting. But things could be done over the summer that I think might be useful.

When we wrote to the councils *vis-à-vis* McIntosh, we specifically did not ask them about

the issues that Richard Kerley's working group were asked to examine. We could ask the 32 councils to give us a written response on Kerley, including on PR. We could consider that when we come back after the recess. We do not want to do a report on a report, as we would be revisiting what Richard Kerley did, but it would be interesting to look at the Executive's response to Kerley. After all, that is one of our main functions. I am not sure when the Executive's response will be out, but it would be useful to get some information from councils, which we may be able to use later. We will not be able to visit them, given the committee's work programme, but we could ask for written responses to the Kerley report.

**Mr McMahon:** That is a sensible suggestion. I was not suggesting that we should do nothing. I was saying that we should not take any hard-and-fast decisions, which would bind the new committee into something. We should still say that we know this will have to be discussed by the new committee, whatever form it is in. We should do whatever we can to ensure that the process continues. What you have suggested would allow that to happen without binding the committee into doing one thing or another.

**Bristow Muldoon:** The convener's suggestion that we ask councils their views on those matters is a good one. A range of issues other than electoral reform is contained within the Kerley report, on which it would be useful to hear the views of councils. I suggest that you set a lengthy time scale for councils to reply, to give them the opportunity to decide their response to the Kerley report among their members. At the same time as we go into recess many councils effectively go into a summer recess.

**The Convener:** I accept that.

**Donald Gorrie:** The Kerley working group did not examine arrangements for expenses. Paragraph 66, on page 49 of the Kerley report, states:

"We consider that a review of the arrangements for councillors' expenses would complement our work and we would encourage the Executive, COSLA and councils to carry out such a review."

It does not encourage us to do so. I do not know whether we are the right vehicle for carrying out a review of councillors' expenses.

**Dr Jackson:** This follows on from the point that I made to Richard Kerley, which is how STV would be seen to operate on the ground. I want to know about the issues that councillors feel would be to the forefront. One significant issue is to keep the ward-councillor link and to ensure that people would not go to different councillors and perhaps play one off against the others. I can still see some aspects of what happens with the list system

operating within STV, unless we are clear about the ground rules that will operate.

It is okay to say that this will evolve and we will think about it later on, but I think that we should consider some of the critical issues now.

**The Convener:** We are about to go into recess. I think that if we ask councils to respond and give them a reasonable period of time to do so, we can then start to pick up on what they think.

I do not want to say: "We have listened to what Richard Kerley has to say. We will wait and see what the Executive produces." We will certainly respond to that but, in the meantime, we could do what I have suggested.

If members are all in agreement with that, the clerks and myself can start to move that forward. Are we agreed?

**Members indicated agreement.**

## Subordinate Legislation

**The Convener:** I am right this time in saying that we have a piece of subordinate legislation to deal with. The Environmental Protection (Waste Recycling Payments) (Scotland) Regulations 2000 (SSI 2000/185) is a negative instrument that was sent out some time ago, but neither Eugene Windsor nor I have received any comments from members. We also have a copy of the Subordinate Legislation Committee's report on the instrument. That committee determined that the attention of Parliament need not be drawn to this instrument. No motion to annul has been lodged and no other action can be taken on the instrument. Is the committee agreed that it does not wish to make any recommendation about this instrument?

**Members** *indicated agreement.*

## Visits

**The Convener:** Proposals for visits have been included on the agenda to give members an idea of how visits will run when we return from the recess. I have pointed out to the clerk that Westminster is having a very long holiday this year, lasting from August right up to the end of October.

**Bristow Muldoon:** That is what I call a recess.

**The Convener:** Then Westminster has a week off before the Queen's speech. We will consider the timing of that visit, but that was the only issue that I picked up on. Are there any comments on that paper, which gives a rough outline of something which we will decide on later? There are none.

## Annual Report

**The Convener:** We now move on to the committee's annual report. There are certain rules and regulations about the committees' annual reports. They must contain certain bits of information and should not be longer than 500 words. That is why they will all look the same once they are put in the book.

Are there any comments about the draft? Members should bear in mind that the draft must contain certain things, and I can confirm that they are all present as I have gone through it with the clerk.

**Donald Gorrie:** I have a minor point to make about the English on the first page of the draft. In the ninth line, there are two "its", which is a mistake. The draft says:

"the Committee decided to concentrate during its first few months of its existence".

It should read "the first few months of its existence".

At this point, I will resign.

**The Convener:** Perhaps we should have added a bit more to the last paragraph, which discusses future plans, to make it clear that we have work, rather than implying that we are off to the other assemblies in the UK, the Republic of Ireland and places that are even further away. Given that we agreed to examine the relationship between devolved public bodies and local government, best value and, at some point, provision through local authorities for asylum seekers and refugees, it might be better to add those areas of work to the draft. That is a long programme, but we have discussed those issues and we want to take them up whenever we are able to. I am inclined to ask if we can insert that work into the draft, as it would look better than implying that we are off to places north and south.

**Bristow Muldoon:** If you are looking for suggestions for other areas, there are a couple that are worthy of the committee's consideration. Councils have been asked to undertake a far greater role in community planning and the Executive is considering the introduction of a new power of general competence—I cannot remember exactly what that is to be called. It would be appropriate to consider both the way in which councils are expected to undertake that work and their relationships with all the other bodies and with their communities, to ensure that their role fully encompasses those areas.

**The Convener:** I have no problem with that.

**Donald Gorrie:** I cannot recollect precisely the state of play regarding non-domestic rates. Did we think that they would be included in the general discussion on local government finance, or did we decide to revisit that issue after the revaluation when the figures will be clearer?

**The Convener:** I cannot remember, either. [*Interruption.*] We have written a report and we will ask the minister to come back at some stage. Therefore, that work is continuing.

**Donald Gorrie:** It could be mentioned in the annual report if you wanted to include another subject.

**The Convener:** We will put it in.

Now that we have added in that work, will members give the clerk and me authority to submit the committee's report for the year?

**Members** *indicated agreement.*

**The Convener:** While we are talking about the end of the year, I wanted the official reporters to stay for this item because I wanted publicly to thank the committee clerks, researchers and official reporters who have helped us during the year. This has been the Local Government Committee's first year—indeed, it has been the first year for every other committee in the Parliament. I have enjoyed it but that may be because I am able to sit here and tell people what to do. That is a much better position than having to sit and listen to me.

I hope that all members of the committee come back, although I know that, at the end of the day, some changes will be made. I will be sorry to lose any of you. I say that without wearing my party political hat. However, if some of you must go, "It's been nice knowing you", as the saying goes. I may see you in another place and we might meet again.

I have invited all of you for a drink in the members' lounge, where we can say to one another what we really mean.

Thank you.

*Meeting closed at 17:00.*

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