Local Government Committee

23rd Meeting, 2002

Tuesday 24 September 2002

The Committee will meet at 2.00 pm in Committee Room 4

1. **Items in private:** The Committee will consider whether to take items 4, 5 and 6 in private.

2. **Subordinate Legislation:** The Committee will consider the following negative instrument—

   The Local Government Pension Scheme (Scotland) Amendment Regulations 2002 (SSI 2002/311)

3. **Renewing Local Democracy - Phase 2 Inquiry:** The Committee will take evidence from—

   Simon Jaquet, Chief Executive, YouthLink Scotland

4. **Public Appointments and Public Bodies etc. (Scotland) Bill:** The Committee will consider a draft Stage 1 report.

5. **Mental Health (Scotland) Bill:** The Committee will consider proposals for consideration of the Bill at Stage 1.

6. **Homelessness etc. (Scotland) Bill:** The Committee will consider proposals for consideration of the Bill at Stage 1.

Eugene Windsor
Clerk to the Committee
Room 2.05, Committee Chambers
85217
e mail: eugene.windsor@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 2**

The Local Government Pension Scheme (Scotland) Amendment Regulations 2002, (SSI 2002/311)  
31st Report of the Subordinate Legislation Committee

**Agenda item 3**

Submission from YouthLink Scotland

**Agenda item 4**

Public Appointments and Public Bodies etc. (Scotland) Bill [PRIVATE] TO FOLLOW

**Agenda item 5**

Mental Health (Scotland) Bill – Paper from the Convener [PRIVATE]

**Agenda item 6**

Homelessness etc. (Scotland) Bill – Paper from the Convener [PRIVATE]
Subordinate Legislation Committee

Remit and Membership

Remit:

The remit of the Committee is to consider and report on—

(a) (i) subordinate legislation which is laid before the Parliament;

(ii) any Scottish Statutory Instrument not laid before the Parliament but classified as general according to its subject matter;

and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation; and

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation.

(Standing Orders of the Scottish Parliament Rule 6.11)

Membership:

Bill Butler
Colin Campbell
Brian Fitzpatrick
Murdo Fraser
Gordon Jackson QC
Ian Jenkins (Deputy Convener)
Margo MacDonald (Convener)

Committee Clerks:

Alasdair Rankin
Steve Farrell
Alistair Fleming
Joanne Clinton
Subordinate Legislation Committee

31st Report 2002

Subordinate Legislation

The Committee reports to the Parliament as follows—

1. At its meeting on 3rd September the Committee determined that the attention of the Parliament need not be drawn to the instruments listed in this report.

2. The report is also addressed to the following committees as the lead committees for the instruments specified:

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<td>SSI 2002/371</td>
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<td>Education, Culture and Sport</td>
<td>SSI 2002/382</td>
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Instruments subject to annulment

The Food and Animal Feedingstuffs (Products of Animal Origin from China) (Emergency Control) (Scotland) Regulations 2002, (SSI 2002/300)

The Adults with Incapacity (Specified Medical Treatments) (Scotland) Amendment Regulations 2002, (SSI 2002/302)

The National Waiting Times Centre Board (Scotland) Order 2002, (SSI 2002/305)

The Local Government Pension Scheme (Scotland) Amendment Regulations 2002, (SSI 2002/311)


Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No.3) 2002, (SSI 2002/328)

The Late Payment of Commercial Debts (Scotland) Regulations 2002, (SSI 2002/335)

The Contaminants in Food (Scotland) Amendment Regulations 2002, (SSI 2002/349)


The A9 Trunk Road (Ballinluig) (Temporary 50mph Speed Limit) (Continuation) Order 2002, (SSI 2002/371)

The Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2002, (SSI 2002/382)

The Registration of Births, Deaths and Marriages (Fees) (Scotland) Order 2002, (SSI 2002/389)

The Births, Deaths, Marriages and Divorces (Fees) (Scotland) Amendment Regulations 2002, (SSI 2002/390)
Youthlink Scotland

The Scottish Parliament
Renewing Local Democracy Inquiry

The young people of today love luxury. They have bad manners, they scoff at authority and lack respect for their elders. Children nowadays are real tyrants, they no longer stand up when their elders come into the room where they are sitting, they contradict their parents, chat together in the presence of adults, eat gluttonously, and tyrannise their teachers

Socrates

Accept certain inalienable truths! Prices will rise, politicians will philander, you too will get old. And when you do, you will fantasise that, when you were young, prices were reasonable, politicians were noble, and children respected their elders.

Baz Luhrmann

The case for participation is strong. Not only does participation enable children to engage as citizens within their communities and society, it also sends powerful messages about the value placed on the opinions and aspirations of the young. Participation means children, young people, and adults working together to find solutions and initiate change.

Children in Scotland

1. YOUTHLINK SCOTLAND

YouthLink Scotland is the national youth agency for Scotland. We promote the well-being and development of young people in a local, national, and global context. Our focus is on supporting youth work and youth service development - through the promotion of:

- good practice
- effective policies
- robust research
- reliable information
- modern communication

We work in partnership with national and local government, the voluntary sector, and the business community.

We work closely (and share premises) with Young Scot (the national youth information agency), and the Scottish Youth Parliament (the national representative voice for young people).

2. YOUNG PEOPLE IN 2002

The emotional balance sheet for young people is not entirely healthy after the past twenty years of transactions. These have not all been political (although these have taken their toll). Socio-economic and cultural factors have also played their part.

Looking back over two decades, it is possible to see how we have reached this point, Progressive post-industrialisation and its impact on labour markets has affected young people disproportionately. Not only have they been faced with the ‘first order’ reality of a decreasing number of permanent jobs, but the ‘second order’ prospect of long term unemployment has caused some young people to pay an emotional price.
In bleak parallel, there have been changes in key elements of the formal education system. Increased numbers in further and higher education have led to what has been described as the ‘next generation of highly qualified, older, wiser, but disillusioned unemployed’.

As the marketeers have refined, individualised and commodified the concept of leisure, young people have simultaneously found themselves targeted as potential consumers and frustrated by their own lack of financial means to realise the dream. The ‘internet generation’ has grown up, familiar with leisure opportunities from around the world, but unable to translate fantasy into reality. Bombarded by a surfeit of information, straplines and statistics, many young people find that the moral framework bequeathed to them by adults, is shallow, self serving and lacking in moral integrity.

In a relentlessly logical dialectic, many young people have responded to what they see as an adult world which ignores their aspirations. Political disenchantment with the established systems has led inexorably to political disenfranchisement for many young people. The number of young people registered to vote as well as those actually voting at general elections has declined significantly. A challenging by-product of this has been the rise of the ‘greens’ - in formal political terms, and also as an indirect measure of young people’s aspirations.

The economic and social backdrop to the last twenty years has seen major change to the family and its functioning within communities. With increasing tensions within the traditional family structure, young people have been the first to experience the impact, and the least able to do anything about it. A significant number of young people continue to directly experience poverty and homelessness.

These social and economic changes have led to:

*Raised expectations among young people of what society has to offer them:* A relentless onslaught of marketing combined with a visibly higher standard of living among key sections of adult society has established ‘blue chip’ benchmarks for many young people, whether in jobs, entertainment, or lifestyle. Young people are exposed to the power of consumerism without necessarily having the sophistication to see through it.

*The erosion of young people’s traditional ‘rites of passage’ into adulthood:* Twenty-five years ago, the maturing adolescent was able to chart his or her likely route into the adult world - job, apprenticeship, or college/university. It may have been largely determined by socio-economic factors, but the pathway was there. Traditional rites of passage, with their in-built systems of integration into adulthood have largely disappeared.

*The failure of aspiration and the loss of hope:* With expectations being remorselessly frustrated by economic reality, many young people’s emotional horizons have been sharply drawn in. Especially for those suffering the worst effects of social exclusion, the daily grind of survival has often replaced the exuberance of youthful optimism.
The diversification of youth culture: Faced with the adult world offering few clear pathways to tread, young people have responded by creating their own. The last twenty years has witnessed a mushrooming of youth movements, styles and cultures. Characterised (as ever) by their impenetrability to adults, what has been distinctive is their range, diversity and - to a large degree - mutual tolerance. No longer is one particular trend always in the ascendant.

The demonisation of young people: As the gap between the moral and economic high ground held by adults and the increasingly unstable low ground occupied by young people has widened, young people have become increasingly demonised. The self-reinforcing cycle of victim blaming can be seen in the debates about crime, drugs, and public order. Young people do not generally get a good press, and this says more about the defensiveness and guilt of adult society than it does about young people.

However, young people are not simply victims of society’s failings. As change has occurred around them, young people have adapted to their reshaped environment. Despite their frequently negative portrayal, they often remain astonishingly optimistic - if sometimes within a framework that may be alien to adults.

As autonomous, resilient human beings, young people have the capacity to conceive of and bring about change; many young people are active in their communities - as volunteers and as activists.

As moral beings, they are quick to elaborate a ‘critique’ of the received adult world view; the debate about decriminalisation of drugs exemplifies this.

As enthusiastic learners, they are keen to seize available educational opportunities – formal or informal; the internet gives unprecedented access to information, matched by increased uptake of places in further and higher education.

As committed and passionate believers in causes, they will nail their colours to the mast; membership of environmental groups has created an outlet for young people to take direct action for social good.

As tolerant democrats, they are able to recognise and celebrate diversity - acknowledging difference where it exists and striving for social inclusiveness.

Young people are far from being a problem that requires solving. The majority of them would grasp the opportunity to be part of the solution.

3. YOUNG PEOPLE AND CITIZENSHIP

Citizenship can be seen as the combination of skills and aptitudes which enable individuals to participate in the democratic process. They do not necessarily emerge on their own, they need to be nurtured and supported. This is no less true for young people than it is for adults.

While much attention over the past few years has focused on the formal structures which may promote young people’s active citizenship (the school curriculum, youth
Youthlink Scotland

councils and forums, local authority consultative mechanisms etc), the more recent debate about ‘social capital’ has widened the terms of reference. If social capital is seen as the sum of the skills and networks within communities that enables them to build capacity and to support their members, we are talking about something altogether broader than traditional democratic structures.

The development of social capital, and the nurturing of young people as democratic citizens needs to take place:

- In the family
- In the school
- In the community
- In the workplace
- In formal democratic structures

It is difficult (but not impossible) for young people to find meaning in the local authority electoral process if they have never experienced empowerment in other areas of their lives.

The good news is that young people do participate, but not always in the way that adult society would like to prescribe.

Research for the National Youth Agency with 1160 young people aged 14 – 16 showed that in the previous year, respondents had:

- Given money to charity 89%
- Signed a petition 70%
- Helped at a charity event 67%
- Taken part in an event for Red Nose Day 65%
- Gone on a march or rally 17%
- Written to an MSP/Councillor 16%

The same research showed that 1 in 8 young people were members of campaigning organisations. When these kinds of figures are seen in relation to the size of the youth population in Scotland (756,800 between 15 and 25 years), some popular perceptions of young people begin to take on a new aspect.

A significant number of young people are involved on a voluntary basis with youth work activities in the community. Although the figures for schools are not directly comparable (90% of youth workers are volunteers), the table gives an indication of the scale of youth work in Scotland.

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<th>Youth work</th>
<th>Schools (primary and secondary)</th>
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<tr>
<td>No. of young people</td>
<td>660,000</td>
<td>743,000</td>
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<tr>
<td>No. of adults</td>
<td>93,000</td>
<td>46,900 (FTE)</td>
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<td>No. of voluntary hours</td>
<td>14 million</td>
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<td>Value (£)</td>
<td>£100 million</td>
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Youthlink Scotland

At the heart of the youth work ‘enterprise’ lies a commitment to young people’s empowerment – especially in the transition from childhood to adulthood. The National Occupational Standards for Youth Work state:

‘The key purpose of youth work is to work with young people to facilitate their personal, social, and educational development, and to enable them to gain a voice, influence, and place in society in a period of their transition from dependence to independence’

Young people take part in youth work on a voluntary basis. It can legitimately be seen as one of the key ‘cradles’ of democracy.

The current policy context reinforces the centrality of youth participation. At the recent UN Special Session on Children (May 2002) in New York, one of the three issues brought by the UK delegation was the need to involve young people in decision making. The European White Paper on Youth, published November 2001, identified five key areas for action across the EU. These included youth participation, voluntary service among young people, and the need to take account of young people across a broad range of policy areas. The Scottish Executive has also indicated the priority that it attaches to young people’s involvement in policy development and the value of citizenship and community participation.

4. YOUNG PEOPLE AND DEMOCRATIC RENEWAL

Beginning with the premise that young people’s active and vibrant engagement within communities is the necessary starting point for democratic renewal, the following proposals may be of relevance.

Young people in the family
- We need to create the ‘habit’ of political and community involvement from within the family
- Promote parental involvement in community and school structures such as school boards, voluntary organisations, churches, trades unions, and community councils
- Local authorities can support this through their Community Learning & Development staff

Young people in schools
- Establish student/pupil councils in all schools with clear roles and remits, and with real financial power
- Ensure that ‘citizenship’ is more than a subject within the curriculum, by promoting the concept of volunteering
- Use young people currently on the Millennium Volunteers programme to deliver sessions in schools and to establish links with community based organisations

Young people in the community
- Ensure adequate and sustained revenue funding for youth work in both statutory and voluntary sectors at local level
- Develop cross-sectoral youth work partnerships within Community Learning Plans to co-ordinate services to young people
Youthlink Scotland

- Develop youth councils/forums which have the capacity to actively include ‘excluded’ groups within the democratic process
- Provide support (office accommodation, professional advice) to local constituency Members of the Scottish Youth Parliament

Young people in the workplace
- Develop links between local authorities and local employers to enable young workers to be released for ‘democratic’ duties – participation in youth councils, council membership

Young people in formal democratic structures
- Support the development of a national youth policy
- Develop local youth strategies
- Reduce the minimum age for Council membership to 18
- Under the draft guidance within the Local Government Bill, ensure young people are engaged as part of the proposed community planning process

5. NATIONAL SUPPORT

YouthLink Scotland, Young Scot, and the Scottish Youth Parliament are committed to supporting young people in their aspirations to create a fairer and more just society.

YouthLink Scotland has access to 93,000 youth workers within the 32 local authorities and more than 50 national voluntary youth organisations.

Young Scot has access to young people in schools through its Handbook (issued to all S1 and S4 pupils), the Young Scot card, and the Young Scot Portal.

The Scottish Youth Parliament has access to 200 young parliamentarians aged 14 – 25 years representing constituencies across Scotland.

We would be delighted to engage in further debate about how we could assist with the process of democratic renewal.

Simon Jaquet
Chief Executive
YouthLink Scotland
September 2002