

## Overview

This paper relates to the continuing research into the conduct of various parts of the Water Industry in Scotland relating to charges for Non-Domestic Properties which cannot be classified as Eligible Properties in terms of Section 27 of the 2005 Water Act.

It is the culmination of the assessment on what is wrong with the Water Industry: viz, it is NOT engendering an environment where small business's can prosper; indeed it can probably be said to be wholly detrimental.

## Introduction

I emphasize that I write solely about the water industry as it illustrates the difficulties that are often encountered by members of the public in trying to engage parliament and government.

The research [to 13<sup>th</sup> March 2017] is published at:

<http://unaccountablesotland.org.uk/index.php/water-charges>

There are a number of subsidiary reviews which it is hoped will ring some warning bells.

As I will be generally unknown to the Commission [save to Ken Macintosh MSP as a previous constituent] my Curriculum Vitae is available at:

<http://rgtr.tdocplus.co.uk/> - nb: joined the Chartered Institute of Arbitrators by examination.

Whilst the communications experience with members of the Scottish Parliament has been excellent, it has not been possible to communicate with the Scottish Government [Ministers] due to interference by the Administration. The Administration itself - in this case the Water Industry Team in the Scottish Government - has, to say the least, been obstructive rather than constructive.

The Water Industry has created a doctrine which is not supportable in the Scottish Courts. It is being applied in a manner which many find unsatisfactory - by misuse of due process in the courts preceded by a great deal of harassment and bullying by debt collectors and Sheriff's Officers et al.

Attempting to explain the damage this is causing to the small business community to members of the Scottish Government has not been successful. It leads one to a new definition of corruption:

A lack of Openness or Transparency, a lack of Honesty [or active Coverup], and a lack of Accountability, all occasioning a loss of trust by the public in both the Scottish Parliament and its Government

Or put more simply - when the common man [Lord Denning's man on the Clapham Omnibus] thinks that things are not right.

It is extremely difficult to put into civilised "pc" words, what is actually wrong - but:

When something goes wrong, the man in the street [viz the victim] blames "them". But the question is who is "them" ? The answer is simple: it is the collective of the persons within parliament, government, and state owned and operated companies, as well as a variety of quangos.

Collectively there is a mass failure. The question is who is going to sort out this failure, because until this culture is sorted out to the man in the street 's satisfaction, personal gain is the only thing to these servants of the state.

## **Engagement**

The evidence that is presented on the Unaccountable Scotland web site indicates that members of the Scottish Parliament are treated by the Water Industry in the same manner as their constituents.

So although the engagement with an over worked member and their staff is fine, they are unable to achieve anything, and the doctrine, which is said by the administration still to be subject to the courts, is presented as if it has been defined by statute.

The experience has indicated to the writer that the Scottish Parliament is unable to properly hold the Scottish Government's administration to account.

## **Distinct identity**

When one gets mired into researching a breakdown into an administrative process which is self evidently unsatisfactory the question arises of "who is actually in charge".

When this question cannot be simply answered, then the distinction between the Scottish Parliament and the Scottish Government, let alone out of control Quangos and state owned companies becomes blurred.

The Commission's brief poses the question of what can be done to get over this problem. The answer probably is to remove the barriers to communicating directly with Ministers, and to make some part of the Parliamentary machine more accessible to the public.

The Petitions Committee would appear to be the obvious subject for improvement. The main problem that outsiders perceive is that the committee's administration is provided by the Government's clerks who thus effectively decide its agenda.

Another problem appears to be that the committees recommendations often get overlooked.

## **Checks and balances**

At the moment it seems clear to the average Scot that the Administration is leading the Scottish Parliament by the nose. The probity of SPICe documents is often called into question as they sometimes seem to be either written without care and diligence or else deliberately misleading.

Various organs of state, most notably the Scottish Public Services Ombudsman, are more protective of other state organs than they are of electorate: thus they do not provide either a check or a balance, but themselves become a further problem which is seen as the responsibility of Parliament - and again, it reiterates the question as to who is actually in charge of the country.

When, as happens too often, the SPSO's office errs, the downstream effect can be horrendous.

A specific example is Case: 201300100, Business Stream. This decision suffers from a number of problems namely: it errs in fact; it errs in law, asserting that the doctrine mentioned above is law when it is not.

Unfortunately, this decision is now taken as a reported case might be had it been heard in the Court of Session, and illustrates the need for improved control - which is seen as the responsibility of Parliament.

It would seem that Parliament has a duty of care to the electorate [and in particular to the small business community who are in effect unrepresented] to ensure that the doctrine postulated is put before the courts - it is utterly beyond the fiscal ability of small business's.

## **Conclusion**

It seems to the writer, that although this paper is specific to research on a specific problem, it highlights what might be described as an apparently common methodology used by the Administration to thwart the Elected Members.

It is unfortunate that the methodology appears to be used by Local Council Administrations when dealing with Elected Councillors which again is seen as the responsibility of Parliament.

## **Proposal**

ISO 9001 is an international management standard for the provision of products and services. It has been adopted by many organisations. One of its forebears, AQAP, was instrumental in assisting the Allies in the Second World War. Part of it covers qualifications and training. Scotland is too small a country to re-invent wheels, when suitable ones already exist.

It is strongly suggested that this proven methodology be adopted, especially as it requires independent audit by skilled staff.