

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE - 10 JUNE 2004

CONSULTATION ON DRAFT PROTOCOL FOR MULTI-MEMBER WORKING

Report by the Chief Executive

1. PURPOSE OF REPORT

- 1.1** To inform the Committee of a Scottish Executive consultative exercise on a draft protocol for multi-member working.

2. BACKGROUND

- 2.1** In order to progress the practical issues surrounding the measures in the Local Governance (Scotland) Bill, the Executive established three independent Working Groups. The Single Transferable Vote Working Group was set up by the Scottish Executive in September last year to examine the procedures necessary to facilitate Council Elections being held using the Single Transferable Vote to consider how multi-Member Wards will operate in practice, and to commission research and other information as required. In particular the Group is considering the practical implications of the introduction of STV across Scotland, taking into account the geography of rural and urban areas and the need to retain the Councillor-Ward link.
- 2.2** One of the issues currently under examination by the Group is Multi-Member working in practice. The information the Group has received so far both under STV (Northern Ireland and the Republic of Ireland) and First Past the Post (England and Wales) has revealed no evidence of formal protocols between Councillors in multi-Member Wards. Working practices in Multi-Member Wards appear to be agreed on an informal basis and divided up on either a geographic or subject basis. The only example of a form of protocol is that for MSP's as included in the MSPs' Code of Conduct. A copy of Annex 5 from the Code of Conduct for MSPs, detailing guidance from the Presiding Officer in respect of relationships between MSPs has been placed in the Members' Information Point for reference.
- 2.3** The Presiding Officer's guidance to MSPs is founded on five key principles:-
- (i) one constituency MSP and seven list MSPs who are elected in the wider region. All eight MSPs have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;
 - (ii) the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;
 - (iii) all MSPs have equal formal and legal status;

- (iv) MSPs should not misrepresent the basis on which they are elected or the area they serve; and
- (v) no MSP should deal with a matter relating to a constituent, constituency case or constituency issue outwith his or her constituency or region (as the case may be), unless by prior agreement.

2.4 The Single Transferable Vote Working Group has some doubts about the extent to which formal protocols would work and has intimated that experience elsewhere suggests that there is no real need for this practice. The Group has therefore agreed that draft broad principles should be drawn up in a protocol which Councils could consider adapting for their own use. These principles would also cover the issue of duplication of work and roles as well as relationships with Council staff. A copy of a draft protocol agreed by the Group is attached as an Appendix to this report. The Working Group has also discussed the possibility of the protocol forming part of the Councillors' Code of Conduct but recognised that this would put the protocol on a statutory footing and therefore sought further views on this point.

2.5 Responses to the consultation exercise are requested by 16 June 2004.

3. EAST AYRSHIRE COUNCILS' POSITION ON STV

3.1 East Ayrshire Council supports the CoSLA majority position that STV cannot deliver maintenance of the Member-Ward link as it is a Multi-Member Ward system. In addition, East Ayrshire Council is concerned that such Wards tend to be larger than Wards under the current electoral system and considers that this is not in the best interest of rural areas. East Ayrshire Council supports the First Past the Post System which provides for strong political leadership of the Council with a clear mandate to carry through any programme of measures put to the electorate. The First Past the Post System provides a clear Member-Ward link.

4. COMMENTS ON THE DRAFT GUIDANCE ON PROTOCOL FOR RELATIONSHIPS BETWEEN WARD MEMBERS

4.1 The following comments are submitted for the Committee's consideration, viz:-

- the Council's principal position on STV should be reiterated in that it supports the First Past the Post System as providing the most suitable voting system for provision of a clear Member-Ward link;
- the key principles contained within the draft guidance illustrate the obvious values of what would be expected from Elected Members working within multi-member Wards;
- the key principles understate the political reality where legitimate political differences could exist within a multi-Member Ward; and

- the suggestion that work of a Ward be allocated and conducted on a geographical or subject basis, contradicts the first three key principles stated and the principles adopted by this Council since its inception, namely a one door approach and seamless services recently reinforced through legislation and the Community Planning process.

4.2 CoSLA has no formal view on the draft protocol document.

5. LEGAL/POLICY/FINANCIAL IMPLICATIONS - Nil.

6. RECOMMENDATIONS

6.1 It is recommended:-

- (i) that the Council reiterate its position of opposing the introduction of the Single Transferable Votes System for Local Government Elections in Scotland based on Multi-Member Wards in line with the comments contained within Paragraphs 3 and 4;
- (ii) that the Chief Executive forward a copy of this report to the Scottish Executive as the Council's response to the consultation exercise; and
- (iii) otherwise, to note the contents of the report.

Fiona Lees
Chief Executive

25 May 2004

BW/SR

(Enc 1)

LIST OF BACKGROUND PAPERS

1. Copy of letter dated 1 April 2004 from the Scottish Executive to Local Authority Chief Executives.

Any person wishing to inspect the background papers relative to this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135. Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Bill Walkinshaw, Administration Manager.