

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE – 30 MARCH 2006

INQUIRY INTO BOUNDARIES, VOTING AND REPRESENTATION IN SCOTLAND: THE ARBUTHNOTT COMMISSION

Report by the Chief Executive

1. PURPOSE OF REPORT

- 1.1** To inform the Committee of the conclusions and the recommendations of the Arbuthnott Commission in respect of an inquiry into boundaries, voting and representation in Scotland and to identify any implications for East Ayrshire Council and its communities.

2. BACKGROUND

- 2.1** The Secretary of State for Scotland set up a Commission on boundary differences and voting systems. The Commission's task was to consider the consequences of having in the near future four separate voting systems for elections in Scotland and also different boundaries for Holyrood (73) and Westminster (59) constituencies. The Commission considers that it is important that there are fair and clear arrangements for elections in Scotland.

3. THE ARBUTHNOTT COMMISSION REMIT

- 3.1** The Commission, in fulfilling its remit, examined the consequences of having four different systems of voting in local and parliamentary elections in Scotland and different boundaries between Westminster and Scottish Parliament constituencies for:-

- Voter participation;
- Relationship between public bodies and authorities in Scotland and MP's/MSP's; and
- The representation of constituents by different tiers of elected members.

- 3.2** The Commission was also asked to make representations on whether these consequences require action to be taken in respect of:-

- Arrangements between elected representatives, to ensure that constituents and organisations receive the best possible service;
- Pattern of electoral boundaries in Scotland;
- Relationships with other public bodies and authorities in Scotland; and
- Method of voting in Scottish Parliament elections

- 3.3 The Commission was to make recommendations on the form of any action while respecting the principles of the devolution settlement.
- 3.4 The Commission was required to be independent, transparent and consultative.
- 3.5 The Commission was required to report to the Secretary of State for Scotland and the First Minister. The Secretary of State will then decide on the Government's response taking into account the Executive's views.

4. REVIEW PROCESS

- 4.1 The Commission received 115 responses from individuals, political parties, elected representatives, electoral administrators, councils and civic bodies and other organisations. The Commission also held a series of public meetings during February and March 2005 in Glasgow, Aberdeen, Dundee, Gallowshields, Stornoway and Edinburgh.
- 4.2 In addition to referring to existing studies, 2 pieces of original research were commissioned: "The local work of Scottish MP's and MSP's: effects of non conterminous and AMS" - this focused on representation of constituents and was based on evidence from MP's and MSP's between 2000 and 2005. The second study was a focus group research which gathered views and experiences on boundaries, voting and representation from a range of people who were less likely to respond directly to the consultation exercise or attend public meetings. Six focus groups were held in three locations of: Glasgow, Fort William and Brechan involving different social classes, ages and genders. Participants were screened to ensure that they were not actively engaged in politics.
- 4.3 The Commission met monthly and took evidence from individuals and representatives. The Commission also met with civic groups and public bodies. The Commission met with the Speaker of The House of Commons, The Presiding Officer of the Scottish Parliament, with Scottish MP's and MSPs and held meetings with MSPs in their party groups. A number of MPs MSPs and one MEP also responded to the consultation exercise.
- 4.4 The Commission held 2 Academic Seminars which were attended by many of the leading experts in Britain in the areas of voting behaviour and electoral systems. The Commission also reviewed electoral systems in other countries.
- 4.5 Full details of the Commission's meetings and evidence gathering is contained in annexe C of the report in addition all consultation responses and summaries thereof are available on the Commission's website which is www.arbuthnottCommission.gov.uk .

6. SUMMARY OF CONCLUSIONS

- 6.1 The Commission has stated that good boundaries have the effect of grouping people together in natural communities, where people feel a sense of shared identity and interest and a sense of belonging whilst the Commission

recognised that there is a conflict between the fair representation of people and the fair representation of communities the Commission is concerned about the balance between the representation of people and of communities. It is the Commission's view that the balance has swung too far in favour of parity of numbers at the expense of the community. The Commission has concluded that the logical basis for creating constituencies is in the local authority area, whatever the voting system and whether constituencies are single or multi-member. It applies equally to the areas for electing regional members in the mixed member system. The Commission state that at present the regions are artificial and designed for the now redundant purposes of returning members to the European Parliament. Some are also cumbersome and too large.

- 6.2** The Commission has also looked at parliamentary boundaries and service delivery. The Commission has identified at the time of writing its report that there are in Scotland 32 Councils, 15 Health Boards, 22 Enterprise Companies, 8 Police Boards and Fire Boards and also bodies such as Scottish Water and various executive agencies and non-departmental public bodies.
- 6.3** The Commission has recognised the drive by the Scottish Executive to transform the way public services are delivered and their own considerations have led the Commission to believe that the lack of a match up in the public sector in Scotland with bodies cutting across others' boundaries make arrangements more complex, cause duplication and raise matters which need to be addressed. The Commission supports the Executive's objective of strengthening opportunities for local councils to hold public bodies to account and also believe that MSPs have a role to play in this regard.
- 6.4** The Commission is recommending retention of the current mixed member electoral system of the Scottish parliament but with the introduction of open lists in order that voters have the option of choosing individual MSPs. The Commission is not recommending introduction of STV, at least at this stage for Scottish parliamentary elections. The Commission has concluded that a revised mixed members system is the best way forward and have provided details in the report. The Commission is however recommending the introduction of STV for elections (in Scotland) to the European Parliament and this would reduce the number of electoral systems to three. The Commission has stated that if their proposals to reform the mixed member system do not have the intended impact then STV should be considered as a possible solution. The Commission has suggested a review mechanism for this within its report. The Commission has suggested further changes in the layout of the a ballot paper, the need for extensive publication at each election and the introduction of open lists which will allow voters to have a greater say over the selection of regional MSPs if they so choose.
- 6.5** The Commission has expressed concern about confusion caused by having three ballot papers, two elections and two different voting systems on the one day and has recommended that local and Scottish parliamentary elections

should be held on separate days. They also argue that local elections need to be given separate attention.

- 6.6** The Commission also make a number of recommendations with regard to improved voter information.

7. RECOMMENDATIONS

- 7.1** The recommendations of the Commission are contained in the appendix to this report. A copy of the Commission's report has been placed in the members information point.

8. IMPLICATIONS FOR EAST AYRSHIRE COUNCIL AND ITS COMMUNITIES

- 8.1** There are limited implications for East Ayrshire Council and its communities.
- 8.2** However, a key conclusion is the recognition of the importance of natural local communities and identity, and that the boundaries of all electoral divisions should be based on local authority areas which should enable people to understand who will represent them at every level of government. The Commission has also commended this approach for other public bodies and is keen to see a coming together of the arrangements to improve service delivery and accountability within the local authority areas and the constituencies of the Scottish Parliament and Westminster. The Commission believes that the Scottish Executive should look to base the boundaries of existing and future regional and national departmental non-departmental corporate bodies on such a logical and effective foundation.
- 8.3** Another recommendation of interest is the suggestion that the Scottish Parliament and Local Government Elections should not be held on the same day.
- 8.4** The recommendation under the improving representation section, that no pupil should leave school without having had an introduction to the voting systems and the work of the Parliaments, in the context of education and citizenship is of note. East Ayrshire Schools provide this introduction as part of citizenship and personal and social development skills.
- 8.5** The further suggestion that, in advance of every election, information clearly describing the electoral system and voting arrangements should be provided to the electorate is equally worthy of recognition. This is an issue which will be addressed in respect of the forthcoming elections in 2007 by the Executive and the Electoral Commission and following receipt of details on proposed national campaigns, proposals will be submitted to Council in due course in respect of opportunities for local promotion of electorate information.
- 8.6** The recommendation that Parliaments and local authorities should consider how best to improve the provision of training and skills development is a subject that is being reviewed by East Ayrshire Council and COSLA.

8.7 In respect of the provision of elected member information to all households East Ayrshire Council's Website provides information on elected members and their areas of responsibility. In addition further information can be provided through Headlines and this matter will be reviewed following consideration on the Commission's recommendations by the Secretary of State for Scotland.

9. FINANCIAL/LEGAL/POLICY AND COMMUNITY PLANNING IMPLICATIONS - Nil in respect of this report.

10. RECOMMENDATIONS

10.1 It is recommended that the Committee notes this report and awaits the response from the Secretary of State for Scotland on the Commission's recommendations

Fiona Lees
Chief Executive
21 March 2006
BW/SMcC

LIST OF BACKGROUND PAPERS

1. Report: "Putting Citizen's First: Boundaries, Voting and Representation in Scotland - Commission on Boundary Differences and Voting Citizens"

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.

Appendix

INQUIRY INTO BOUNDARIES, VOTING AND REPRESENTATION IN SCOTLAND: THE ARBUTHNOTT COMMISSION

Summary of Recommendations

Boundaries

1. Having the same constituencies for the Scottish Parliament and Westminster is desirable but not essential and should not drive change to the electoral system for the Scottish Parliament.
2. The boundaries for Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.
3. Scottish Parliament regions should be revised to reflect natural local communities and identify and should be built on local authority areas.
4. The functions of the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland should be combined to enable the constituencies and regions for the Scottish Parliament and local authorities to be reviewed together. Consideration should also be given to integrating the review of Westminster constituencies in Scotland into this process.

Voting

5. The mixed member proportional system for elections to the Scottish Parliament should be retained, but revised.
6. The language used to describe the mixed member electoral system for the Scottish Parliament should clearly explain the “constituency vote” and “regional vote”. The term “second vote” is misleading and should not be used. Where possible the term “mixed member system” should be used rather than “additional member system”. The voting system for the Scottish Parliament should also be presented as a system in its own right and not as an adaptation of first past the post.
7. The Electoral Commission should clarify the purpose of the regional vote and in particular revise the design of the ballot papers used in Scottish Parliament elections with the aim of conveying better the way the voting systems operates.
8. In order to give voters more choice over the election of regional members, the closed list system should be replaced by open lists. The Electoral Commission should investigate how best to devise such a system while minimising complexity for voters.

9. Candidates for election to the Scottish Parliament should not be prohibited from standing in a constituency and on the regional list at the same election.
10. Restricting voter choice by removing the regional vote and introducing a one-vote system is not acceptable. The two vote system should be retained for Scottish Parliament elections.
11. The mixed member system should continue to be based on regional lists rather than a national list.
12. The Scottish Parliament and local government elections should not be held on the same day.
13. The single transferable vote should be introduced for European parliamentary elections in Scotland.
14. Our revised electoral system, if implemented, should be reviewed following experience of two elections. If further reform is judged necessary, considerations should be given at that time to introducing the single transferable vote for Scottish Parliament elections.
15. E-counting and e-voting should be introduced as soon as possible but before 2011.

Representation

16. Citizens should not be restricted in their freedom to access any of their elected representatives on any issue.
17. The code of conduct for Members of the Scottish Parliament should be revised to provide a clear and positive role for both constituency and regional members to enhance representation for constituents and improve scrutiny of local and national services.
18. The Scottish Parliament should consider how the role of the Presiding Officer could be strengthened to ensure compliance with the code of conduct.
19. All MSPs should be entitled to deal with constituency work, but we expect this to be primarily undertaken by constituency MSPs. All MSPs should be entitled to deal with issues raised by constituents affecting a wider area, but these should be primarily dealt with by regional MSPs.
20. The Parliaments and local authorities should consider how best to improve the provision of training and skills development for their members.
21. No pupil should leave school without having had an introduction to the voting systems and the work of the Parliaments, in the context of Education for Citizenship.

22. In advance of every election, information clearly describing the electoral system and voting arrangements should be provided to the electorate.
23. After every election, information should be provided to every household which includes details of their representatives and their responsibilities.
24. There should be a publicly accessible national resource providing advice on how to contact elected representatives and public bodies.