

Local Government and Communities Committee

Local Government Boundary Commission for Scotland's 5th Electoral Review

Written Submission from the Local Government Boundary Commission for Scotland

Fifth Reviews of Electoral Arrangements

Thank you for the opportunity for the Local Government Boundary Commission for Scotland to give evidence to the Committee on the 5th Reviews of Electoral Arrangements. I am sorry that I was unable to attend in person but have had feedback from Professor Henderson and the Secretariat and have read the Official Report of proceedings with interest. I thought it might be helpful to follow up on a few points both to clarify and expand on some of the issues raised.

Proportionality and use of 3 or 4 member wards

There was some discussion about when the Commission might use 3 or 4 member wards. There is no legislation that governs our decisions over use of 3 or 4 member wards and we choose a pattern of ward design that delivers parity and the other Schedule 6 requirements. Our Guidance Booklet on the 5th Reviews sets out:

How will the Commission decide on whether to recommend 3 or 4 member wards?

Once the number of councillors for a council has been decided on, the Commission will propose electoral wards. In doing so, it will consider electoral parity, easily identifiable boundaries, local ties and special geographical considerations. Taken together, these will determine the pattern of 3 and 4 member wards.

We do not, therefore, consider any other electoral impacts such as proportionality.

In the example set out by the Committee, North Ayrshire, it was suggested that because there was a different pattern across the council area, parity had not been achieved. In fact all wards are forecast to be within 10% of parity, i.e. the average for the council area, which was the aim of the Commission. The Commission would not consider the number of electors or councillors within Parliamentary constituencies within a council area as this is not a matter of electoral parity for local government.

Use of 1, 2 or 5 member wards

We are aware that there is legislation for the islands proposed which would allow use of 1 or 2 member wards in those areas. The submission we made to the Scottish Government consultation on the issue is attached for your information at Appendix A.

Population factors

In the discussion around East Lothian it was suggested that forecast population growth should determine councillor numbers. I hope we made clear that councillor numbers for all councillor areas are determined by a consistent methodology in which the Commission categorises councils and applies a ratio of councillors to electors to each category. That ratio and the size of the electorate lead to the proposed councillor numbers. Future population growth is picked up at subsequent reviews.

Review Process

The Committee noted that the Commission is required to review boundaries every 8 to 12 years and that the process has not changed in many years. It was also highlighted during discussion that in Scotland we apply a consistent, country-wide methodology to categorising councils and determining councillor numbers, something that has generally attracted support.

It may be of interest to the Committee in its deliberations to note that different approaches are taken in other parts of the UK. For example, in England reviews are not carried out simultaneously for all councils on a set time frame but under a rolling review process with reviews taking place in a particular council area either because of changes in the electorate within local authority areas or as a result of a request by the local authority.

In Wales, the Local Democracy and Boundary Commission for Wales has a duty to review the electoral arrangements for each principal area at least once every ten years but programmes its reviews over the 10 years, prioritising areas based on a number of factors including variations from electoral parity that have arisen. Overall councillor numbers are determined consistently using a formula similar to that in Scotland.

The Commission has no formal position on whether rolling reviews are better or worse than reviewing all councils simultaneously. However, the request from Scottish Ministers that we consider interim reviews for Shetland, Orkney and Western Isles council areas before the 2022 local government elections may provide the opportunity to consider the pros and cons of less infrequent reviews.

Role of the Committee

There was interest in what scrutiny role the Committee might play in future reviews in addition to post-review assessment such as that you are now undertaking for the 5th Reviews. You will appreciate the importance of the Commission's maintaining its independence. It is essential that the public has trust in the impartiality of the Commission and the neutrality of its recommendations. There would therefore be some risk associated with any formal role for the Committee or Parliament and this would need careful consideration.

Scotland Act 2016

You will be aware that the Scotland Act 2016 transfers responsibility for recommendations of constituency and regional boundaries for the Scottish

Parliament from the Boundary Commission for Scotland to the Local Government Boundary Commission for Scotland. In future, therefore, this Commission will be responsible for local government electoral arrangements as well making recommendations for the Scottish Parliament. This may provide a useful opportunity for considering the differences in arrangements for the Ministerial and Parliamentary processes for implementation of recommendations, which, as noted during the Committee session, differ for ward boundaries, council area boundaries and Parliamentary constituencies.

I hope these comments are helpful and would be very happy to provide any further information that would be of assistance to the Committee.

Yours sincerely,

Ronnie Hinds
Chair

RESPONSE TO THE ISLANDS BILL CONSULTATION 2015

1. The Local Government Boundary Commission for Scotland (the Commission) is an Advisory Non-departmental Public Body sponsored and wholly funded by the Scottish Government. It is an independent, non-political body created by the Local Government (Scotland) Act 1973.
2. The Commission is responsible for:
 - carrying out reviews of the boundaries of local authority areas;
 - carrying out reviews of electoral wards for local authorities;
 - responding to requests for reviews of electoral wards or local authority areas.
3. The legislation which sets out the rules for electoral reviews is the Local Government (Scotland) Act 1973. When making recommendations, the Commission must consider the criteria set out in Section 13 and Schedule 6 of that Act. Section 13 sets out an overall aim of acting in the interests of effective and convenient local government. Schedule 6 sets out more specific requirements which in summary are:
 - the number of electors per councillor in each ward shall be, as nearly as may be, the same;
 - subject to this, the Commission shall have regard to:
 - o local ties that would be broken by fixing a particular boundary; and
 - o the desirability of fixing boundaries that are easily identifiable with the first of these taking precedence over the second;
 - the Commission may depart from the strict application of electoral parity to reflect special geographical considerations.
4. Under section 1 of the Local Governance (Scotland) Act 2004 each electoral ward in Scotland has to return 3 or 4 councillors.

Consultation

5. The Commission has noted the proposals contained in the Scottish Government's "Consultation on Provisions for a Future Islands Bill" in particular "Part Six: Local Government Electoral Wards – populated Islands".
6. During the Commission's 5th Reviews of Electoral Arrangements, which will make recommendations to Scottish Ministers in Spring 2016 for electoral arrangements for the council elections in 2017, the Commission noted that there were occasions where greater flexibility to vary the number of councillors in a ward would have helped in design of proposals for wards which better met the Schedule 6 criteria. For example, use of 2 member wards, principally in rural areas, both within the mainland and island authorities; and 5 member wards, principally in urban areas, may in some circumstances have helped maintain community ties while achieving parity.

7. The Commission did not give consideration to occasions where single member wards may have been used.
8. The consultation paper states that as a result of the statutory requirements: “most populated islands have to be placed in an electoral ward which also contains a significant proportion, and often a majority, of mainland population. This has led to concerns amongst some island communities that their distinctive interests are not represented in the council’s discussions, and that the island community may not have a councillor among its residents”.
9. The Commission would offer the observation that no wards in Orkney, Shetland or Western Isles council areas contain mainland population and that the issue would appear to have the potential to affect populated islands in Highland; North Ayrshire and Argyll and Bute council areas. It is worth noting that where a ward contains both island and mainland populations, it may in fact be the mainland population that is in the minority.
10. It is also the case that other smaller communities across Scotland might argue that the size or design of a multi-member ward based on 3 or 4 councillors has resulted in their being placed in wards with larger centres of population, sometimes at some distance.
11. The Commission would note that even if an Islands Bill were to amend section 1 of the Local Governance (Scotland) Act 2004 to allow for use of 1 or 2 member wards, the Schedule 6 rules would continue to set the framework within which wards are designed. Parity would therefore remain paramount. Where special geographical circumstances were considered to apply, strict parity could be departed from.
12. The consultation paper refers to “populated islands”; if the intention were to ensure all populated islands had at least one councillor then there may require to be significant departures from parity. Without further legislative amendment, or Ministerial direction, discretion would continue to lie with the Commission to determine whether special geographical circumstances applied. Amending the 2004 Act to allow for use of 1 or 2 member wards would not in itself ensure that no populated island was part of a ward with either mainland populations or other island communities.

Proportional representation

13. In undertaking electoral reviews the Commission does not consider the impact of its proposals on proportional representation and this is not a factor in choosing when to use a 3 or 4 member ward. The Commission has however received representations during the course of the 5th Reviews that it should use 4 member wards to improve proportional representation; and to use 3 member wards to increase accountability. A number of respondents wished for a return to single member wards. Any proposal to use a wider range of councillors per ward is likely to attract similar comment.