

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services  
Director: Nigel Stewart



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7 March 2005

## NOTICE OF MEETING

A meeting of the **POLICY DEVELOPMENT GROUP ON THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **MONDAY, 14 MARCH 2005 at 2:00 PM**, which you are requested to attend.

Nigel Stewart  
Director of Corporate Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**  
Minutes of Meeting of Policy Development Group on the Local Governance (Scotland) Act 2004 of 1 December 2004 (Pages 1 - 2)
4. **REVIEW OF ELECTORAL ARRANGEMENTS**  
Presentation on Boundary Commission Proposals
5. **INQUIRY INTO BOUNDARIES, VOTING AND REPRESENTATION IN SCOTLAND**  
Consider Consultation Paper from Arbuthnott Commission (Pages 3 - 24)
6. **SINGLE TRANSFERABLE VOTE**  
Final Report by STV Working Group Secretariat (Pages 25 - 70)
7. **LOCAL GOVERNMENT ELECTIONS (SCOTLAND) BILL**  
Consider Consultation on Proposed Private Member's Bill (Pages 71 - 82)

## **POLICY DEVELOPMENT GROUP ON THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004**

Councillor Robin Currie  
Councillor Ronald Kinloch  
Councillor John McAlpine  
Councillor Len Scoullar  
Councillor Dick Walsh  
Deirdre Forsyth  
George McKenzie  
Lynn Smillie  
Graham Whitefield

Councillor George Freeman  
Councillor Duncan MacIntyre  
Councillor Gary Mulvaney  
Councillor Isobel Strong  
Jennifer Craigmile  
Kenneth Macdonald  
Charles Reppke  
Nigel Stewart

Contact: Melissa Stewart

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**MINUTES of MEETING of POLICY DEVELOPMENT GROUP ON THE LOCAL GOVERNANCE  
(SCOTLAND) ACT 2004 held in the ARGYLL HOTEL, INVERARAY  
on WEDNESDAY, 1 DECEMBER 2004**

**Present:** Councillor Dick Walsh (Chair)

Councillor Robin Currie	Councillor Gary Mulvaney
Councillor George Freeman	Councillor Len Scoullar
Councillor Ronald Kinloch	Councillor Isobel Strong
Councillor John McAlpine	

**Attending:** Nigel Stewart, Director of Corporate Services  
Ken Macdonald, Area Corporate Services Manager  
George McKenzie, Area Corporate Services Manager  
Lynn Smillie, Area Corporate Services Manager  
Jennifer Craigmile, Information Systems Assistant

**Apologies:** Councillor Duncan MacIntyre

**1. MINUTES**

The minutes of the meeting of 25 October 2004 were approved as a correct record.

**2. RESUME CONSIDERATION OF ELECTORAL ARRANGEMENTS**

The Director of Corporate Services tabled a second draft of the report regarding the Review of Electoral Arrangements for consideration by the Group.

The Director advised that the Group's first report had been adopted by the Council at its meeting on 24 November 2004 and had thereafter been sent to the Boundary Commission as representing the Council's views.

**Decision**

1. To adopt, subject to a number of minor amendments, the draft report for submission to the Council with the recommendation that the Council endorse the report as representing the Council's view.
2. That the amended report be circulated to all Members in advance of the seminar which will be held on 13 December 2004 at 2.p.m. in the Argyll Hotel, Inveraray.
3. To adjourn the meeting until the conclusion of the seminar on 13 December 2004.

(NOTE: Councillor McAlpine expressed some concern regarding the boundary between proposed wards A and B and made the request that this be recorded).

(Ref: Report on the Review of electoral arrangements, tabled).

The Policy Development Group reconvened on Monday 13 December

2004 at the Argyll Hotel, Inveraray, following the conclusion of the seminar for Councillors held that day.

The Group considered various matters that had been raised during the seminar and agreed certain amendments to their second report.

### **Decision**

1. To recommend that the Council adopts the proposals, as amended, in their second report for electoral ward boundaries in Argyll and Bute for submission to the Local Government Boundary Commission.
2. To note that the Commission Secretariat had indicated it would assist them in the progress of their work to have early sight of the draft proposals accordingly that the PDG's report should be made available to them.
3. To recommend to the Council that the PDG as currently constituted take forward the review of electoral arrangements and that the group should consider and make recommendations to the Council  
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  - On matters arising from and / or relating to information of the Local Governance (Scotland) Act 2004 leading up to the local government elections in 2007
  - On transitional and future arrangements to prepare the Council to assume its political management and other related responsibilities in 2007.

## **Commission on Boundary Differences and Voting Systems**

### **Inquiry into Boundaries, Voting**



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## Introduction

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In 2004 the Westminster Parliament resolved to keep the size of the Scottish Parliament at 129 MSPs, despite the reduction in the number of Westminster MPs elected from Scotland. In addition, the Scottish Parliament has recently approved a new voting system - the single transferable vote - for Scottish local government elections from 2007 which will also mean new ward boundaries in each local authority.

There will therefore soon be different constituency boundaries for the Westminster and Holyrood parliaments and a different voting system for each level of government (European, Westminster, Scottish Parliament and local authority).

As these developments reflect significant changes in the evolution of the democratic process in Scotland, it is important to assess the extent to which they might create confusion for voters, electoral administrators and public bodies. This commission was set up to take an independent view on the impact of these decisions. (It is quite separate from the Boundary Commission for Scotland, which keeps under review the boundaries of Westminster Parliamentary constituencies, and the Electoral Commission, which works towards increasing confidence in the democratic process and modernising the electoral system.)

Specifically, we have been asked to look at the possible impact of boundary differences and multiple voting systems on voter participation, relationships with MPs and MSPs, and the service provided to constituents by their elected representatives. In making recommendations, we have also been asked to look at whether these consequences require action in respect of the method of voting for the Scottish Parliament.

The members of the commission are listed at Annex A and our remit is set out in full at Annex B.

The issues we are required to consider are at the heart of our political process and democratic representation in Scotland. Although reporting to the Secretary of State for Scotland and the First Minister, our commission is independent of government and is committed to conducting a wide-ranging and open public inquiry, including visits around Scotland to take evidence, in line with the principles and criteria set out in this paper. We will also consider existing reports on boundaries and voting systems, including those from the Boundary Commission and the Electoral Commission.

We therefore welcome views from across Scotland, and where appropriate from other areas of the UK, on the issues and questions raised in this document. We would wish to receive these by 15 April.

We are aware that there has been some previous discussion of these issues. However, it is vital to examine the detail further, before the changes come into operation.

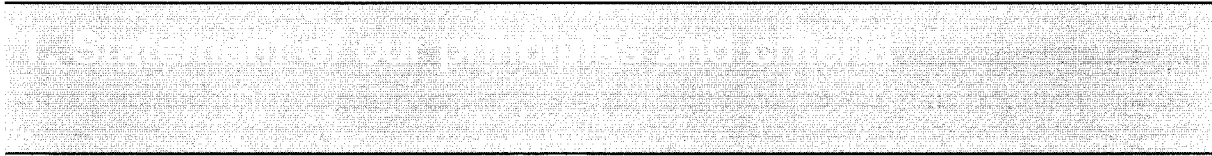
The commission aims to report by the end of 2005.

Please visit our website at [www.arbuthnotttcommission.gov.uk](http://www.arbuthnotttcommission.gov.uk) for further information on the commission's task and to see progress on our developing work.

**Sir John Arbuthnott**

Chairman

Commission on Boundary Differences  
and Voting Systems



1.1 At the outset, we believed it was necessary to establish some principles which would underpin our work, and some criteria by which we might be able to assess the likely impact of any proposals we make. A similar approach had informed the work of the Independent Commission on the Voting System (the “Jenkins Commission”)<sup>1</sup>, which was established by the Government to recommend an alternative to the existing system for Westminster Parliamentary elections, and the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the “Richard Commission”)<sup>2</sup>.

1.2 The Jenkins Commission took as its starting point the concept of “fairness” and asserted “A primary duty of an electoral system is to represent the wishes of the voters as effectively as possible”. We concur with that view, and we further believe that a system which may confuse voters is likely to act against achieving such an aim. We therefore believe our recommendations should aim to simplify the system as much as possible, make it transparent, readily understandable and easy to operate. In so doing we would hope to increase confidence in our country’s electoral systems and their outcomes, overcome any reluctance by voters to become engaged with the democratic process and help to increase participation.

1.3 We would want our recommendations to allow each citizen to understand who their elected representatives are in each tier of governance and to make the channel of communication between them as open and easy to access as possible. We believe that if this is achieved, then citizens will be better enabled to take part in their democratic society.

1.4 We place the citizen at the centre of our concerns. The public consultation that was held by the Jenkins Commission indicated very clearly that the public did not wish the power of the political party machine to be strengthened at the expense of fairness to the citizen, and our approach is similar. Whilst it is important that our recommendations are acceptable to, and useful for, the political parties, our primary concern is to ensure that their effect is directly targeted at the individual elector.

1.5 We also recognise the importance of the political parties and their essential contribution to the democratic process. The introduction of proportional representation for the Scottish Parliament elections in 1999 has been a welcome innovation and our remit requires us to respect the devolution settlement. We positively value the diversity and plurality of views it has permitted and

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<sup>1</sup> 1998, Cm 4090-1

<sup>2</sup> Reported Spring 2004



accordingly any proposals we bring forward will reflect our commitment to maintaining the benefits of proportional representation to the country and to the parties, ensuring that election results remain a fair and accurate reflection of the voting choices of the people of Scotland.

1.6 Scotland has not yet had an election using the single transferable vote system. This will be used for the first time at the local government elections in 2007 and is intended to produce proportionality in the make up of councils while still maintaining a direct link between the voter and his or her ward representatives. We believe that such direct links are of intrinsic democratic value and would wish to see them sustained at each level of governance. Systems that do not produce such direct links, or in which the links are too distant, seem to us to be undesirable at a time when an increasing amount of the work of an elected member at any level is concerned with advocacy of individual cases and pursuit of concerns raised by individuals.

1.7 Such tasks undertaken by elected members also demand that the relationships between elected representatives at different tiers, or of different types within the same tier, are as clear as possible, both in the minds of electors and for the effective and efficient operation of the many Scottish organisations who are required to work with local authority representatives, MPs, MSPs and MEPs.

1.8 The role of an elected representative goes wider than advocacy and involvement in constituency or ward case work. Our system of democracy also requires those elected to administer or legislate, to be part of a wider pool from whom holders of office are chosen, and to be members of a grouping which is accountable for its programme when in office. The direct geographical link is, in our view, the most important element but it is not the only one: accordingly our recommendations must also ensure that the broader aspects of elected governance are not impeded by any suggested changes.

1.9 Our remit requires us to consider not just the boundary differences and the voting systems but the impact of these on citizens, elected representatives and Scottish public bodies. In so doing we need to be aware of the wider implications of any recommendations we make. For example, when considering the expressed desire of the House of Commons Scottish Affairs Committee, amongst others, for co-terminous boundaries, we must recognise that there are geographical imperatives and traditional patterns of population. If these are disrupted for electoral reasons, communities and democracy may be weakened rather than strengthened.

1.10 Finally, we are undertaking our work with a desire to bring forward proposals which will stand the test of time and which will bring some greater logic and order to an "ad-hoc" series of electoral arrangements which have grown up over many years. Accordingly, we need to acknowledge that it may take some time to introduce any new arrangements.

1.11 In summary, our commission is seeking to:

- ▶ place the citizen at the centre of its concerns;
- ▶ remain true to the principles of the devolved settlement and to the benefits of plurality and diversity of views which are inherent within it;
- ▶ make recommendations which increase confidence in voting systems and encourage participation;
- ▶ ensure that voting systems are transparent, readily understandable, easy to operate, and guarantee that the views of Scotland's voters are represented as fairly and accurately as possible;
- ▶ help each voter to understand who his or her representatives are at each level of governance, how they are chosen, and what their responsibilities are;
- ▶ maintain and develop the primacy of the ward or constituency link between voters and their representatives;
- ▶ outline the proper relationships between elected members at each tier of governance; and
- ▶ make recommendations that do not weaken communities and traditional and emerging patterns of population.

## 2. Different Boundaries

2.1 Since in future there will be 59 Scottish constituencies for Westminster and 73 for the Scottish Parliament (see Annex C and maps 1 and 2), this will lead to almost all of these constituencies having different boundaries for the two sets of elections.

2.2 Some views on the possible consequences of having different boundaries for these two types of constituencies are already available from the Scotland Office's consultation in early 2002 on whether to keep 129 MSPs.<sup>3</sup>

2.3 That consultation argued it would be important, in considering whether to retain or end the link between Westminster and Holyrood constituencies, to address the practical issues of how elected representatives could function if they did not have common constituency boundaries.

2.4 Some respondents claimed that the electorate would be confused and administration made much more difficult. A majority did not believe this would be the case, or thought that any difficulties could be overcome - although some of them could also see the benefits of keeping the same boundaries if this were possible.

2.5 Most respondents, however, did not address these issues in detail. The commission understands that the views were expressed around the larger issue of the size of the Scottish Parliament. This was clearly the dominant concern of the time. It may therefore be the case that boundary difficulties and other issues were of secondary interest to those who were in favour of keeping 129 MSPs, and also possibly exaggerated by those who wanted to see a reduction in MSP numbers in line with the Scotland Act 1998.

2.6 The commission has seen the main responses to the Scotland Office's consultation and the summary of all of them.

2.7 We have also noted the important and relevant evidence to and conclusions of the recent inquiry by the House of Commons Scottish Affairs Committee. This considered the consequences for Scotland's governance and political life, including the implications for voters, of the creation of different constituency boundaries in Scotland for elections to the UK and Scottish Parliaments.<sup>4</sup>

<sup>3</sup> *The Size of the Scottish Parliament - a consultation*. A copy of this document and a summary of the responses to it are available on the Scotland Office website at [www.scotlandoffice.gov.uk](http://www.scotlandoffice.gov.uk). A summary of the responses dealing specifically with non-coterminous boundaries is also available in the Scottish Affairs Committee's report (see footnote 4) at EV 70-73.

<sup>4</sup> House of Commons Scottish Affairs Committee, *Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change*, First Report of Session 2003-04, HC77

2.8 Although the evidence to the Scottish Affairs Committee was mixed regarding the difficulties that might flow from not having coterminous boundaries, the Committee concluded that the convenience of the electorate was paramount and constituency boundaries should therefore be coterminous to avoid possible confusion.

2.9 We are looking to those respondents who commented in detail on the issues surrounding boundary differences to either the Scotland Office or the Scottish Affairs Committee to contact us to confirm, expand or revise the views which they expressed to these inquiries. In addition, others who did not comment at the time may wish to do so now.

2.10 We are aware that possible options for creating common boundaries while retaining 129 MSPs or thereabouts have been raised in the responses to the Scotland Office's consultation and in recent debates. **Some of the suggestions are set out below, with a brief assessment of their implications.**

**2 MSPs for each new Westminster constituency (2 x 59), with a top up of 11 MSPs from a national list**

Each Westminster constituency could either be split into two for elections to the Scottish Parliament or remain a single constituency returning two MSPs.

The voting system used would depend on the structure chosen. In either case, however, there would be a reduction in the current level of proportionality in the Scottish Parliament's membership.

Unlike the present regional list MSPs, national list members would not have an attachment to any particular area in Scotland.

**60 constituency members and 69 (or 60) list members, from either regions or a national list**

This would keep the Scottish Parliament constituencies identical to those for Westminster (except for Orkney and Shetland).

The change in balance between constituency and list MSPs would increase the proportionality in the electoral system. However, it could also exacerbate the perceived difficulties between the role and operation of constituency and list MSPs (see 3.8, box 3, below).

### **Grouping the new Westminster constituencies to form larger Holyrood multi-member constituencies**

This would avoid overlapping constituencies for the two Parliaments. Linking two or three Westminster constituencies would provide a structure to elect four or five MSPs.

The size of the optimum groupings for urban and rural areas would have to be considered carefully. A balance would need to be struck between achieving proportionality and retaining meaningful constituency and geographical links.

Moving to this structure would require the introduction of a new voting system – probably the single transferable vote.

### **Hybrid system, with rural constituencies the same as for Westminster and multi-member seats in the cities and urban areas**

This would retain manageable and meaningful constituencies in sparsely populated rural areas.

A number of options could be used for voting under this structure, such as the single transferable vote in the cities and either first past the post or the alternative vote in the rural seats.

Under this system, however, there would be little proportionality in the rural constituencies and it is likely that some political parties would be disadvantaged over others.

2.11 If having different constituency boundaries for Westminster and the Scottish Parliament should emerge as a significant issue, then these and other options will need to be considered further in some detail by this commission – keeping in mind the requirement in our remit that our recommendations must respect the principles of the devolution settlement.

2.12 The commission would in general appreciate your views on –

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How different boundaries between Westminster and Scottish Parliament constituencies might affect –

- voter participation;
  - the relationship between public bodies and authorities in Scotland and MPs/ MSPs; and
  - representation of constituents by different tiers of elected members.
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2.13 In particular, we would like to know –

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Q1	How important do you think it will be, either in voting or for dealing with your political representatives, to have common boundaries for Scottish Parliament and Westminster constituencies?
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Q2	Do you currently experience difficulty in identifying who to approach – local councillor; constituency MSP; regional MSPs; MP; or MEPs - to deal with a particular issue? If so, what changes might make this easier?
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Q3	If it is decided to keep the same boundaries, or a system of common ones, for Westminster and Scottish Parliament constituencies, what structure (such as in the examples outlined above) would provide the best way of achieving this?
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Q4	How important is it to have close identification between elected representatives and specific areas? If this is significant, what is the maximum size and population for effective representation?
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Q5	Would it be useful if other public bodies, such as health boards, also fitted within constituency and ward boundaries?
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### 3. Voting Systems In Scotland

3.1 There are currently three different voting systems in use in Scotland for elections –

- ▶ first past the post, involving single member constituencies, for elections to the House of Commons and currently for local government;
- ▶ a mixed additional member system, combining first past the post for constituency representatives with a party list for election to the Scottish Parliament; and
- ▶ a national closed-list proportional representation system for European parliamentary elections.

3.2 The Scottish Parliament is responsible for local government elections and the voting system used for these. From the 2007 elections onwards there will be a new system of proportional representation using the single transferable vote, based on multi-member wards of either three or four councillors. Electors will vote by ranking the candidates in their order of preference on the ballot paper. Following the poll, a quota of votes will be calculated and those candidates who achieve this will be elected. Then the votes for candidates who have either been comfortably elected or who have no chance of being elected will be transferred to second or subsequent preferences candidates until all the seats in the ward have been filled.

3.3 The Local Government Boundary Commission for Scotland, following the introduction of the single transferable vote, is currently reviewing the local government electoral arrangements. It is expected that it will complete this process by August 2006.

3.4 The Scottish Local Government (Elections) Act 2002 requires local government elections to be held on the same day as elections to the Scottish Parliament. So, in May 2007 voters and electoral administrators will have to engage with three distinctly different voting systems all at the same time.

3.5 In addition, there are also elections to local community councils, which currently use either first past the post or the single transferable vote.

3.6 We have noted that the Scottish Affairs Committee concluded that while “there may well be good reasons why, for example, elections to Westminster need a different system than elections to the Scottish Parliament”, they were “not convinced that every type of election needs a different voting system.”

3.7 We are also aware that some people would like to see first past the post for Scottish Parliament elections, while others argue for introduction of the alternative vote system, or for the single transferable vote. And, of course, there is support for the current mixed system for elections to the Scottish Parliament. Arguments have also been made for the lists for both Scottish Parliament and European elections to be open rather than closed.

3.8 **More details on how each of these systems operates are set out below.**

#### **First Past The Post**

Under first past the post, or the 'simple majority' system, the successful candidate is the one who gets more votes than any other candidate on a single count.

This system provides a direct link between constituents and their elected representatives and is easy to understand and operate. However, it allows a party to gain a greater number of seats than it would be entitled to from its share of the votes cast. It is not therefore very proportionate - a party with a minority of votes overall may gain a majority of seats. Not every vote is seen to count under this system and it is argued this may discourage some electors from voting.

The alternative vote system is a variant of first past the post – see below.

#### **Single Transferable Vote**

Under the single transferable vote system, electors rank candidates in multi-member constituencies in their preferred order. Those who pass a threshold are elected. Surplus votes from successful candidates are then transferred to voters' next-ranked choice until the required number of seats has been filled.

All members chosen under the single transferable vote are elected and accountable in the same way. Constituency links are retained, although the effectiveness of these will depend on the size of the area represented – particular problems may be experienced in rural areas with small, widely spread populations.

Proportionality is achieved to a greater or lesser extent depending on the number of candidates elected for each constituency. The larger the number of seats in each constituency, the more proportional the outcome. However, there is a need to strike a balance between achieving proportionality and having constituencies of a manageable size.



### **Additional Member System**

Scottish Parliament elections use the additional member system which involves election of constituency MSPs by first past the post and additional members from a party regional list. This offers much more proportionality than first past the post - that is, the number of seats gained by a party reflects more accurately the votes for it - although the extent of this depends on the ratio of list seats to constituency ones.

The allocation of list seats takes account of the constituency (single member) seats won by each party and the total number of votes cast for the party list. Through a process of 'topping-up' a closer balance is achieved between votes cast for a party and its number of MSPs.

The additional member system retains the member-constituency link and offers constituents a choice of regional MSPs to approach about particular issues.

However, it is sometimes argued that this system produces two different categories of MSPs and creates tensions and demarcation issues between them. Concerns have also been raised about candidates who have been clearly rejected in the ballot for a constituency seat then gaining election through the regional list.

Some voters appear to have difficulty in understanding the operation of the list vote used in this system.

The present closed list, with candidates ranked in order by the political parties, has also been criticised. An open list would give electors greater choice by allowing them to place candidates in their preferred order and might increase the accountability of list MSPs.

### **Proportional Representation List**

European Parliamentary elections in Great Britain use a regional list system of proportional representation. (However, in Northern Ireland these elections are held using the single transferable vote.) For the single electoral region of Scotland each party presents a closed list of its candidates ranked in an order it determines (on a national, not constituency, basis). Electors vote for a party and members are elected from the list according to the number of votes received. The underlying principle is that a party's share of the vote is translated directly into an equivalent proportion of seats.

The criticisms which have been raised in relation to the closed list for Scottish Parliament elections apply equally here.

### Alternative Vote

The alternative vote, not currently used in Scotland, is a variation of first past the post. It too is based on single member constituencies. However, the successful candidate, through distribution of preferences between candidates, is the one who secures the support of over half of the voters. This is a majoritarian rather than a proportional system.

3.9 We hope that the commission's work will lead to a system that is likely to prevail for some years. Therefore, as with the boundary issues, the commission seeks your views on –

How having different voting systems might affect –

- voter participation;
- the relationship between public bodies and authorities in Scotland and MPs/MSPs; and
- representation of constituents by different tiers of elected members.

3.10 We ask respondents to note our requirement to ensure that any recommendations on alternatives to the current voting system for the Scottish Parliament retain significant proportionality.

3.11 Also, in particular, we would like to know –

**Q6** What impact do you think having four different systems of electing representatives will have on voters, and on how effectively constituents are represented?

**Q7** What is your view on the operation of the voting systems used for elections to the Scottish Parliament and the European Parliament?

**Q8** Do you think electors will be confused by having to vote using the new single transferable vote system for local government elections on the same day as using the additional member system for the Scottish Parliament elections?

**Q9** Does the existing structure of constituency and regional list MSPs generally work to the benefit of constituents, or have you experienced difficulties in the representative roles of these two types of MSP?

**Q10** Are there improvements that could usefully be made in the way MSPs are elected?

## 4. Summary of Questions

The Commission needs your views and comments on the issues raised in this paper. We have posed a number of questions, which are given in summary below, but responses that tackle these issues in a different way are also welcome.

**Q1** How important do you think it will be, either in voting or for dealing with your political representatives, to have common boundaries for Scottish Parliament and Westminster constituencies?

**Q2** Do you currently experience difficulty in identifying who to approach - local councillor; constituency MSP; regional MSPs; MP; or MEPs - to deal with a particular issue? If so, what changes might make this easier?

**Q3** If it is decided to keep the same boundaries, or a system of common ones, for Westminster and Scottish Parliament constituencies, what structure would provide the best way of achieving this?

**Q4** How important is it to have close identification between elected representatives and specific areas? If this is significant, what is the maximum size and population for effective representation?

**Q5** Would it be useful if other public bodies, such as health boards, also fitted within constituency and ward boundaries?

**Q6** What impact do you think having four different systems of electing representatives will have on voters, and on how effectively constituents are represented?

**Q7** What is your view on the operation of the voting systems used for elections to the Scottish Parliament and the European Parliament?

**Q8** Do you think electors will be confused by having to vote using the new single transferable vote system for local government elections on the same day as using the additional member system for the Scottish Parliament elections?

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**Q9** Does the existing structure of constituency and regional list MSPs generally work to the benefit of constituents, or have you experienced difficulties in the representative roles of these two types of MSP?

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**Q10** Are there improvements that could usefully be made in the way MSPs are elected?

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More generally, the commission seeks your views on –

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How having different boundaries between Westminster and Scottish Parliament constituencies and four different voting systems might affect –

- voter participation;
  - the relationship between public bodies and authorities in Scotland and MPs/ MSPs; and
  - representation of constituents by different tiers of elected members.
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## Responses

Comments on the issues raised in this paper should be sent by **15 April 2005** by email to [arbuthnottcommission@scotland.gsi.gov.uk](mailto:arbuthnottcommission@scotland.gsi.gov.uk) or to –

Commission on Boundary Differences and Voting Systems  
50 Frederick Street  
Edinburgh  
EH2 1NG

It would be helpful to receive responses by email if possible, and before the deadline.

Representative groups are asked to give a summary of the people and organisations who they represent when they respond.

The commission will make responses publicly available as soon as possible after they are received on our website [www.arbuthnottcommission.gov.uk](http://www.arbuthnottcommission.gov.uk) unless they are clearly marked as confidential. Confidential responses will, however, be included in any summary of the number of comments received and views expressed.

## Commission on Boundary Differences and Voting Systems

The chairman of the commission is Professor Sir John Arbuthnott, previously Principal and Vice-Chancellor of the University of Strathclyde and currently chairman of Greater Glasgow NHS Board.

The commission's other members are -

- |                         |   |
|-------------------------|---|
| Mr Adam Bruce           | - Director, McGrigors Public Policy, Edinburgh                                |
| Professor Mike Donnelly | - Professor of Management, University of Paisley                              |
| Mr Donal Dowds          | - Divisional Managing Director, BAA Scotland and USA                          |
| Mr John Keggie          | - Self employed businessman and former Deputy General Secretary, CWU Postal   |
| Mr John Lawrie, OBE     | - Former investment manager and former Chairman of the Scottish Liberal Party |
| Councillor Alison Magee | - Convenor, Highland Council  |
| Mr John McCormick       | - Former Controller, BBC Scotland   |
| Dr Nicola McEwen        | - Lecturer in politics, University of Edinburgh                               |
| Ms Mary Pitcaithly      | - Chief Executive and Returning Officer, Falkirk Council                      |
| Mr Michael Russell      | - Freelance journalist and broadcaster and former MSP for South Scotland      |

The commission's secretariat is -

- |                     |                       |
|---------------------|-----------------------|
| Dr Ewan MacLean     | - Secretary           |
| Miss Anne Cairnduff | - Assistant Secretary |

You can contact us at -

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The commission's remit is to examine 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;
- ▶ the relationship between public bodies and authorities in Scotland and MPs/MSPs; and
- ▶ representation of constituents by different tiers of elected members.

We have been asked to make recommendations 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;
- ▶ the pattern of electoral boundaries in Scotland;
- ▶ relationships with other public bodies and authorities in Scotland; and
- ▶ the method of voting in Scottish Parliament elections;

and to make recommendations on the form of any action, while respecting the principles of the devolution settlement.

We are required to be independent, transparent and consultative.

The commission has been asked to report to the Secretary of State for Scotland and the First Minister within 18 months of starting our inquiry. The Secretary of State will then decide on the Government's response, taking into account the Executive's views.

## **The Scottish Parliament (Constituencies) Act 2004**

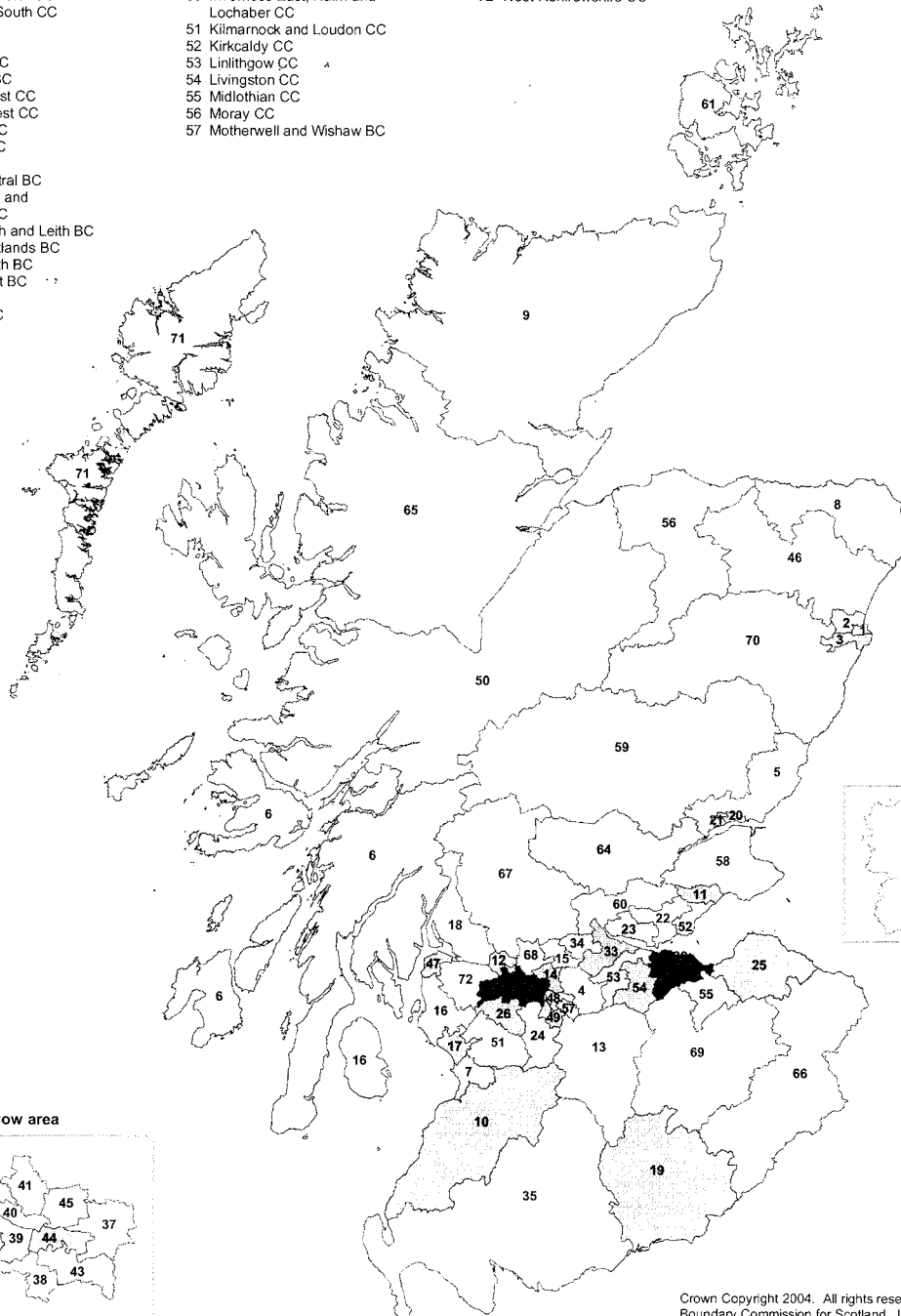
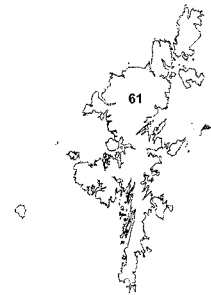
1. Before it was amended by the Scottish Parliament (Constituencies) Act 2004, the Scotland Act 1998 provided for the constituencies of the Scottish Parliament to be the same as those for Westminster, except that Orkney and Shetland are separate constituencies.
2. The 2004 Act, which received Royal Assent in July 2004, removed the link between the constituencies for the Scottish Parliament and those for the House of Commons. This Act provides that the existing constituencies are to be retained for the Scottish Parliament notwithstanding any changes to those for the purposes of United Kingdom parliamentary elections.
3. There are currently 73 constituency Members of the Scottish Parliament (MSPs) and 56 regional list MSPs.

## **Redistribution of Scottish seats at Westminster**

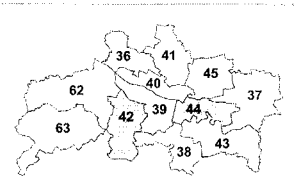
4. The Scotland Act provided that when the Boundary Commission for Scotland next reviewed the Westminster constituencies it was to use the same (larger) electoral quota as used in England. This would inevitably reduce the number of Scottish constituencies.
5. The Boundary Commission started its fifth periodical review of the Parliamentary constituencies in Scotland in June 2001. Its report to the Secretary of State for Scotland was laid before Parliament on 14 December 2004 (Cm 6427), together with a draft Order in Council giving effect to its recommendations. This Order will reduce the number of Scottish Westminster constituencies from 72 to 59. Details of the new constituencies can be found on the Boundary Commission's website at <http://www.bcomm-scotland.gov.uk/5th%20report/index.htm>

# **Current Westminster parliamentary constituencies for Scotland, which will remain those for the Scottish Parliament (except Orkney and Shetland)**

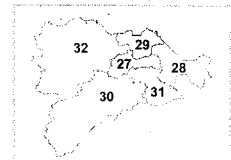
- |  |  |   |
|--|--|---|
| 1 Aberdeen Central BC                      | 35 Galloway and Upper Nithsdale CC       | 58 North East Fife CC                   |
| 2 Aberdeen North BC                        | 36 Glasgow Anniesland BC                 | 59 North Tayside CC                     |
| 3 Aberdeen South BC                        | 37 Glasgow Baillieston BC                | 60 Ochil CC                             |
| 4 Airdrie and Shotts BC                    | 38 Glasgow Cathcart BC                   | 61 Orkney and Shetland CC               |
| 5 Angus CC                                 | 39 Glasgow Govan BC                      | 62 Paisley North BC                     |
| 6 Argyll and Bute CC                       | 40 Glasgow Kelvin BC                     | 63 Paisley South BC                     |
| 7 Ayr CC                                   | 41 Glasgow Maryhill BC                   | 64 Perth CC                             |
| 8 Banff and Buchan CC                      | 42 Glasgow Pollok BC                     | 65 Ross, Skye and Inverness West CC     |
| 9 Caithness, Sutherland and Easter Ross CC | 43 Glasgow Rutherglen BC                 | 66 Roxburgh and Berwickshire CC         |
| 10 Carrick, Cumnock and Doon Valley CC     | 44 Glasgow Shettleston BC                | 67 Stirling CC                          |
| 11 Central Fife CC                         | 45 Glasgow Springburn BC                 | 68 Strathkelvin and Bearsden CC         |
| 12 Clydebank and Milngavie CC              | 46 Gordon CC                             | 69 Tweeddale, Ettrick and Lauderdale CC |
| 13 Clydesdale CC                           | 47 Greenock and Inverclyde CC            | 70 West Aberdeenshire and Kincardine CC |
| 14 Coatbridge and Chryston BC              | 48 Hamilton North and Belishill BC       | 71 Western Isles CC                     |
| 15 Cumbernauld and Kilsyth CC              | 49 Hamilton South BC                     | 72 West Renfrewshire CC                 |
| 16 Cunninghame North CC                    | 50 Inverness East, Nairn and Lochaber CC |   |
| 17 Cunninghame South CC                    | 51 Kilmarnock and Loudon CC              |   |
| 18 Dumbarton CC                            | 52 Kirkcaldy CC                          |   |
| 19 Dumfries CC                             | 53 Linlithgow CC                         |   |
| 20 Dundee East BC                          | 54 Livingston CC                         |   |
| 21 Dundee West BC                          | 55 Midlothian CC                         |   |
| 22 Dunfermline East CC                     | 56 Moray CC                              |   |
| 23 Dunfermline West CC                     | 57 Motherwell and Wishaw BC              |   |
| 24 East Kilbride CC                        |  |   |
| 25 East Lothian CC                         |  |   |
| 26 Eastwood CC                             |  |   |
| 27 Edinburgh Central BC                    |  |   |
| 28 Edinburgh East and Musselburgh BC       |  |   |
| 29 Edinburgh North and Leith BC            |  |   |
| 30 Edinburgh Pentlands BC                  |  |   |
| 31 Edinburgh South BC                      |  |   |
| 32 Edinburgh West BC                       |  |   |
| 33 Falkirk East CC                         |  |   |
| 34 Falkirk West CC                         |  |   |



**Glasgow area**



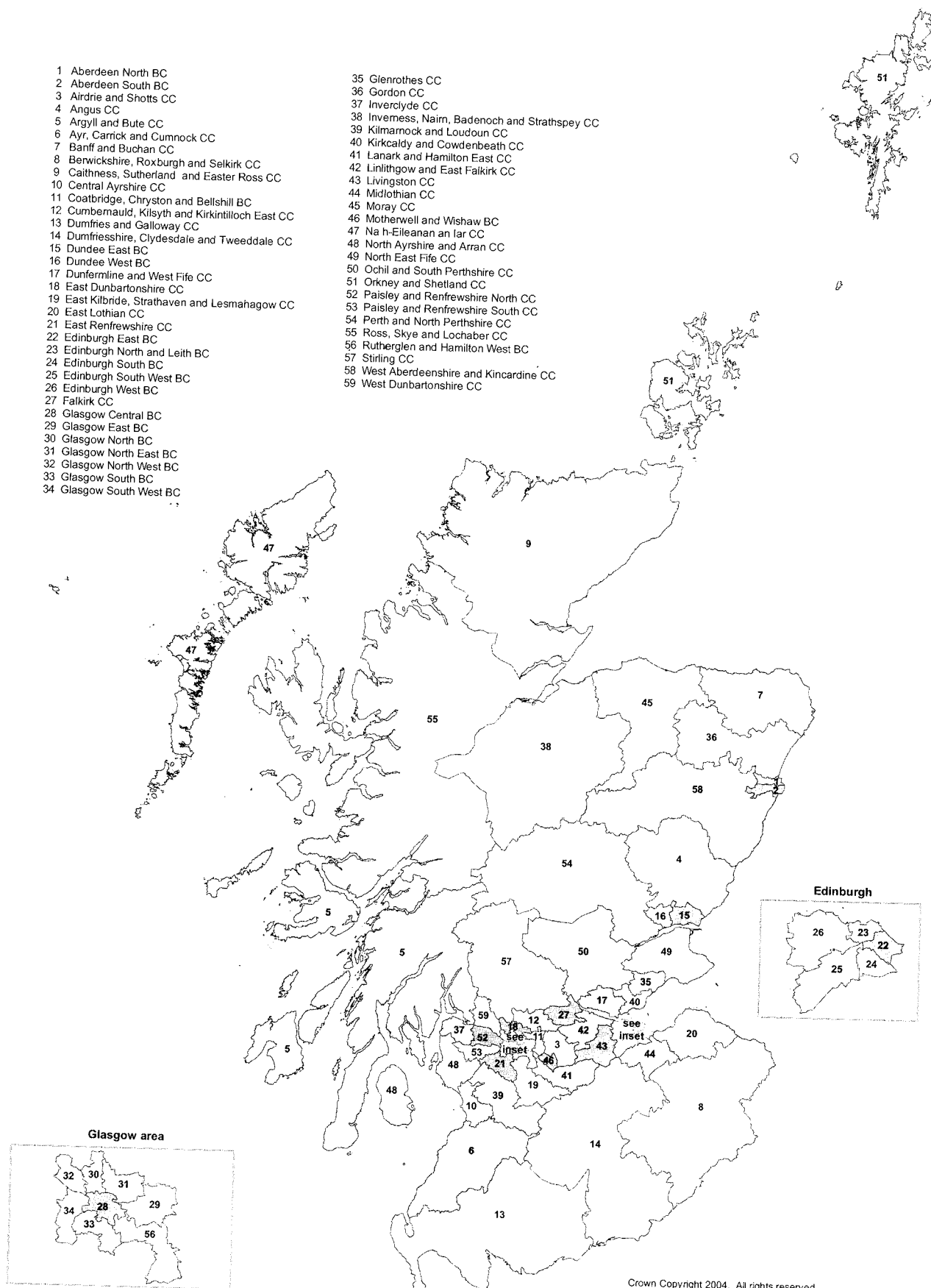
**Edinburgh**





# Future Westminster parliamentary constituencies for Scotland

- 1 Aberdeen North BC
- 2 Aberdeen South BC
- 3 Airdrie and Shotts CC
- 4 Angus CC
- 5 Argyll and Bute CC
- 6 Ayr, Carrick and Cumnock CC
- 7 Banff and Buchan CC
- 8 Berwickshire, Roxburgh and Selkirk CC
- 9 Caithness, Sutherland and Easter Ross CC
- 10 Central Ayrshire CC
- 11 Coatbridge, Chryston and Bellshill BC
- 12 Cumbernauld, Kilsyth and Kirkintilloch East CC
- 13 Dumfries and Galloway CC
- 14 Dumfriesshire, Clydesdale and Tweeddale CC
- 15 Dundee East BC
- 16 Dundee West BC
- 17 Dunfermline and West Fife CC
- 18 East Dunbartonshire CC
- 19 East Kilbride, Strathaven and Lesmahagow CC
- 20 East Lothian CC
- 21 East Renfrewshire CC
- 22 Edinburgh East BC
- 23 Edinburgh North and Leith BC
- 24 Edinburgh South BC
- 25 Edinburgh South West BC
- 26 Edinburgh West BC
- 27 Falkirk CC
- 28 Glasgow Central BC
- 29 Glasgow East BC
- 30 Glasgow North BC
- 31 Glasgow North East BC
- 32 Glasgow North West BC
- 33 Glasgow South BC
- 34 Glasgow South West BC
- 35 Glenrothes CC
- 36 Gordon CC
- 37 Inverclyde CC
- 38 Inverness, Nairn, Badenoch and Strathspey CC
- 39 Kilmarnock and Loudoun CC
- 40 Kirkcaldy and Cowdenbeath CC
- 41 Lanark and Hamilton East CC
- 42 Linlithgow and East Falkirk CC
- 43 Livingston CC
- 44 Midlothian CC
- 45 Moray CC
- 46 Motherwell and Wishaw BC
- 47 Na h-Eileanan an Iar CC
- 48 North Ayrshire and Arran CC
- 49 North East Fife CC
- 50 Ochil and South Perthshire CC
- 51 Orkney and Shetland CC
- 52 Paisley and Renfrewshire North CC
- 53 Paisley and Renfrewshire South CC
- 54 Perth and North Perthshire CC
- 55 Ross, Skye and Lochaber CC
- 56 Rutherglen and Hamilton West BC
- 57 Stirling CC
- 58 West Aberdeenshire and Kincardine CC
- 59 West Dunbartonshire CC



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**SINGLE TRANSFERABLE VOTE WORKING GROUP**

**FINAL REPORT**

**STV Working Group Secretariat  
September 2004**

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**Annex D Consultation on protocol for multi-member working - analysis of responses**

## CHAPTER 1: INTRODUCTION

### Background

1. Significant consideration has been given to the most appropriate voting system for elections to local government in recent years. In June 1999, the McIntosh Commission recommended that 'Proportional Representation should be introduced for local government elections. A review should be set up immediately, to identify the most appropriate voting system for Scottish local government.' The Commission also recommended that 'The criteria to be used in determining the system or systems of PR to be adopted for Scottish local government should be:

Proportionality;

The councillor-ward link;

Fair provision for independents;

Allowance for geographical diversity; and

A close fit between council wards and natural communities.'

2. The Commission also recommended that 3 systems of PR – Additional Member System (AMS), Single Transferable Vote (STV) and Alternative Vote (AV) top-up – be given particular consideration.

3. The Kerley Group was subsequently set up to advise on the most appropriate system of election, taking account of the criteria identified by McIntosh. The Group examined a number of electoral systems against these criteria, although they attached greatest importance to the first two. The Group rejected the Alternative Vote system (AV) because they believed it to be a majoritarian system and not a proportional system. The majority of the Group concluded that STV best met the requirements of their remit, but a minority disagreed, and had their views recorded separately in the Group's report which was published in June 2000.

4. The White Paper *Renewing Local Democracy – The Next Steps* published in March 2002 by the Scottish Executive addressed the recommendations of the Kerley Group and attracted responses from members of the public, councils, community councils and other interested bodies. The outcome of that consultation led to the publication of the draft Local Governance (Scotland) Bill in February 2003. This draft Bill was taken forward by the new Executive following the elections in May 2003 and a revised draft was issued for further consultation in July that year with the final draft Bill being introduced to the Scottish Parliament on 21 November 2003. The Bill completed its Parliamentary passage on 23 June 2004 and received Royal Assent on 29 July.

### Remit of the Group

5. The Single Transferable Vote Working Group was one of three Working Groups set up by the Scottish Executive in September 2003 to look at the practical issues raised by the

Bill. Details of the remits of the other two Groups - the Councillors' Remuneration Progress Group and the Widening Access Progress Group – can be found at

<http://www.scotland.gov.uk/about/FCSD/LG-CONS1/00018375/page1.aspx>

The decision to introduce STV had already been taken. The remit of the Group was therefore to examine the procedures necessary to facilitate council elections being held using the Single Transferable Vote and how multi-member wards might operate in practice. In particular, the Group was to consider 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.

## Membership

6. The Group was chaired by David Green, Chairman of the Crofters Commission and former Convenor of Highland Council. The full list of members is as follows:

David Green, Chairman of the Crofters Commission, (Chairperson)  
Leslie Evans, Scottish Executive (until December 2003)  
Sarah Morrell, Scottish Executive (from December 2003)  
Jeff Hawkins, Society of Local Authority Lawyers and Administrators  
Councillor Jim McCabe, Convention of Scottish Local Authorities  
Dr Vicki Nash, Society of Local Authority Chief Executives (until February 2004)  
Mary Pitcaithly, Society of Local Authority Chief Executives (from April 2004)  
Billy Pollock, Association of Electoral Administrators  
Dr Ken Ritchie, Electoral Reform Society  
Bob Smith, Local Government Boundary Commission for Scotland

Arthur McCourt, the Chief Executive of Highland Council, also attended Group meetings as an adviser to David Green. The Group was supported in its working role by

Heather Aitken	Secretary
Michael Cutts	Secretariat
Clare McFadden	Secretariat

## Timetable

7. The expected lifetime of the Group was about one year and it was agreed that the Group would report its findings in full to Scottish Ministers at the end of that period.

## Issues for consideration by the Group

8. The issues examined by the Group stemmed from the decision by the Scottish Executive to replace the First Past the Post system currently used for local government elections with the STV system using 3 to 4 member electoral wards.

9. The key issues of which Ministers wished to take account in bringing forward proposals for change were outlined in the White Paper "Renewing Local Democracy: the Next Steps". These were that the system should:

- retain the councillor-ward link;
- give a clear reflection of voters' preferences;
- be usable throughout Scotland;
- be responsive to the views of voters in both urban and rural council areas;
- not unduly favour either larger or smaller parties;
- not act for or against the interests of independent candidates;
- have clear support;
- not change councillor numbers.

10. The Group also considered issues arising from the consultation on the draft Local Governance (Scotland) Bill together with the need for possible research on the practical implementation of STV.

11. The Group met eight times from September 2003 (Annex A lists the meetings held) and its work programme was based on a number of main themes: ward parity and geography; access to councillors, the allocation of ward business, multi-member wards in practice and the councillor/ward link; and the practicalities of conducting elections. The Group also looked at a range of existing research material on these issues, and sought views from a cross-section of interested parties as well as meeting councils and organisations with a direct interest in electoral systems and how they operate.

12. As it was considered that some aspects of the implementation of STV might affect the content of the Local Governance (Scotland) Bill, the Group submitted an interim report to Ministers in January this year in order to inform Parliamentary consideration of the Bill and take account of Stage 1 discussions at the Local Government and Transport Committee. This report and Ministers' response can be found at <http://www.scotland.gov.uk/about/FCSD/LG-CONS1/00018375/page757291942.aspx>. Annex B to this report contains details of the Group's findings and recommendations on the issues relating to ward parity and geography, Ministers' response to these recommendations and subsequent changes to the provisions of the Bill.

13. The Chairman of the Working Group was invited to give evidence on the findings and recommendations of the interim report to the Local Government and Transport Committee during its Stage 1 scrutiny of the principles of the Bill. Other members of the Group were also invited to give evidence to the Committee as representatives of their professional bodies or organisations. The transcript of this evidence is reproduced in the Committee's Stage 1 report which is available on the Scottish Parliament's website at <http://www.scottish.parliament.uk/lg/index.htm>.

14. Members of the Group also observed the STV count undertaken at the Northern Ireland Assembly elections held in November 2003 and later attended a seminar chaired by the Electoral Commission on the issues raised by and lessons to be learned from the conduct

of the count. Issues arising from this seminar have helped inform the findings of the Working Group on the practical implementation of the STV system.

15. The Group also held informal consultation meetings concentrating on the practical implementation of STV in conjunction with four of its business meetings. Every council leader was invited to attend or send a representative to at least one of these meetings although not all of them chose to attend. The meetings were held in Edinburgh, Inverness, the Borders and Glasgow. A list of those attending the consultation meetings is attached at Annex A and a summary of their comments is included in the relevant chapters of this report.



## CHAPTER 2: PRACTICALITIES OF CONDUCTING ELECTIONS

### Background

16. Both the responses which the Scottish Executive received to the consultation on the draft Local Governance (Scotland) Bill and the evidence given to the Local Government and Transport Committee during its Stage 1 scrutiny of the Bill indicated concerns about a range of practical issues involved in implementing the STV system.

17. The next local government elections are due to take place in May 2007, on the same day as the elections to the Scottish Parliament. This arrangement raises a number of issues which were reflected during discussions at the various consultation meetings:

- combined elections - the majority view of those attending the consultation meetings was that the elections should be decoupled because of the complexity of STV and it was suggested that the Group might wish to come to a definite view on whether to decouple the elections;
- the length and complexity of the STV count - a manual STV count could take significantly longer than a count under the First Past the Post system. Experience in Northern Ireland suggests that the count could take 2 full days, which would mean that the count would continue into the weekend, unless the polling day were changed;
- the timing of the count - at the first 2 combined Scottish Parliamentary and local government elections, the Parliamentary count was carried out overnight, after the close of poll, and the local government count was carried out on the following day. Returning Officers have already expressed their concerns about an overnight Parliamentary count and their capacity to resource it;
- the risk of voter confusion over the 3 different ballot papers used at combined elections, and the fact that votes will be marked differently on the ballot paper for the local government election using STV;
- the importance of the voter awareness campaign planned for the period immediately before the elections, and of the training for Returning Officers and their staff.

18. The Group recognises that the next local government elections are due to take place on the same day as the elections to the Scottish Parliament. It notes that the majority of councils and election practitioners favour decoupling the elections and that this approach would ease the burden of administering the elections and also reduce the potential for voter confusion.

19. The Group also notes that Ministers are not minded to decouple the elections.

20. In its Stage 1 report, the Local Government and Transport Committee considered there were a number of issues likely to arise in future local government elections under STV, should they continue to be combined with elections to the Scottish Parliament. These included the potential for voter confusion, the length of the count and the additional commitments which would be required of returning officers and their staff. The Committee

asked the Executive to consider these issues and the issue of e-counting and report back to the Committee before Stage 2 on its proposals for resolving these issues.

21. In their response, Ministers acknowledged the concerns expressed during Stage 1 about the potential for voter confusion and the administration of an STV count and advised that the STV Working Group was considering issues of practical implementation. Ministers also indicated that they hoped that the Group's final report would help to inform future action on these issues.

22. The following paragraphs set out the separate issues and the Group's findings. For ease of reference, these are set out in the sequence in which they would occur at an election.

### **Awareness raising for candidates and agents**

23. In addition to the information to be provided to voters on voting with STV, the Group ***considers that it will be important for candidates and their agents to be provided with information on both the voting and counting processes involved in STV.*** Whilst this may, in part, be addressed by any information guide that is produced for candidates and agents, there are also issues here for the individual political parties to consider. The Group therefore ***recommends that the Scottish Executive, Returning Officers and the political parties give early consideration to this.***

### **Independent candidates**

24. One of the issues raised at one of the consultation meetings was the question of whether of independent candidates would be put at a disadvantage by the introduction of STV and whether this might jeopardise the tradition of independent councillors in Scotland. Evidence from Ireland indicated, however, that independents were not necessarily being disadvantaged by the STV system. A further issue was whether there would be equality of treatment for all candidates and whether the mechanism for freepost leaflets currently available to Parliamentary candidates could be extended to local government candidates. Whilst the Group does not consider that there would be any specific disadvantage for independent candidates, for reasons of equality of treatment it ***recommends that the Scottish Executive consider the introduction of freepost mailing for all candidates and how this might be taken forward.***

### **Voter awareness and avoiding the risk of voter confusion**

25. Effective voter awareness is a vital element in combating voter confusion. An extensive public information campaign will be needed to ensure that electors understand how to vote by STV. This view was endorsed by virtually all those who attended the consultation meetings held by the Group and the overwhelming view was that good information for the voter and publicity would be vital given the different types of electoral systems to be used and the likely confusion this would cause. As one council leader succinctly put it: "Most people don't have a scooby about this".

26. It was also considered important that young people be encouraged to take part in the electoral process and be introduced early on to STV and that ***longer-term consideration should therefore be given to including alternative voting methods (such as on-line voting or voting at public venues) that might be more attractive to younger people. The STV***

*system could also be trialled at other elections such as those for pupil councils and school boards. Some community council elections are already held using STV and councils could be encouraged to develop this practice further.*

27. *The needs of voters with disabilities would also be an issue for consideration in any awareness campaign as research had shown that there was a low level of awareness of electoral systems amongst people with disabilities.*

28. Whilst the detail of such a campaign will be the responsibility of the Scottish Executive, there are a number of common themes and messages from past experience in voter awareness campaigns which the Executive will wish to consider in its deliberations.

#### Early planning

29. The Group notes that the Scottish Executive is responsible for voter awareness for council elections and that the Electoral Commission fulfils the same role for Parliamentary elections. The campaign for the Scottish elections in 2003 was a joint one and *the Executive will wish to consider whether this should be the case for 2007 or whether, as a new voting system is being introduced, there are arguments for separate campaigns.* Whatever the basis for the campaign, *planning for the campaign will need to start well ahead of the election with on-going monitoring of its effectiveness together with regular communication with other players such as returning officers and local authority information officers.*

30. The Group also recognised that if an all-postal election were to be considered in conjunction with the introduction of STV, different issues of voter awareness would arise such as the need to consider an effective replacement for the advice normally available to voters at the polling station. It therefore *recommends that, if an all-postal election were to be considered in conjunction with the introduction of STV, the Scottish Executive should consider the need for an effective replacement for the advice normally available to voters at the polling station.*

#### Training for Returning Officers and elections staff

31. Training for returning officers and their staff plays a vital role in the conduct of any election but more so when introducing changes to the electoral system. Feedback on the training material developed for use at the 1999 and 2003 Scottish elections was favourable and *the Scottish Executive may wish to consider whether this model might be used in the development of training material for STV elections.*

#### Information and advertising

32. There are a number of elements for consideration in any awareness campaign and the Group suggests that the following would provide a useful starting point:

- the message to be put across by the campaign;
- the level of information to be given about STV: whether this should be limited to information on how to vote or include a basic understanding of how the count works;

- target audience: all voters, younger or older voters, whether there is a need for special measures to reach target groups;
- campaign slogans and images (the campaign run in Northern Ireland when STV was introduced in 1973 used a cartoon character and the slogan “STV – as easy as 1, 2, 3, ...”);
- how local representation will change – the move from single-member to multi-member wards;
- the need for materials to be tested for impact and clarity;
- campaigns at national and local level.

### Leaflets

33. Experience of previous election campaigns has shown that the distribution of a leaflet to all households is probably the single most effective means of providing information. There is a case for supplementing this with alternative means of distribution, for example handing a leaflet over with all transactions at Post Office counters.

34. ***Consideration should also be given to the production of leaflets in ethnic languages and for people with visual impairment or with learning difficulties, and also whether to include example ballot papers with all leaflets.***

### Media advertising

35. This encompasses television, radio, press and poster advertising and experience has shown that the combination of these provide the most effective approach as the individual elements on their own were not sufficient to put across the message. Innovative methods of advertising were also an option and ***consideration might be given to alternative methods such as cinema adverts; information through schools; grants for appropriate third party projects; student competitions such as poster design; and the promotion of mock school elections using STV.***

### Website

36. Although a dedicated website would clearly attract a number of users, the target audience would be limited in terms of access. However, as well as being an additional means of providing information to voters, it would allow the provision of more detailed information on the electoral system to party candidates, agents and campaigners, as well as to educationalists and other formers of opinion.

### Advice and enquiry services

37. It will be necessary for councils to provide advice and enquiry services for voters. These services might encompass telephone hotlines; information services at polling stations including explanatory posters in polling stations and in polling booths; and ballot papers with clear instructions.

## Electronic voting and counting

38. A number of those who have expressed concern about the practical arrangements for the elections in 2007 have suggested that the introduction of electronic voting or counting might facilitate the process. The Group notes the Partnership Agreement commitment to the further investigation of postal and electronic voting (e-voting), and supports moves to modernise the electoral process. The Group is concerned, however, that the introduction of e-voting at the first elections held using STV would be a step too far, and could significantly increase the risk of something going wrong with the administration of the election. This view was endorsed by those attending the Group's consultation meetings and it was felt that the introduction of multiple changes would be a step too far for most voters to cope with.

39. The Group also notes that, following its Stage 1 scrutiny of the Local Governance (Scotland) Bill, the Local Government and Transport Committee of the Scottish Parliament concluded that:

- e-counting offers a number of significant advantages over conventional counting methods, such as the potential to increase the speed and accuracy of the counting and transferring of votes;
- if the technology relating to e-counting can be proven to be reliable, robust and accurate, the Executive should take measures to ensure that it is in place in time for the next local government election;
- the technology related to e-voting is less advanced and likely to be only a longer-term possibility as there are a number of challenges to be overcome before e-voting could be introduced, not least that of ensuring confidence in a system which will dispense with actual ballot papers.

The Group concurs with the findings and recommendations of the Committee on the question of e-voting and counting.

### E-voting

40. Given the lack of experience of e-voting within the UK, and the significant amount of work which would have to be undertaken before e-voting could be introduced and secure the confidence of the voter and electoral administrators, ***the Group recommends that e-voting is not introduced for the elections in 2007.*** The Group would, however, support further work on the possibility of introducing e-voting for future elections in Scotland.

### E-counting

41. The Group recognises that e-counting may be a more realistic possibility, and that the introduction of e-counting would help to tackle the difficulties inherent in carrying out an STV count manually, particularly the length and complexity of the count. Any system would, however, have to be fully tested before being rolled out nationally, and the opportunities for testing e-counting between now and the elections in 2007 are fairly limited. Using e-counting at the time STV is introduced would also mean that any new counting mechanism would have to be transparent and easily understood, and incorporate software to show all the stages, processes and calculation of the count so that each vote can be tracked.

The Group therefore *recommends that the potential of e-counting to assist with the administration of the elections should be explored further, but recognises that there may be a limit to what can be achieved before the next local government elections in 2007.*

42. The Group also considers that it would be more efficient and effective to develop e-counting at a national level through the use of piloting to create common standards, specifications and procedures. It would be important to learn from the lesson of the disruption apparently caused by the lack of investment in equipment at the Greater London Assembly elections in 2000 and ensure both a proper level of investment in equipment and the ability to conduct a manual count in the event of equipment failure.

43. One important aspect to bear in mind in the development of e-counting would be to ensure the security of the count and also the transparency of the process for those observing the count, particularly the candidates and their agents. *The Group therefore recommends that the Scottish Executive should produce an easy to follow guide on how the count would work.*

### **Complexity and length of the count**

44. While the introduction of e-counting might address some of the issues relating to the complexity and length of an STV count, the Group recognises that there is no guarantee that e-counting will be introduced in time for the local government elections in 2007. A number of Group members attended the count for the elections to the Northern Ireland Assembly in November 2003 which took 2 full days. The Group recognises that there are a number of ways in which the count process witnessed in Northern Ireland could be speeded up in line with current practice in Scotland, but there is no doubt that a manual STV count will take considerably longer and be significantly more complex than a count using the First Past the Post system. The Group has therefore considered issues relating to the timing of the count and the day of the election with a view to establishing whether changes in these areas would facilitate the process.

### **Timing of the Count**

45. Returning Officers had suggested that the day of the combined elections might be moved from a Thursday to earlier in the week (preferably a Tuesday) to allow counts to be carried out during the working week, rather than over a Bank Holiday weekend, but the Group understands that this cannot be achieved without primary legislation at Westminster.

46. The Group notes that many Returning Officers wish to start counts the following morning rather than counting the Parliamentary results after polls close to ensure a more effective operation. The Group recognises that the timing of the Parliamentary count is a reserved matter and not one for the Scottish Executive to address, but notes that avoiding the need for an overnight count would reduce the risk of tired counting staff making mistakes in the later stages of an STV count. Experience in Northern Ireland suggests that deferring the count until the following day appears to work well and is accepted by all stakeholders.

### **Conclusions and recommendations**

47. Given the range of issues involved in the preparations for elections using STV, the Group considers that another working group will need to be established to oversee the variety

of tasks that will need to be completed during the run-up to the introduction of STV. The Group is aware that oversight of the preparations for recent elections (including the 2004 European elections) has been undertaken by a Joint Working Group whose members were drawn from the Scottish Executive, the Scotland Office, COSLA, SOLACE, SOLAR, AEA, SAA and the Electoral Commission. Under the auspices of this group, individual elements of the preparations such as voter awareness, training and elections rules were taken forward by individual groups who reported back to the Joint Working Group. As this Joint Working Group has proved to be successful, the Group *recommends that a similar approach be adopted for the introduction of STV.*

The Group further *recommends that this Joint Working Group gives specific consideration to the development of a voter awareness campaign for the introduction of STV, ballot paper design and format, the possible development of an e-counting system for STV and the issue of general advice to councils on multi-member wards in practice based on the findings set out in this report. Specific consideration should also be given to the need for consultation with interested parties on the revised election rules and other secondary legislation to ensure that these are drafted in such a way as to be easily understood and workable.*

### **CHAPTER 3: ACCESS TO COUNCILLORS, THE ALLOCATION OF WARD BUSINESS, THE COUNCILLOR/WARD LINK AND MULTI-MEMBER WARDS IN PRACTICE**

#### **Background**

48. The introduction of STV is likely to affect the future composition of councils and more councils may find themselves either in the position of having to work on a coalition basis or, where a single party leads the council, facing more significant opposition. The introduction of multi-member wards is also a significant change. Instead of single-member wards under the First Past the Post system, there will be larger wards represented by either three or four members. The Group therefore identified three issues for consideration under this theme:

- how multi-member wards would work in practice, including access to and support for councillors and how responsibilities would be allocated to ward members;
- how the councillor/ward link would be maintained;
- how duplication of work and roles might be prevented; and relationships with council staff.

Many of the issues and procedures discussed here are not new and are already in use within councils but they may well become more prominent with the introduction of multi-member working.

#### **Issues of multi-member working raised at consultation meetings**

49. The issues set out above reflected the issues and concerns expressed to the Group during its discussion sessions with councillors and representatives from other interested groups. Additional views were as follows:

- coalition councils considered that, on the basis of their experience, multi-member working would work well;
- whether the increase in number of constituents would act as a potential deterrent to standing as a candidate for election;
- concern about the increase in individual workloads as parties would expect councillors to represent all the ward electorate;
- potential conflict between multi-member working in practice and the statement in the Councillors' Code of Conduct that councillors have a duty to be accessible to all the people of the area for which they have been elected to serve;
- the implication of multi-member wards for the organisation of other council services and policies, e.g. community planning.

50. The information the Group received on current multi-member working in practice (both under STV (Northern Ireland and the Republic of Ireland) and First Past the Post



(England and Wales)) revealed no evidence of formal protocols between councillors in multi-member wards. Working practices in multi-member wards appeared to be agreed on an informal basis and divided up on either a geographic or subject basis. The only example of a formal protocol was the protocol included in the MSPs' Code of Conduct.

51. In order to help its consideration of the issues, the Group commissioned a summary of current research on multi-member working and STV in general from the Scottish Executive's research staff. A copy of the research is attached at Annex C.

### **How multi-member wards work in practice**

#### Draft protocol for multi-member working

52. The Group was doubtful about the extent to which formal protocols would work and experience elsewhere suggested that there is no real need for this in practice. The Group therefore agreed that draft broad principles should be drawn up in a protocol which councils could adapt for their own use. These principles would also cover the issue of duplication of work and roles as well as relationships with council staff.

53. One of the Group's interim recommendations to Ministers was that the draft protocol be issued for consultation to local authorities and other interested parties and that careful thought be given to how the protocol might relate to the Councillors' Code of Conduct. In their response, Ministers noted the proposal to issue a draft protocol for consultation and indicated their interest in the outcome of the consultation.

54. The draft protocol was issued at the beginning of April (a copy of the protocol is included in the Group's interim report) and the consultation period ran to 16 June. An analysis of the responses received to the consultation is attached at Annex D.

55. Following the consultation the Group has ***concluded that there was little enthusiasm at present for such a protocol and recommends that this should not be pursued. It does recognise however that the issue might need to be revisited at a later date.***

### **Retaining the councillor/ward link**

56. The Group also wished to consider whether there were other practical issues relating to how councillors conduct their business, constituents' access to councillors, how services are delivered and other issues of political management that might arise as a result of multi-member wards being introduced. The views expressed to the Working Group by councillors and others focused primarily on constituents' access to councillors and on how councillors would carry out their constituency roles.

#### Relationships between councillors and officers

57. These issues should be covered by the respective codes of conduct for councillors and officers supplemented, if it were deemed necessary, by councils' own internal protocols.

### Relationships with community councils

58. The relationship which councillors have with community councils is a vital part of their constituency roles. If the number of such bodies increases as the size of the ward increases, there could be issues relating to the time burden and workload of councillors if they are to attend meetings and deal with the issues raised by these bodies. Conversely, if such bodies have up to four councillors attending their meetings, then the dynamic of the meetings and the relationship between these bodies and their councillors may well change.

### Constituents' access to councillors

59. The view was frequently expressed that the introduction of multi-member wards may lead to less clarity amongst the public about which councillor a constituent should approach with a query or complaint. The position, of course, will be that a member of the public is entitled to raise a query or complaint with any one, or all, of the members representing their ward. Councillors may agree to divide responsibilities amongst themselves on the basis of geography or function. That may suggest that there needs to be a degree of formality in any such arrangements. However, there was a widely held view that such arrangements may be difficult to arrive at in practice, for example, between councillors from different political parties or where councillors all come from one community in a large geographic ward. The view was also expressed that such arrangements run counter to the duty of councillors to represent all of their constituents. This view is also reflected in the response to the draft protocol.

60. Whatever arrangements are decided upon, councils will need to make sure that there is clear and easily accessible information for members of the public on how to contact their councillors and their choice in doing so. There are practical issues for councils to address in how to deal with queries and complaints. For example, if a member of the public raises an issue with more than one councillor, the council will need a clear method of responding to such queries and complaints which avoids different or conflicting responses to the member of the public. Generally, this can be dealt with by the type of customer relations management systems that many councils have implemented, or are implementing. However, it may be that there is a need to give some specific consideration to ensure that enquiries to multiple members are dealt with. This, of course, is not a new set of circumstances, but it is likely to become more prevalent where there are multi-member wards.

61. Where a member of the public approaches all councillors in a ward with a query or complaint, there will generally be no problems arising from any personal data that may be involved. However, if a member of the public approaches one ward councillor, data protection issues may arise from the sharing of any personal information with other councillors who the member of the public has chosen not to approach. If a council adopts the practice that information on constituent queries and complaints should be shared between all members in a ward or more widely, for example with Committee Convenors, then in such circumstances the permission of the constituent would need to be sought.

### Resourcing councillors' constituency roles

62. The nature of councillors' constituency roles will not change, but some of the practicalities of carrying out that role may change significantly. The fact that three or four members may have an interest in constituency issues or in queries from individual members

of the public will inevitably give rise to the need to ensure that all ward members have access to the same information about ward issues to enable them to discharge their roles properly. Whilst appropriate use of ICT makes this relatively simple, there may be additional costs, training and staffing given the current levels of use of ICT amongst councillors. Councils may wish to explore the scope for increasing the use of ICT by councillors to enable improved access to information and meetings. The Local Government (Scotland) Act 2003 brought in provisions to allow councils to use ICT (such as video-conferencing) to conduct meetings.

63. Multi-member wards could mean that there is a potential fourfold increase in the number of constituents and a fourfold increase in the size of ward that a councillor has to serve. It is possible then that a councillor may have to represent the interests of more than 24,000 constituents in an urban area or represent a ward of more than 4,750 square kilometres in a rural area of the Highlands and Islands. In such circumstances, it seems highly likely that the resources available to support councillors in carrying out their constituency roles will need to be significantly increased if they are to be able to do so effectively.

64. As with community councils, the relationship which councillors have with School Boards, Tenants' or Residents' Associations and other community bodies is vital to their constituency roles. Similar issues of the relationship with these bodies together with the time burden and workload of councillors arise if they are regularly to attend meetings and deal with the issues raised by these bodies.

65. None of these situations present new issues of principle for councils. They do, however, suggest an increasing ward based workload for councillors and ***the need for some thought to be given to the principles of information sharing between councillors, sufficient resources to support the constituency work of councillors and clarity in the roles of councillors in relation to ward based organisations.*** Councils may also need to look at the different channels that the public use to contact the council. Currently, the greatest number of contacts come to the council via telephone and public caller offices, with councillor contacts forming a relatively small, although very important, number of public contacts for councils. If one result of multi-member wards is to make the identity of the local councillor less clear and also potentially to increase their workload, ***councils may also wish to look at how they manage telephone and front office contacts to support the role of the councillor.***

#### Political management and committee arrangements

66. The introduction of STV may increase the number of councils which have coalition or minority administrations and introduce an increased level of opposition in those councils where there has been a tradition of strong majority administration. As more parties and independents may be represented within the council, this will require a change of working methods and patterns. ***There may be value, therefore, in those councils which already work in coalitions and minority administrations sharing their experience in this area, through COSLA, across local government as a whole in the interests of developing best practice.***

67. It would be possible, if a council were so minded, to create ward committees for the conduct of ward business; the minimum number of members required to form a committee being three. On the positive side, this could allow for very localised decision making. On the negative side, committees of such a size are prone to difficulties arising from absence, declarations of interest and hung votes. Such arrangements would be subject to the normal

statutory provisions governing the conduct of committee business and could also have significantly increased costs associated with the administration of business.

68. Multi-member wards are unlikely to have significant implications for service delivery. However, where there is a practice of delegation to officers being exercised following consultation with the local councillor, arrangements will need to be amended to include all ward councillors, unless there is a geographic division of responsibilities agreed amongst members. This affords the opportunity for a division of opinion and may mean that delegated issues need to be referred to committee with consequent delays and increased costs of administration.

#### Follow-up

69. It is impossible to predict at this stage what issues will arise and what will go smoothly with multi-member working and the Group recognises that it will take some time for multi-member working to bed in. However, as the research on multi-member working undertaken for the Group identified a gap in evidence of how the voter-member link operated in practice in multi-member wards, the Group considers that it would be useful to review practices at a relatively early stage. It therefore ***recommends that councils/the Scottish Executive should undertake an interim review of multi-member working in practice once it has been in place for two years and a full review after the first term.***

## **CHAPTER 4: WARD PARITY AND GEOGRAPHY**

### **Background**

70. The Scottish Executive's Partnership Agreement, drawn up after the elections in May 2003, includes the commitment to introduce the STV system for the next local government elections and that multi-member wards would have either 3 or 4 members, depending on local circumstances. This commitment is reflected in the provisions of the Local Governance (Scotland) Act.

71. In practice this means that, for the purposes of the next and subsequent local government elections, council areas will be divided into wards and each ward will have 3 or 4 councillors. The process of reviewing the ward boundaries and determining which wards will have 3 members and which will have 4 will be carried out by the Local Government Boundary Commission for Scotland (LGBCS). The Scottish Executive have indicated that the choice of three or four councillors per ward is intended to achieve a balance between the need for a proportionate outcome and the need to ensure a link between councillor and ward.

72. Both the responses which the Scottish Executive received to the consultation on the draft Local Governance (Scotland) Bill and the evidence given to the Local Government and Transport Committee during its Stage 1 scrutiny of the Bill indicated concerns about a range of issues involving ward parity and geography.

73. The Group's findings and recommendations on the issues relating to ward parity and geography were included in its interim report and are not therefore repeated here, but information about these findings and recommendations are attached at Annex B.

### **Issues on the number of members per ward and ward boundary reviews raised at the Group's consultation meetings**

74. Issues relating to the number of members per ward and ward boundary reviews were the ones most frequently raised by those attending the four consultation meetings held by the Group.

75. It was clear from these meetings that there were strong concerns in most councils about the lack of flexibility in introducing 3 and 4 member wards throughout Scotland and that this approach was felt to ignore the differing circumstances and geography of rural and island areas.

76. There was a common view on the following points:

- the lack of flexibility would not allow STV to "fit" natural communities and would not therefore achieve its aims throughout Scotland;
- the combination of quite different circumstances of urban and rural communities within a single council's boundaries meant that a single parity figure for each council would not reflect the variety of communities and would make it very difficult to arrive at boundaries which reflected natural communities;

- there was insufficient flexibility within the system to allow variations in parity and number of electors per member and accessibility to councillors in multi-member wards which cover a large geographical area.

77. Particularly strong concerns were expressed by the councils represented at the meeting in Inverness. They argued that, given the special circumstances of the Highlands and Islands, there should be scope for single member wards or for putting 2 existing wards together but making it a 3 member ward. In certain island situations, and in the more sparsely populated rural areas of the Highlands and Islands, it would be essential to allow for single member wards if island and rural communities were to have adequate access to their councillors.

78. Additional concerns centred around the arrangements for the review of ward boundaries and the need for councils to be involved from the outset, the need for boundaries to follow areas of natural communities, implementation of the review and the potential for the lack of coterminous boundaries to cause problems for service delivery, particularly in terms of community planning. The majority view was that boundaries should be redrawn afresh.

### **Final provisions in the Local Governance (Scotland) Act**

79. Following Parliamentary consideration of the Bill, it was subsequently amended to:

- strengthen the role of councils in the review process by ensuring that the LGBCS consults councils on its initial proposals for revised ward boundaries before these proposals are issued for wider consultation. The ward boundary review will therefore have a number of formal consultation stages. The Boundary Commission will consult councils at the beginning of the review process. There will also be a two-month consultation on the Commission's draft proposals with councils only at which the Commission will have to give reasons to the council for any differences between the ward boundaries it proposes and the ward boundaries that would have resulted if existing wards were combined. This will be followed by a full public consultation on the proposals. There will be strict time limits on the consultation with councils (who would have to provide their comments within two months of receiving a copy of the draft proposals) so that this additional involvement would not adversely affect the timetable for completion of the ward boundary review;
- reinstate Schedule 6 of the Local Government (Scotland) Act 1973; and amend that schedule to adjust the criteria to ensure that in a local government area every councillor is returned in relation to the same or nearly the same number of electors, and to provide that, if there were any conflict between the duties of the LGBCS to have regard to identifiable boundaries and local ties, greater weight should be given to local ties;
- ensure that the LGBCS would have to consider existing ward boundaries, but would be able to adjust those boundaries, or to start from scratch where the Schedule 6 criteria justified such an approach.

## **Conclusions**

80. The Group notes that, despite strong arguments for greater flexibility, the Local Governance (Scotland) Act 2004 provides for 3 and 4 member wards across Scotland. It welcomes the changes made to the Bill during its Parliamentary process in relation to the review of ward boundaries.

## CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

81. The work of the Group has concentrated on three main areas relating to the introduction of STV: ward parity and geography; access to councillors, allocation of ward business, the councillor/ward link and multi-member wards in practice; and the practicalities of elections. Work on the first of these areas will be taken forward by the Local Government Boundary Commission for Scotland. This Group has therefore concentrated on identifying the practical issues of putting STV into practice and how these might be taken forward. It also made the conscious decision to look at these issues in the round rather than examine the individual elements in detail as this detail would be better dealt with by those who would be directly involved with the preparations for introducing STV.

82. The Chairman would like to thank the Group members for the knowledge and experience they have shared and the time they have given voluntarily to this work, the Secretariat for their support to the Group and those who provided views and evidence at meetings or in writing.

### Summary of conclusions and recommendations

#### Practicalities of conducting elections

1. In addition to the information to be provided to voters on voting with STV, the Group ***considers that it will be important for candidates and their agents to be provided with information on both the voting and counting processes involved in STV.***

2. Whilst this may, in part, be addressed by any information guide that is produced for candidates and agents, there are also issues here for the individual political parties to consider. The Group therefore ***recommends that the Scottish Executive, Returning Officers and the political parties give early consideration to this.***

3. Whilst the Group does not consider that there would be any specific disadvantage for independent candidates, for reasons of equality of treatment it ***recommends that the Scottish Executive consider the introduction of freepost mailing for all candidates and how this might be taken forward.***

4. It was also considered important that young people be encouraged to take part in the electoral process and be introduced early on to STV and that ***longer-term consideration should therefore be given to including alternative voting methods (such as on-line voting or voting at public venues) that might be more attractive to younger people. The STV system could also be trialled at other elections such as those for pupil councils and school boards. Some community council elections are already held using STV and councils could be encouraged to develop this practice further.***

5. ***The needs of voters with disabilities would also be an issue for consideration in any awareness campaign as research had shown that there was a low level of awareness of electoral systems amongst people with disabilities.***

6. The Group notes that the Scottish Executive is responsible for voter awareness for council elections and that the Electoral Commission fulfils the same role for Parliamentary



elections. The campaign for the Scottish elections in 2003 was a joint one and *the Executive will wish to consider whether this should be the case for 2007 or whether, as a new voting system is being introduced, there are arguments for separate campaigns.*

7. Whatever the basis for the campaign, *planning for the campaign will need to start well ahead of the election with on-going monitoring of its effectiveness together with regular communication with other players such as returning officers and local authority information officers.*

8. The Group also recognised that if an all-postal election were to be considered in conjunction with the introduction of STV, different issues of voter awareness would arise such as the need to consider an effective replacement for the advice normally available to voters at the polling station. It therefore *recommends that, if an all-postal election were to be considered in conjunction with the introduction of STV, the Scottish Executive should consider the need for an effective replacement for the advice normally available to voters at the polling station.*

9. Feedback on the training material developed for use at the 1999 and 2003 Scottish elections was favourable and *the Scottish Executive may wish to consider whether this model might be used in the development of training material for STV elections.*

10. *Consideration should also be given to the production of leaflets in ethnic languages and for people with visual impairment or with learning difficulties and also whether to include example ballot papers with all leaflets.*

11. *Consideration might be given to alternative methods such as cinema adverts; information through schools; grants for appropriate third party projects; student competitions such as poster design; and the promotion of mock school elections using STV.*

12. Given the lack of experience of e-voting within the UK, and the significant amount of work which would have to be undertaken before e-voting could be introduced and secure the confidence of the voter and electoral administrators, *the Group recommends that e-voting is not introduced for the elections in 2007.* The Group would, however, support further work on the possibility of introducing e-voting for future elections in Scotland.

13. The Group *recommends that the potential of e-counting to assist with the administration of the elections should be explored further, but recognises that there may be a limit to what can be achieved before the next local government elections in 2007.*

14. One important aspect to bear in mind in the development of e-counting would be to ensure the security of the count and also the transparency of the process for those observing the count, particularly the candidates and their agents. *The Group therefore recommends that the Scottish Executive should produce an easy to follow guide on how the count would work.*

15. As the format of the Joint Working Group established to oversee the preparations for recent elections (including the Scottish Parliament and local government elections in 2003 and the European elections earlier this year) has proved to be successful, the Group *recommends that a similar approach be adopted for the introduction of STV.*

16. The Group further *recommends that this Joint Working Group gives specific consideration to the development of a voter awareness campaign for the introduction of STV, ballot paper design and format, the possible development of an e-counting system for STV and the issue of general advice to councils on multi-member wards in practice based on the findings set out in this report. Specific consideration should also be given to the need for consultation with interested parties on the revised election rules and other secondary legislation to ensure that these are drafted in such a way as to be easily understood and workable.*

Access to councillors, the allocation of ward business, the councillor/ward link and multi-member wards in practice

17. Following the consultation on the draft protocol on multi-member working, the Group has *concluded that there was little enthusiasm at present for such a protocol and recommends that this should not be pursued. It does recognise however that the issue might need to be revisited at a later date.*

18. The Group considers that *thought needs to be given by councils to the principles of information sharing between councillors, sufficient resources to support the constituency work of councillors and clarity in the roles of councillors in relation to ward based organisations.*

19. *Councils may also wish to look at how they manage telephone and front office contacts to support the role of the councillor.*

20. The Group considers *there may be value in those councils which already work in coalitions and minority administrations sharing their experience in this area, through COSLA, across local government as a whole in the interests of developing best practice.*

21. The Group recognises that it will take some time for multi-member working to bed in but considers that it would be useful to review practices at a relatively early stage. It therefore *recommends that councils/the Scottish Executive should undertake an interim review of multi-member working in practice once it has been in place for two years and a full review after the first term.*

**ANNEXES**

- A List of meetings held, plus list of those attending consultation meetings
- B Ward parity and geography: issues covered in the Group's interim report
- C Summary of STV research
- D Consultation on protocol for multi-member working - analysis of responses

ANNEX A

**LIST OF MEETINGS HELD, PLUS LIST OF THOSE ATTENDING  
CONSULTATION MEETINGS**

30 September 2003	STV Working Group only
29 October 2003	STV Working Group only
26 November 2003	STV Working Group only
14 January 2004	STV Working Group Bill Anderson, Forum of Private Business Andrew Burns and Willie Sullivan, Fairshare Andy O'Neill, The Electoral Commission Debbie Wilkie, Scottish Civic Forum Cllr Willie Robertson, Perth and Kinross Council Cllr Alex Thomson, Fife Council Cllr Gillie Thomson, Stirling Council Cllr Helen Wright, Dundee City Council
18 February 2004	STV Working Group Cllr Debra Storr, Aberdeenshire Council Cllr Allan MacCaskill, Argyll and Bute Council Cllr Len Scoular, Argyll and Bute Council Cllr Alex Macdonald, Comhairle nan Eilean Siar Cllr Angus Campbell, Comhairle nan Eilean Siar Cllr Alison Magee, Highland Council Cllr Mike Drever, Orkney Islands Council Pablo Mascarenhas and Lauren Wilson, Highland Youth Voice John Campbell, Voluntary Action Highland Sandy Brady, Highlands and Islands Enterprise University of the Highlands and Islands Cllr David Alston, Highland Council
7 April 2004	STV Working Group Cllr Imrie, Midlothian Council Cllr Perry, City of Edinburgh Council Cllr McGrouther, West Lothian Council Cllr Brooks, North Lanarkshire Council Cllr Smith, North Lanarkshire Council Cllr Campbell, Dumfries and Galloway Council Cllr Parker, Scottish Borders Council John Dowson, Scottish Civic Forum (South of Scotland Region) Thomas Glen, Communities Scotland Davy Jones, Dialogue Youth

26 May 2004	STV Working Group Cllr Charlie Gordon, Glasgow City Council Cllr John Morrison, East Dunbartonshire Council Cllr Geoff Calvert, West Dunbartonshire Council Cllr Paul Torrance, South Ayrshire Council Cllr Florence Grains, Shetland Islands Council Cllr Ruth Simpson, National Association of Councillors Michelle Hegarty, Capability Scotland Reverend Andrew Scobie and Douglas Murray, Association of Scottish Community Councils
24 June 2004	STV Working Group only

## ANNEX B

**WARD PARITY AND GEOGRAPHY: ISSUES COVERED IN THE GROUP'S INTERIM REPORT****Recommendations made in the Group's interim report**

1. The Group made a number of recommendations in its interim report presented to Ministers in January. The majority of these related to the number of members per ward and elements of the ward boundary review. These individual recommendations, the basis on which they were made and Ministers' response are set out below.

Number of members per ward

2. The Group considered the range of evidence provided on the appropriate number of members per ward in both the responses to consultation on the draft Bill and the evidence provided to the Local Government and Transport Committee by a number of groups and individuals. Some argued that the proposed range of 3 to 4 members per ward would provide the least proportional form of STV in operation and the number should be increased to at least 5 to achieve proportionality. There were also arguments for having 2 members where exceptional local circumstances of remoteness and sparsity of population dictate.

3. The requirement for greater flexibility in the range of number of members per ward was also strongly argued by the Local Government Boundary Commission for Scotland (LGBCS) to allow for geographical variation. The LGBCS felt there was a strong argument for greater flexibility of numbers of members per ward on the grounds that a wider range would provide more options for a better fit of wards in terms of focus and sustainability for natural communities, geography and parity. This approach meets the concerns expressed in the consultation on the draft Local Governance (Scotland) Bill, the criteria in the Kerley Report (proportionality, the councillor-ward link, fair provision for independents, allowance for geographical diversity and a close fit between council wards and natural communities), it already worked in Northern Ireland and the Republic of Ireland, and was in line with the criteria which the Executive set out in its White Paper "Renewing Local Democracy: the Next Steps".

4. The Group recognised that its view did not tie in with the Partnership Agreement commitment of 3 to 4 members per ward and the provisions of the Bill. Its recommendation was, in line with the majority view of its members<sup>1</sup>, ***that the number of members per ward should be 3 to 5 in most cases with 2 members where exceptional local circumstances (remoteness and sparsity of population) dictated.***

5. Whilst Ministers recognised that councils and others had argued in favour of both smaller and larger members per ward, they remained unconvinced that the advantages set out in the Group's recommendation on number of members per ward outweighed the disadvantages. In their view, 3-4 members per ward achieved an appropriate balance between proportionality, and the councillor/ward link and the need to avoid particularly large wards. The Local Government and Transport Committee's Stage 1 Report also endorsed this

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<sup>1</sup> Cllr Jim McCabe, representing COSLA, dissented from this view

approach, concluding that 3-4 member wards offered the most acceptable compromise between proportionality and the member-ward link.

#### Ward boundary review

6. The Group felt that there are two options for the basis of reviewing existing ward boundaries to create multi-member wards. These were essentially whether existing wards should be bolted together to create new wards or whether there should be a fresh start with new schemes drawn up to reflect local community focus. The Group had considered the views expressed in responses to the consultation on the draft Bill, evidence given to the Local Government and Transport Committee and information given directly to the Group by the LGBCS on how multi-member wards should be created.

7. Supporters for the “bolting-together” approach underlined the speed and simplicity with which the process could be completed and pointed to the example of Northern Ireland where this approach had been adopted. It was felt that any anomalies caused by this process could be ironed out as part of the on-going review process. The LGBCS considered however that improvements in mapping technology had shown that there would be little advantage in time or practicality in the bolting together of wards as opposed to starting from scratch and that in some cases the problems caused by some existing boundaries would be exacerbated. It was possible to come up with a stable and durable system at the outset rather than have to revisit it in the near future. Technology would allow the combination of various levels of information (postcode, geographical (road, settlement and river patterns), community council/civil parish boundaries or school catchment areas) to provide reasonably accurate estimates of numbers of electors in an area. From this, it was possible to draw up multiple options to determine sensible boundaries with a focus on communities.

8. Having considered both options, the Group recommended **that schemes for new wards should be created starting afresh rather than by merging existing wards.** This recommendation was made on the basis that the system would provide options to ensure a better fit of boundaries to communities which, in turn, would lead to better local democracy.

9. Ministers felt that the introduction of STV would be a major change in the operation of local elections and that they wished to provide for an element of continuity so far as was possible and to do what they could to keep any upheaval to a minimum. They considered that starting from scratch might make it more difficult for voters to relate to their new ward and create more turmoil than was strictly necessary. It might be that merging existing wards and building on what was already there was a better way forward but it was an issue on which they wished to reflect further.

10. The Executive brought forward an amendment at Stage 3 to ensure that, at the initial two-month consultation with councils on the initial proposals for revised boundaries, the LGBCS would have to give reasons to the council for any differences between the ward boundaries it proposed and the ward boundaries that would have resulted if existing wards had been combined. At the second consultation on the proposals, the wider public consultation, the LGBCS is not required to give reasons for any differences in ward boundaries when formulating its proposals for future arrangements.

#### Responsibility for drawing up new ward boundary schemes

11. In view of the recommendations to start afresh in drawing up schemes for new wards and the reliance on mapping technology in doing so, the Group considered that the only practical option was to ask the LGBCS to draw up draft schemes. This option also had the advantage of avoiding any suggestion that political influence could play a role in the way that schemes were drawn up. Allowing an independent body to draw up schemes based on discussion and consultation with individual councils would ensure that agreed parameters were adopted as the standard benchmark for the review, leading to a consistent approach across Scotland.

12. The Group therefore recommended *that responsibility for drawing up new schemes for ward boundaries should lie with the Local Government Boundary Commission and that initial ward boundary proposals should be issued for consultation for a 3 month period, with any revised proposals being issued for consultation for a further month.*

13. Ministers noted that the Group had concluded that the ward boundary reviews should be undertaken by the LGBCS in consultation with councils and that the Local Government and Transport Committee had also recommended that the timetable for the review should allow time for consultation with councils and other bodies. Ministers were keen to ensure that the LGBCS would work with councils from the outset in drawing up and consulting on new wards and would need to consider further how best to achieve this. They agreed that it was important to allow proper time for consultation and believed that it would be vital for the LGBCS to work with councils in creating new wards rather than simply consulting on proposals which had been already drawn up, and to involve councils from the beginning. They advised that they would reflect on how best to achieve that aim, and that the detail of the timetable for the ward boundary review, including the periods of consultation, would be worked out thereafter.

14. The Bill was subsequently amended at Stage 2 to allow additional consultation of councils and set out that the LGBCS must consult individual councils on their initial proposals for revised ward boundaries in the council area two months before issuing those proposals for a wider public consultation.

#### Repeal or replacement of Schedule 6

15. The Bill, as introduced, proposed the repeal and replacement of Schedule 6 to the Local Government (Scotland) Act 1973 which sets out the criteria for ward boundary reviews. The proposed repeal was intended to afford the opportunity to consider the relative weight attached to parity of electors and local ties in carrying out reviews of ward boundaries, because of concerns that had been expressed at the time of the last ward boundary review.

16. Whilst responses to the consultation on the Bill and evidence given to the Local Government and Transport Committee indicated that there were concerns over Schedule 6, these were general and appeared to be about the application of the rules for review rather than their content. The Local Government and Transport Committee (and some respondents to the consultation on the Bill) also expressed some surprise that the criteria would be set out in secondary rather than primary legislation. For these reasons, it would seem that a wholesale replacement of Schedule 6 might not be necessary and that the same objective could be achieved by amending the Schedule or by issuing guidance. The Group discussed that, if it were possible, the inclusion of a definition of ‘local ties’ would be particularly important because past experience had shown that the public used the term in a very broad sense.



17. The Group therefore recommended *that the existing Schedule 6 should be amended to address the concerns that had been expressed about the current rules, their implementation in relation to parity and community ties and the need for them to be prescribed in primary rather than secondary legislation.*

18. In their response Ministers advised that they were aware that the criteria for ward boundary reviews had been the subject of some debate, and that the Local Government and Transport Committee had recommended that the general principles to be adopted by the LGBCS in drawing ward boundaries should be set out in primary legislation. There were arguments in favour of setting out the criteria in secondary legislation, but they were not averse to the criteria being in primary legislation and intended to reflect on whether to lodge amendments to the Bill which would respond to both the Group's and the Committee's recommendations.

19. The Bill was subsequently amended at Stage 2 to reinstate Schedule 6 of the Local Government (Scotland) Act 1973; and to amend that schedule to adjust the criteria to ensure that in a local government area every councillor is returned in relation to the same or nearly the same number of electors, and to provide that if there is any conflict between the duties of the Boundary Commission to have regard to identifiable boundaries and local ties, greater weight should be given to local ties.

**SUMMARY OF STV RESEARCH**



SCOTTISH EXECUTIVE

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# **Literature Review: The Single Transferable Vote (STV)**

**A Report Prepared for the STV Working Group**

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Local Government Research  
FCSD-ASD  
February 2004**

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## 1. Purpose of the Review

The paper reviews the published evidence on the Single Transferable Vote (STV) electoral system. The review was requested by the STV Working Group, whose remit includes examining the practical implications of the introduction of STV across Scotland, such as how multi-member wards will work in practice. The review was undertaken by the Local Government Research Team.

A full literature search of published material on STV was conducted by the Executive's library and information services, while a number of senior academic experts on electoral systems were contacted personally.

The purpose of the review was to evaluate all relevant literature on STV to assess whether the experiences of STV in the small number of countries which use the system can help illuminate the potential impact of its adoption for council elections in Scotland. Related to this, a second aim was to identify gaps in the research that already exists and to suggest areas where additional work would be beneficial to our understanding of how the system works in practice.

## 2. Introduction and Background

STV has tended to be used only in countries which have historical links to the United Kingdom (the brief Estonian experiment with STV being a notable exception to the rule). As well as the list of countries below which currently use STV, the Isle of Man, Estonia, around two dozen cities in the USA (including New York), South Africa, Gibraltar, a number of Canadian provinces and education authorities in Scotland in the 1920s have all adopted and then abandoned the system. In Britain, it was used between 1918 and 1950 to elect four of the seven MPs representing university seats. STV is employed by many private organisations in the UK, including trade unions, the Church of England, the Political Studies Association (PSA) and universities. It is the preferred option of the Electoral Reform Society.

<b>The Use of STV round the World</b>
<b>Australia</b> Federal Senate and 4 State Senates (upper house) ACT Legislative Assembly (lower house) Tasmanian House of Assembly (lower house)
<b>Republic of Ireland</b>
<b>Northern Ireland</b> Assembly, local government and European
<b>Malta</b>
<b>New Zealand</b> Some local authorities from 2004

<b>United States</b> Some local authorities
<b>India</b> (not by universal suffrage) Rajya Sabha (Council of States)
<b>Pakistan</b> (not by universal suffrage) Senate

Note: although the Rajya Sabha (the Indian second chamber) is chosen using STV, it is elected by members of the Vidhan Sabhas (state assemblies) rather than by universal suffrage. A similar system operates for elections to the Pakistani Senate.

Most of the research previously undertaken on STV primarily focuses on how the system operates, its advantages and disadvantages, and the impact it has on the effective operation of government. These are summarised briefly below:

Among the commonly cited advantages of STV are:

- The system is more proportional than FPTP - the public's will is reflected in the distribution of seats. Fewer votes are wasted and this may encourage a higher turnout.
- It enables minority groups to be represented, which may not be the case under FPTP.
- Voters can choose between candidates *within* parties and *across* parties. This allows electors to choose between the abilities and attributes of individual candidates.
- It generally reduces the power of the parties as parties cannot rank candidates as is the case in list systems (although Senate elections in Australia are a notable exception).
- As members are elected from definable constituencies, STV maintains the link between an elected member and voters.
- STV generally produces coalition government; this avoids one party dominance.
- STV is likely to mean that no electoral wards are uncontested.

Opponents of STV often argue that:

- The system does not produce as much accuracy in the proportional representation of parties as the party list or additional member systems.
- Constituencies are large and have multiple members. This threatens the traditional link between voters and an *individual* councillor. Some rural constituencies will cover a very large geographic area.
- STV tends to lead to coalition government - this can place too much power in the hands of small parties and in turn result in ineffectual government.
- Due to the large constituencies, it may be more difficult for voters to hold members accountable for their actions.

### 3. Research Gaps

It is clear from the literature review that the small number of countries which use STV makes it difficult to draw any definitive conclusions on the likely impact of the introduction of STV in Scotland. Only Ireland and Malta use it to elect their national parliaments and both countries are small and predominantly rural. Care must also be taken not to generalise from one country to the next as political culture and the behaviour of those involved can have very important roles in shaping political outcomes.

The literature review has identified a number of gaps that currently exist in the academic and other published literature. Discussions with senior academics in the field have confirmed that little work has been done in these areas, or where it has been done it is often only relevant to the country under review, or is now outdated. The first of these gaps relates to how the voter-member link operates in practice in multi-member wards.

#### 1. Voter-member link in multi-member wards

Great importance is often attached in political discourse in Britain to ensuring that elected representatives are accountable to a clearly defined body of voters and a distinct locality. Similarly, weight is attached to the idea that every elector has someone whom they can approach when they need help in dealing with a public authority, such as the local council or central government. This was an argument continually put forward to the McIntosh Commission, who concluded that the maintenance of the councillor-ward link was essential in any new electoral system (McIntosh, 1999).

The importance of the voter-member link was confirmed in recent research carried out by the Executive and CoSLA (SE/CoSLA 2003). This showed that 45% of councillors stood for election because of an interest in representing their community, while only 8% stood to promote their party's policies. Similarly, when asked about their roles and duties, dealing with individuals' concerns and representing the community were considered by 61% and 69% of councillors to be among their highest priority roles. This compared to only 25% of respondents who placed the setting of strategic policy objectives as their highest priority.

While STV clearly maintains the link between voters and councillors, little research has been done on how this link works in multi-member wards. For example, electors may find it more difficult to know who their elected member is, or to decide which councillor to contact. On the latter point, the limited research that has been conducted in Ireland would seem to suggest that locality is an important determinant in this respect, but in Malta and Northern Ireland political affiliation is more important. As noted above, there are inherent difficulties in trying to generalise from experiences in different countries as to how this link will work in Scotland. Only after constituents become familiar with the system and councillors have had a chance to bed in, can we properly determine what criteria the public are using when approaching their elected representatives.

Similarly, councillors may face problems in dividing up ward business in an equitable manner and in avoiding duplication of work. Again, we can draw very little from experiences in other STV systems. Given the length of time STV has been in place in Ireland, Malta and Australia, working practices and links between individuals and members have generally

evolved over the years and are not considered problematic. The system is seen to work without major difficulties. There is also little research on how multi-member wards work in England – this was confirmed in discussions with the Local Government Association (LGA), the Local Government Information Unit (LGIU), the Electoral Commission and the Local and Regional Government Research Unit at the Office of the Deputy Prime Minister (OPDM). Moreover, given that multi-member wards in England tend to be urban, are often controlled by the same party, and councillors are generally not competing against each other at election time, there is considerable doubt whether we can learn much from the English experience of multi-member wards.

A second but related research gap concerns the possible changes in representative styles. As Farrell and McAllister (2003) note, the vast literature on ‘Duverger’s Law’<sup>2</sup> is predicated on the assumption that voters and politicians respond to electoral system-induced incentives. If this is accepted, then the way in which representatives operate will be influenced, in part, by whichever electoral system they find themselves functioning under. This suggests that councillors in Scotland may alter their representative styles following the introduction of the new electoral system. What is unclear though, is what form this change may take and the associated consequences.

In terms of representative styles, the importance of building a clientalistic base, which distinguishes an individual member from both rival members and also fellow party representatives, is seen as crucial in most STV systems (although Australian Senate elections again prove the danger of generalisations). For example, research conducted in Ireland (see, for example, Farrell 1985; Wood and Young 1997) found high levels of constituency activity by elected representatives. Indeed, STV in Ireland is often criticised for the pressure it places on TDs (members of the Irish Parliament) in terms of constituency workload to the detriment of their strategic roles. This is supported by cross-national research which shows a relationship between electoral system design and parliamentary activity by members of the European Parliament, where candidate-based ballot structures are seen to favour greater emphasis on voter contact by MEPs.

Given that a Department of the Environment, Transport and the Regions paper (1998) on modernising local government noted that much of the criticism of the operation of local government in Britain has focused on the perceived lack of strategic direction provided by councillors, any move to a more clientalistic style of politics in Scotland following the introduction of STV could be seen as problematic. However, even if localism becomes increasingly important, it is not entirely clear what consequences this has for the strategic management of councils.

Conversely, some commentators warn against such a simplistic conclusion and point to ‘cultural’ factors that affect how politicians operate. Katz (1999) cautions against predicting that electoral reform will generate a mechanistic response from elected officials:

‘political culture’ plays an important part in determining the political consequences of electoral systems; the same institution may be associated with quite different outcomes if the actors pursue a different mix of objectives.

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<sup>2</sup> Duverger’s Law is a principle which asserts that a first-past-the-post electoral system naturally leads to a two-party system.



Katz raises what is the fundamental problem in examining the impact of electoral systems: the consequences of electoral reform will very much depend on the prevailing political culture. Political culture in Scotland is clearly very different from that in, say, Ireland or Malta and this makes meaningful comparisons very difficult. Indeed, it is even unclear whether Irish political culture is driving localism in that country or whether it was STV that was responsible for developing it in the first place (or perhaps more likely, a combination of the two).

While there is some good research on brokerage and clientelistic politics in Ireland (see, for example, Marsh 1981 and 1987), which could help inform us of the possible consequences of a move to clientelistic politics, most of it is classic and is now outdated. For this reason, and the problems of transferability noted above, it is questionable whether updating this research would add anything to our understanding of the possible impact of the introduction of STV in Scotland.

## **2. Will voters understand the system?**

One concern often raised about the introduction of STV is the ability of voters to understand how votes are translated into seats – a lack of understanding may lead to a questioning of the whole system and a fall in the turnout. FPTP is simple to understand, while list systems, although slightly more complex, are also relatively straightforward. However, research undertaken by ICM for the Electoral Commission and Scottish Executive at the 2003 election showed that 44% of respondents had ‘not very much’ or ‘no understanding at all’ of how the electoral system used in the parliamentary election actually worked (compared to only 30% with ‘quite a lot’ or ‘a great deal’ of understanding).

Given that STV is clearly more complex than additional member systems, these findings raise obvious concerns about the ability of the electorate to understand the system. Rein Taagepera (1998) notes that many voters in Estonia were troubled by their inability to understand the process of transferring votes into seats, while one respondent in focus group analysis in Britain expressed concern that being given a choice among a party’s candidates imposed some kind of responsibility to find out about them all (Farrell and Gallagher, 1999). Even in Ireland, where STV has been in place for over 70 years, people still talk about ‘the vagaries of PR’. This conveys a sense that many people still have difficulty in understanding how outcomes are produced.

Although questionnaires or focus group research would help inform us of the ability of the Scottish public to understand the system, the practical use of such research is questionable. Voters cannot be expected to know or understand an electoral system which is still some time away from being implemented, and which has not been previously used in Scottish elections. Indeed, while the public’s understanding of STV is likely to be quite low at the present time, a number of studies into the public’s understanding of electoral reform in those established democracies which have recently undergone fundamental change – Italy, Japan and New Zealand – have generally shown an impressive ability of voters in developing an understanding of the new system, and learning how to operate it (see, for example, Reed 1999; Vowles *et al.* 1998a, 1998b). Clearly, this research was conducted **after** the election.

Voter awareness campaigns will be undertaken in the run up to the first election held under STV so any current evaluation of the public’s ability to understand STV is not particularly

helpful. Perhaps a more useful undertaking would be to study the voter awareness campaigns which will be held in the run-up to the New Zealand local elections in October 2004 (in those councils which have adopted STV). New Zealand academics (perhaps most likely Professor Jack Vowles of the University of Auckland) are likely to conduct research on the success of these campaigns and on how voters reacted to the new system. Although concerns over generalisations and transferability are still relevant, this research would provide a useful insight to how successful voter awareness campaigns were and may offer us some useful lessons on what works and what does not.

#### 4. Conclusions and Recommendations

This literature review confirms that much very good research on STV has been conducted, however this generally focuses on how the systems operate in practice, the advantages and disadvantages of STV compared with other electoral systems, etc. Although it is useful to compare and contrast cross-national experiences of STV, the basic problem remains that not only are the number of cases very small – which makes generalisations almost impossible – the institutional specifics are diverse and tend to be country-specific.

Senior academics contacted in the course of this review acknowledged such limitations in the available research. However, as Hirczy de Mino (1999) notes, we face a rather unique situation in studying STV. In order to examine what differences STV makes in its different shapes and guises, we need more institutional experimentation – the scarcity of experience and empirical studies have placed a major constraint on the research that has, and can be, conducted on STV.

The literature review has identified two areas where there is an acknowledged gap in the literature: the voter-member link in multi-member wards and the ability of voters to understand how the system operates. The second gap is probably the less important as voter awareness and information campaigns will be conducted prior to the first council election held under STV. While research could be commissioned to examine the ability of the public to understand the system, it is unclear what practical use this would be at the present time. However, the forthcoming local council elections in New Zealand provide a good opportunity to study the success, or otherwise, of voter awareness campaigns in a country which is also introducing the system for the first time (albeit only in a number of councils). This should provide good data on how voters reacted to the new system and may provide lessons for Scotland (notwithstanding the aforementioned problems in generalising from one country to the next).

As noted above, the voter-member link is considered to be particularly important in Britain, by politicians and the public alike. The literature review has shown that few definitive conclusions on how this link works in practice can be derived from the available literature. Much depends on the prevailing political culture – contrast, for example the brokerage politics of the Republic of Ireland with that of some Australian states. It is far from clear how voters and politicians in Scotland will react to the new electoral dynamics which STV will provide.

While a research gap undoubtedly exists, there are considerable difficulties in filling it. As emphasised throughout the paper, generalising from one STV system to the next is fraught with difficulty. Any research commissioned would have to take a comparative perspective – most likely by using case studies from Northern Ireland or the Republic – and this has obvious risks. Informal discussions with senior academics have confirmed the difficulty of commissioning research that is transferable to Scotland (especially so far in advance of the election).

**We therefore intend to write formally to a number of academics outlining the research gaps we have identified and inviting them to comment on whether these gaps could be filled in any meaningful way. Research would then be commissioned on the basis of their response.**

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**ANNEX D**

**CONSULTATION ON PROTOCOL FOR MULTI-MEMBER WORKING -  
ANALYSIS OF RESPONSES**

The draft protocol was issued for consultation in early April this year to Leaders and Chief Executives of local authorities, COSLA, the National Association of Councillors, political parties, SOLACE, SOLAR, the Association of Scottish Community Councils and local authority community council liaison officers (to disseminate to the community councils in their area). Views were sought on the content of the protocol, its usefulness, whether it should be linked to the Councillors' Code of conduct and, if so, in what manner. The closing date by which comments were to be received was 16 June.

16 responses were received in total.

The general view of respondents was that, whilst the principle of general guidance on multi-member working was acceptable, there should be no formal protocol or links to the Councillors' Code of Conduct. The principles contained in the draft protocol were too general to be of any real use and, as multi-member working in practice would depend on the council area, political make-up and ethos of individual councils, it should be left to councils themselves to determine whether they wished to adopt local protocols based on local working practices.

A small number of respondents felt that guidance would be of little or no value in the face of political activity and rivalry between councillors and that multi-member working would be prevented by the political reality of council business.

Others felt that any division of duties amongst councillors would weaken the member/ward link and that councillors should serve all constituents in the ward. In addition, it was considered that it would be extremely difficult for a council to observe at the same time the principle that each member in a multi-member ward is of equal status and represents the whole ward while promulgating a division of work either on a geographical or functional basis. It may well be that individual political parties would informally allocate duties and that there would be scope for this to be reflected in the work of individual members. Whilst councils might be able to accommodate the requirements of an individual member operating such arrangements, the inter-member protocol for such arrangements would be a matter for the political party promoting the arrangement.

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# **Local Government Elections (Scotland) Bill Consultation Document**

**David Mundell MSP  
February 2005**



**Local Government  
Elections  
(Scotland) Bill  
Consultation  
Document**

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## Introduction

I lodged my draft proposal for a member's bill, to require local government elections to be held on different dates from Scottish Parliament elections, and to delay the next local government election until 2008, initially on 23 June 2004. I was prompted into action by the passing of the Local Governance (Scotland) Act on 23 June 2004, which introduced the system of Single Transferable Vote (STV) for local government elections in Scotland.

I have always held the view that separate elections for local government and the Scottish Parliament would allow for real local accountability by increasing the focus on the real issues of local government which are currently overshadowed by the policies of the Scottish Parliament.



However, with the introduction of STV for local elections I believe the need for separate elections is greatly increased, as the Scottish voter will, in 2007, be required to vote for two different bodies with two different electoral systems using three ballot papers. As I will discuss later, evidence shows that a combination of voting systems on any one day can cause significant voter confusion and lead to an increase in spoilt or inadmissible votes.

I believe that by moving local government elections away from the Scottish Parliamentary elections local democracy will be increased and strengthened and we will find it easier to use the new voting system.

To inform the drafting of my Bill, I would greatly appreciate the opportunity to hear your opinion on my proposal to separate the two elections from each other, with the next local government election delayed until 2008, before I introduce the Bill to the Scottish Parliament. Please note that all responses to this consultation will be made public unless you request otherwise. Confidential responses will nevertheless be included in any summary or statistical analysis, which does not identify individual responses.

Please have your replies to me by Wednesday 1 June 2005.

A handwritten signature in dark ink, appearing to read 'David Mundell'.

**David Mundell MSP**

## **The Proposed Bill Explained**

The proposed Bill will provide for an amendment to existing legislation to require local government elections to be held on different dates from all other elections and to delay the next local government election until 2008.

When I initially lodged the proposal under the previous Scottish Parliament procedures, I quickly gained 26 signatories from the Scottish Conservative Party, Scottish National Party, Green Party, Senior Citizens Unity Party and one independent. I will re-submit my proposal now simultaneously to holding this consultation and I hope to gain the same support from members. The consultation will last for three months, after which the responses will be collated and analysed before any further progress is made.

The MSP signatories are:

**Mr Brian Monteith** (Scottish Conservative Party), **Mr Jamie McGrigor** (Scottish Conservative Party), **David McLetchie** (Scottish Conservative Party), **Murdo Fraser** (Scottish Conservative Party), **Alex Johnstone** (Scottish Conservative Party), **Mrs Nanette Milne** (Scottish Conservative Party), **Mr Ted Brocklebank** (Scottish Conservative Party), **Margaret Mitchell** (Scottish Conservative Party), **Miss Annabel Goldie** (Scottish Conservative Party), **Alex Fergusson** (Scottish Conservative Party), **Lord James Douglas-Hamilton** (Scottish Conservative Party), **Mr David Davidson** (Scottish Conservative Party), **Bill Aitken** (Scottish Conservative Party), **Mary Scanlon** (Scottish Conservative Party), **Phil Gallie** (Scottish Conservative Party), **Mr Mark Ruskell** (Green Party), **John Scott** (Scottish Conservative Party), **Mark Ballard** (Green Party), **Eleanor Scott** (Green Party), **Robin Harper** (Green Party), **Patrick Harvie** (Green Party), **Shiona Baird** (Green Party), **Chris Balance** (Green Party), **Tricia Marwick** (Scottish National Party), **Dennis Canavan** (Independent), **John Swinburne** (Scottish Senior Citizens Unity Party)

In addition, I am pleased to announce that in a discussion at its December 2004 meeting the Convention of Scottish Local Authorities (COSLA) agreed to support the main provisions of this, my proposed Bill.

## **Local Government Elections - The Current Position**

At present local government elections are held on the same day as Scottish Parliament elections following the passing of the Scottish Local Government (Elections) Act 2002 during the first Scottish parliamentary session.

The 2002 Act moved local government elections to a four-year cycle. Local government elections were previously held on a three-year cycle under section 5(3) of the Local Government etc (Scotland) Act 1994, whilst Scottish Parliament elections are held on a four-year cycle under section 2 (2) of the Scotland Act 1998. The 2002 Act amended the Local Government etc (Scotland) Act 1994 to link the timing of elections to the years in which ordinary elections of the Scottish Parliament occur.

Consequently, the next local government election is due on the first Thursday in May 2007.

In June 2004, the Scottish Parliament passed the Local Governance (Scotland) Act 2004. This Act, among other changes, introduced the system of Single Transferable Vote (STV) to be used at all future local government elections in Scotland. This represents a radical change in how electors will be choosing their councillors in the future.

Under this proposed system of STV, electoral wards within local government areas are grouped together, and people vote for three or four members for each ward. Voters are presented at the polls with a list of all the candidates standing for the ward. The voter marks "1" on the ballot paper against their first choice, a "2" against the second choice and so on, making as many choices as the voter wishes until all the candidates have been given a preference. The voter may cast only one, or any other number of preferences.

In marking their preferences, voters are not confined to one party but can select, for example, a Green candidate as first preference, an independent for second, a Conservative for their third, and so on. This allows the voter to give a preference for the individual candidates rather than their parties, although the candidates' party allegiances will most likely be listed, and as such may form the basis for a voter's chosen preferences.



## **Why the De-Coupling of Elections is Necessary**

### **1. To Increase Local Government Accountability**

I wish to see local democracy and accountability flourish. The de-coupling of local elections will increase local government accountability as people vote for their local councillors according to their performance at the council and, I believe, will greatly strengthen local democracy as more people become aware of local elections and so become engaged in local politics.

In their official report on the 2003 local government and Scottish Parliament elections, the Electoral Commission concluded that in the media "the council elections were overshadowed by the Parliament elections"<sup>1</sup>. Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people, like council tax levels, housing, planning, licensing, local transport, road and pavement maintenance, litter, and refuse collection. Therefore as local councillors' work receives more publicity, people will begin to vote for councillors according to their record at local government and hold them to account for that record.

The McIntosh Commission, a working group of experts set up before devolution in 1998 to make recommendations on the relationships between Local Government and the Scottish Parliament, concluded that: "We do not however think that local government elections should be held at the same time as the parliamentary elections: although that might produce a higher turnout, it does also mean that the local elections would tend always to be held under the shadow, as it were, of the parliamentary election and that national issues will dominate local elections even more than they tend to do whenever those elections are held. The result is to weaken the democratic mandate of local government".<sup>2</sup>

In addition, I believe that separating the elections will strengthen the institution of local government, because by increasing its transparency by allowing it more time in the media spotlight, the role of a councillor will become more fully understood. This may have the added bonus of making the post of local councillor more attractive to more people from different backgrounds, which can only serve to make local government more representative of Scottish society as a whole. More empowered, democratic and accountable councils will deliver a more focused local governance, one geared towards local solutions for local problems.

1. Scottish Elections 2003, The Official Report on the Scottish Parliament and Local Government Elections 1 May 2003, The Electoral Commission

2. The Report of The Commission on Local Government and The Scottish Parliament, June 1999

Supporters of combined elections argue that by keeping local government together with higher profile elections a higher turnout can be maintained. This is, however, only hiding the problem of a disengaged local electorate, not solving it. The real solution lies in local politicians that respond to local issues, delivering specific solutions to the specific problems in their community.

The Kerley Commission, the Renewing Local Democracy Working Group set up in 1999 to consider electoral systems for local government, concluded in 2000: "We recognise the attractions that coincident elections would bring to local government: a share in the increased turnout that a national election brings; and, from a wider perspective, a rationalisation of the voting demands on the electorate. However, the higher turnout could not be claimed as an increased democratic mandate for local government: it would not bring additional voters to the polls because of their involvement in local government issues. In fact, coincident elections would tend to reduce the electorate's focus on local government issues. Conversely, separate elections would ensure that local government issues are at the heart of local government elections: this seems to us an essential part of democracy and democratic renewal".<sup>3</sup>

3. The Report of the Renewing Local Democracy Working Group, June 2000



## **1. Aiding the Introduction of Single Transferable Vote (STV)**

The introduction of STV for the local government elections in 2007 will mean that voters will be faced with two different voting systems on election day, with STV being a completely new electoral system for the large majority of Scots.

The Scottish Parliament is elected under the Additional Member System (AMS) which requires voters to put two crosses on two separate ballot papers, one for their constituency member and one for a list member. At the same time we will be using the STV system for the first time and marking 1, 2, 3 etc. to indicate our candidate or candidates of choice.

Evidence shows that the number of spoilt votes increases dramatically where two different voting systems are used simultaneously. For example, when STV and AMS were used in elections to the Belfast City Council and the Northern Ireland Assembly in 2001, 3.3 per cent of the people who voted for candidates in the Belfast City Council elections failed to exercise their votes correctly. That would approximate to 62,388 spoiled ballots in the 2003 Scottish council elections, which would be 5 times the actual 2003 spoilt ballot number (12,803).

Professor John Curtice from the Department of Government, University of Strathclyde argued at the Local Government Committee that: "There is no doubt that a somewhat higher number of invalid votes will be cast under the new system (STV) than are cast under the current system (FPTP)".<sup>4</sup>

The recent elections in London again showed that being confronted with different systems on the same day creates difficulties. At the elections in May, 56,862 (2.9%) votes for mayor and 167,071 (6.7% constituency member & 2.53% London-wide party choice) assembly ballot papers were ruled inadmissible<sup>5</sup>. To put this into context the total number of spoilt ballots in the 2003 Scottish Parliamentary elections was only 0.65%

I believe it is important for voters to be able to vote quickly and easily and for them to know how their vote will affect the overall result in order to attract them to the polling booth in the first place. There is a danger that a combined election with STV will increase voter apathy due to the complexity of having three voting systems running side by side, the time it will take to vote and possibly the need to queue to cast their vote.

Separating the elections will avoid this by allowing people more time to learn exclusively about the new STV voting method and voting without the distraction of the other systems.

4. Local Government and Transport Committee Meeting on Tuesday 2 December 2003

5. BBC online – Monday 14 June 04



**Local Government  
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(Scotland) Bill  
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A study carried out by the Electoral Commission revealed that: "Opinion polling following the 2003 elections in Scotland also suggested that 13% of non-voters claimed that confusion over the voting systems being used led them not to vote." Additional evidence collected indicated that some electors "felt unsure as to how their vote would influence the election of the regional list MSPs".<sup>6</sup>

Furthermore, the Single Transferable Vote Working Group concluded in their Final Report on 14 December 2004, "The Group recognises that the next local government elections are due to take place on the same day as the elections to the Scottish Parliament. It notes that the majority of councils and election practitioners favour decoupling the elections and that this approach would ease the burden of administering the elections and also reduce the potential for voter confusion."

6. Written evidence to the Local Government and Transport Committee

## **Delaying the Next Local Government Election to 2008**

My proposal seeks to separate local government elections from Scottish Parliamentary elections. Currently the next election is due on the first Thursday in May 2007. However I propose that the local government elections should be de-coupled from those of the Scottish Parliament.

I know some supporters of de-coupling would like to see the election moved to a year earlier than currently scheduled, to 2006, and I hope to hear these arguments as part of my consultation. I do not think, however, that this proposed legislation can progress in time, neither can the new rules and systems pertaining to STV be in place in time, nor might the boundaries be determined early enough for candidates to be selected and elections held.

Voter fatigue may occur if voters are asked to vote too often, too close together, so in order to avoid this, I consider the best option available to us is to delay the local elections for a year until 2008. While this is extending the Councillors' mandate without checking with the electorate I think it will be more beneficial in the long-term, both for local government accountability and to minimise the number of wasted votes at both elections.



## Questions for Consultation

I would very much appreciate as many views as possible relating to my Bill including the matters I have previously discussed. I would, however, particularly value your comments on the following questions. Please note that all responses to this consultation will be made public unless you request otherwise. Confidential responses will nevertheless be included in any summary or statistical analysis, which does not identify individual responses.

1. What do you think are the problems that are currently generated by holding elections on the same day?
2. What new problems do you think will be created as a result of the introduction of the single transferable vote for local government elections?
3. To what date would you like to see the local government elections moved, if at all?
4. What benefits, if any, do you think separate local government elections will create?
5. What are the financial consequences of holding local government elections separately?

Please feel free to add any additional comments or views you may have with regard to my proposal.

Thank you for taking part in my consultation, it will be very beneficial to receive your opinions before going any further with the development of my Bill and I appreciate the time you have taken to do so.

Please have your replies to me by Wednesday 1 June 2005 at:

David Mundell MSP  
The Scottish Parliament  
Holyrood  
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