

Proportional Representation (Local Government Elections) (Scotland) Bill

Fairshare welcomes the introduction of this Bill and is pleased to have the opportunity to present evidence to the Local Government Committee as a contribution to the Stage 1 consideration of the Bill.

Fairshare believes that to be fully effective, local government councils must be properly representative of the communities they serve and that councillors must be democratically accountable to their local electorates. This enabling Bill provides the practical means to make that the reality in Scotland.

The Bill is in line with the recommendations in the Reports of the McIntosh Commission (June 1999) and the Kerley Working Group (June 2000). **Fairshare** has previously presented evidence to the Local Government Committee (13 May 2002) on the general issues raised in those Reports and on the implementation of their recommendations relating to the voting system. **Fairshare** has also made an extensive submission (23 July 2002) on these issues in response to the Scottish Executive's consultation on its White Paper "Renewing Local Democracy: The Next Steps". In this paper we concentrate on the four topics highlighted in the Committee's Call for Evidence.

Reasoning behind the introduction of the Bill

The purpose of this Bill is quite simply to enable the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for future local government elections in Scotland. It would give effect to the recommendations of the Renewing Local Democracy Working Group (Kerley Report, June 2000) and the Commission on Local Government and The Scottish Parliament (McIntosh Report, June 1999).

The approach adopted – the promotion of enabling legislation – is the same as that adopted when STV-PR was re-introduced for local government elections in Northern Ireland in 1972. The Bill sets down the general principle of PR by STV and provides the essential definition of the Single Transferable Vote, following the long-established precedent of previous UK legislation.

We are aware that the Scottish Executive has given an undertaking that it will publish, before the end of the current Parliamentary session, a Bill that will include provisions for the introduction of STV-PR for future local government elections. However, it is the Executive's intention that that Bill should not be considered in this session of Parliament. It should also be noted that the proposal to introduce the Bill currently before the Committee was lodged on 21 November 2001 when it was not at all clear what action the Scottish Executive might take to implement the Kerley and McIntosh recommendations.

We believe the Parliament should take the opportunity afforded by this Bill to send a clear signal to electors and candidates alike that the 2003 local Council elections will be the last held under the present First-Past-The-Post (FPTP) voting system.

Key issues raised by the proposed legislation

The proposed legislation would change fundamentally the relationship between electors and their local councils in two very important ways. The McIntosh Commission stated: *“We believe that, as far as is practicable, every vote should count, and that Councils, in their composition, should reflect the range and balance of views within the communities which they serve”* (Report para 76). It is well documented that many council elections in Scotland produce outcomes that fail to meet either of these requirements. The proposed legislation would change that.

With the FPTP voting system, half of the votes cast in every election have no effect on the outcome, either at ward level or in the overall composition of the council. With STV-PR nearly all the votes would have a direct effect on the outcome. This would give electors a real incentive to vote and give the overwhelming majority of voters, councillors they had helped to elect. This will, in turn, increase the accountability of councillors to the constituencies of local voters who had elected them.

Experience of STV-PR in Ireland and in Northern Ireland has shown that this stronger personal link between the electors and their councillors more than offsets the effects of introducing the multi-member wards that are necessary for any form of PR. This is a unique feature of the STV system of PR.

The most obvious effect of the proposed legislation would be to change the balance of party representation on those councils where elections are contested mainly by candidates nominated by political parties and where the FPTP voting system distorts the wishes of the voters. All of the four main political parties benefit from this FPTP distortion, but to varying degrees and in different parts of Scotland. This change would be greatest in councils where a party presently has an overwhelming dominance that does not reflect the proportion of the total vote given to it.

The benefits of securing better balance in the representation of the political parties go beyond those of better representation of the range and balance of the views within the community. Debate about local priorities will be more robust and decision-making about the local provision of services will be stronger if there is an effective opposition and effective scrutiny within the council. This will apply both where there is a single party majority administration and where there is a plurality of party representation with no one party in overall control.

Reporting on a study of councils with ‘no overall control’, Michael Temple concluded: *“Hung councils are typically more open and democratic than single party controlled councils and local political parties have demonstrated that they can deliver effective and stable coalition government in Britain. They provide powerful evidence that the likely result of proportional representation – a hung legislature – is not a recipe for corruption and confusion but can offer an opportunity to provide a more appropriate environment of consensus for twenty-first century British politics.”* (Representation 1999, vol 36, pp 253 – 259)

So far as local government in Scotland is concerned, that would certainly be in tune with the wishes of the overwhelming majority of electors as determined by public opinion polls.

Consequences of enacting the Bill

This Bill, if enacted, would empower Scottish Ministers to bring the Act into force and so change the voting system for future local government elections from FPTP to STV-PR. Implementation of STV-PR would require changes in the related regulations and elections rules, but text for these that could be readily adapted is already available in the UK legislation that applies in Northern Ireland.

For the first STV-PR elections, Scottish Ministers would need to prepare and publish a schedule of the multi-member wards for each Council area. The Bill specifies that the maximum number of councillors to be returned from any one ward shall be eight. This provides adequate scope for the flexible implementation of STV-PR to meet the needs of both densely populated city and urban areas and more sparsely populated rural areas. The Bill would require Scottish Ministers to consult appropriate persons and bodies before such a schedule was published, but the whole task need not take long. When STV-PR was re-introduced for council elections in Northern Ireland, the final schemes of multi-member wards were agreed and published just three months after the STV legislation took effect.

There would be a need for a campaign of voter education before the first STV-PR election, as recommended in the Kerley Report (para 85). The approach used in Northern Ireland in 1973 would be a good starting point. The Government carried out a campaign of voter education by leaflet, advertisement, radio and television, with the theme "PR is as easy as 1, 2, 3 ...". When giving evidence to this Committee, representatives of the Returning Officers in Scotland said they would not consider the introduction of STV-PR for local government elections a problem provided there was adequate voter education beforehand.

Training for Returning Officers would be essential. When STV-PR was re-introduced in Northern Ireland in 1972, the Electoral Reform Society ran practical training courses for about 300 of the staff who were to be involved in operating the 40 counting centres then employed. Similar courses could be provided in Scotland using staff who have practical experience of running STV-PR elections. Returning Officers could also draw on the experience of their colleagues in Northern Ireland. NB Stirling Council already uses STV-PR to elect all the Community Councils within its LGA.

Experience from Northern Ireland suggests that the political parties in Scotland would adapt rapidly to the change in voting system. They would be able to obtain relevant practical advice from the political parties in Ireland and Northern Ireland where STV-PR has been used in local government elections for 80 years and 30 years respectively.

The main change for political parties would be the need to field a team of candidates in each multi-member ward. Parties would have to give careful consideration to the selection of their teams, but this change would allow them to respond positively to the recommendation (19) in the Kerley Report to review their arrangements for selecting candidates.

Consultative processes undertaken before introduction of the Bill

There can be few Bills on issues that have been the subject of such extensive consultation as this one.

The McIntosh Commission was set up in 1998 and consulted widely and in depth. The Commission visited every Council area in Scotland when they met elected members (usually the full council), senior officers, trade union representatives, community groups, the local press, business interests and the general public. They took special steps to consult with young people throughout Scotland and had meetings with representatives of ethnic and minority groups. They reported that they had met face to face with several thousand individuals from all walks of life and had heard their views (Report para 3). The Commission also received more than 450 written responses and commissioned research on several topics, including voting systems.

The Commission published its Consultation Paper 1 in April 1998. In this paper it outlined some of the problems arising from the FPTP voting system and invited comment on other voting systems (para 14). The Commission published its Consultation Paper 2 in November 1998 when it reported that it had "*found substantial and widespread support for the view that a move to some form of proportional representation (PR) would be beneficial for local government*" (para 115). In that Paper the Commission invited views on the criteria that should be used to determine the appropriate voting system for local government and also described eight different voting systems that could be used.

In their Report, the McIntosh Commission concluded: "*we are convinced that a move to PR is an essential step towards the goal of enhancing local democracy; and that it should therefore take place as soon as practicable*" (para 88). They also stated that with regard to specific systems, the responses to their Consultation Papers had shown there was "*clearly a body of opinion in favour of STV*" (para 87).

This support for STV as the appropriate system of PR for local government was confirmed more recently, in the responses to the Scottish Executive's consultation on its White Paper. Of the 316 written responses on electoral reform, 252 (80%) were in support of STV-PR, while a further 25 (8%) were in favour of PR; only 39 responses (12%) supported the retention of FPTP. (For a summary of the responses, see: <http://www.scotland.gov.uk/library5/localgov/spiceresponses.pdf>)

More general public support for the changes that would be brought about by this Bill is apparent from the results of opinion polls conducted by System Three in February 2000 and by ICM Research in October 2000. Of those questioned, 70% agreed that parties should win seats in proportion to their shares of the votes. Even more agreed that a voting system that encouraged councillors of different parties to co-operate would be likely to lead to better local government. Support for these views was uniformly high among supporters of all four of the main political parties in Scotland.

There has been adequate research and consultation on the subject of this Bill. Now it is time for action.