

Draft Local Governance (Scotland) Bill Consultation

Response from Fairshare Scotland's Campaign for Local Democracy

Fairshare welcomes the publication of this Consultation Paper by the Scottish Executive and is pleased to have the opportunity to comment on the issues that relate to the election of Scotland's councils.

Fairshare is pleased to note the Executive's statement of its continuing support for local government, its recognition of the crucial importance of local government and its commitment to strengthening local governance and renewing local democracy.

Fairshare believes that to be fully effective, councils must be properly representative of the communities they serve and that councillors must be democratically accountable to their local electorates.

Fairshare believes that these objectives will best be achieved if councillors are elected by STV-PR. This recommendation of the Kerley Report was strongly endorsed in the written responses to the Executive's White Paper issued in March 2002.

Fairshare therefore welcomes the provisions of the draft Bill to implement the STV-PR voting system in time for the local government elections due in 2007.

The Consultation Paper poses a number of questions on which **Fairshare** has no policy as these matters are outwith its remit. The comments in this response are thus restricted to the questions on which **Fairshare** has a policy.

Fairshare has no reservations about full public disclosure of this submission.

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Fairshare is a cross-party organisation campaigning for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for Scottish local elections. See Annex for further details.

Structure of the Draft Bill

We were surprised at the level of detail included in the draft Bill, especially with regard to the counting procedure for the single transferable vote. The inclusion of so much detail in the primary legislation is a significant departure from previous practice in all UK legislation relating to STV.

We would strongly recommend that the principles of STV-PR are set out in the primary legislation (this Bill), but the details of the counting procedure are left to secondary legislation. This approach would make it easier to effect minor changes in the detailed procedures should they become necessary, for example, if computerised counting were adopted or electronic voting introduced.

The essential definition of the single transferable vote is included in several Acts of the UK Parliament, but takes the general form:

- “Each vote in the poll shall be a single transferable vote, that is to say a vote –
- (a) capable of being given so as to indicate the voter’s order of preference for the candidates for the election as members for the constituency [ward], and
 - (b) capable of being transferred to the next choice-
 - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.”

This approach would also allow removal of the confusion present in the draft Bill in the use of the words “vote”, “votes”, “ballot papers” and “preferences”.

Numbers of Councillors in Electoral Wards

We note that the draft Bill provides for the return of either three or four councillors from each electoral ward. Fairshare supports the pragmatic and flexible implementation of STV-PR to ensure the coherence of electoral wards with community boundaries. This may well require wards returning larger of numbers of councillors in some areas.

Fairshare supports STV-PR as the best proportionate method of electing local councillors while maintaining the most direct democratic links between the elected members and the communities they represent. We recognise that larger wards would give more proportional results and provide greater opportunity of direct representation of more local groups. We look forward, therefore, to robust discussion and debate when the Bill is scrutinised by the Scottish Parliament with the aim of strengthening the technical aspects of implementing these principles of local democratic renewal.

Reviews of Electoral Arrangements

Section 10 of the draft Bill would repeal Schedule 6 of the Local Government (Scotland) Act 1973 which, *inter alia*, sets out the rules under which the Local Government Boundary Commission for Scotland (LGBCS) must operate in drawing up ward boundaries. These rules also apply to any consideration of ward boundaries by the Scottish Ministers. In contrast to the 1973 Act, the draft Bill does not include any replacement rules, but provides for the Scottish Ministers to make the rules.

We believe the basic rules should be stated in the relevant primary legislation, i.e. in this Bill, and that these rules should apply to any consideration by the Scottish Ministers as well as to the LGBCS.

The rules set out in the Bill should cover a general requirement for equality of representation through broad equality in the numbers of electors per councillor within each multi-member ward within any one Local Government Area; the need to respect local community boundaries and to take into account geographical considerations including population density; and discretion to depart from the strict application of the rule on equality of numbers of electors per councillor where local considerations make this desirable.

Streamlining Election Procedures

Electronic facilities could be used in several ways to streamline the procedures involved in STV-PR elections. It must, however, be stressed that such facilities are not necessary to implement STV-PR successfully, though a simple electronic calculator would always be a useful aid during the count.

Computers could be used instead of calculators to assist in the intermediate calculations in the standard manual counting procedure, including printing of the related work sheets and results sheets.

Ballot papers could be scanned electronically and the data transferred directly to computer for counting and printing of all required output.

Votes could be recorded electronically at polling places and the data processed by computer. This was done successfully in three constituencies for the Dáil Éireann general election in 2002.

While the Bill need not make specific provision for the introduction of any these electronic facilities, it is important that nothing in the Bill would inhibit the introduction and use of such electronic facilities. This requirement applies also to the secondary legislation that should set out the rules for the STV counting.

Education and Training

Although PR with STV “is as easy as 1, 2, 3, ...” as the UK Government slogan said when STV-PR was re-introduced for local government elections in Northern Ireland in 1973, there will be a need for comprehensive elector education in good time for the elections in 2007. More immediately, there will be a need for an education and training programme for councillors and local government officials who will be involved in the consultation process on the LGBCS proposals for ward boundaries; for returning officers and their staffs; and for political parties and potential candidates. Indeed, this process has already begun.

Much of the practical experience of STV-PR gained in Northern Ireland over the past 30 years will be relevant and helpful.

Widening Access to Council Membership

We note that the Executive has set up the Widening Access to Council Membership Progress Group to take forward work on implementing the key recommendations in the Kerley Report concerning ‘widening access’. While **Fairshare** has no policy on these specific recommendations (though it does support the underlying objectives), we would draw attention to an important linkage between some of these recommendations and the use of STV-PR as voting system for local government.

With STV-PR each party has to nominate a team of candidates in each multi-member ward. Parties can now offer their supporters a range of candidates without penalty: men and women; ethnic minorities; different religious affiliations; differing local interests. Because STV-PR is a preferential voting system, it positively encourages party managers to ensure that their teams of candidates do, indeed, have the widest possible appeal to their potential supporters. It is then for the voters to decide who shall be elected. If significant minorities want direct representation, they would have the power to achieve that.

We hope that the Widening Access to Council Membership Progress Group will stress these advantages to parties and electors alike when they bring forward their recommendations.

Annex

FAIRSHARE

Scotland's Campaign for Local Democracy

Fairshare is a cross-party organisation campaigning for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for Scottish local elections. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.

Fairshare's Campaign Committee includes Scottish pro-reform activists from the following organisations and political parties:

- The Scottish Conservative Party
- The Scottish Green Party
- The Scottish Labour Party
- The Scottish Liberal Democrats
- The Scottish National Party
- The Scottish Socialist Party
- Electoral Reform Society
- Charter88 Scotland
- The Scottish Forum for Modern Government
- The Scottish Council Foundation

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Fairshare's campaign and administration address:

P O Box 1919, Edinburgh EH16 5WT
Tel: 0845 456 1232 Fax: 0870 131 9379
E-mail: info@fairsharevoting.org

Fairshare Voting Reform Limited

Not-for-profit company limited by guarantee.
Registered in Scotland Number SC216224
Registered Office: 48 North Castle Street, Edinburgh EH2 3LX