

You should be...

...**taking** part...

...getting
involved...

...**making**
a difference...

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Remit and Membership

Remit

The Renewing Local Democracy working group was appointed by Scottish Ministers with the following remit:

“Building on the recommendations of the McIntosh report, to consider ways in which council membership could be made attractive to a wider cross-section of the community, and councils could become more representative of the make-up of the community.

“To advise on the appropriate numbers of members for each council, taking account of new management arrangements and the particular characteristics of city and rural authorities; and on the most appropriate system of election, taking account of the following criteria – ● proportionality; and the councillor-ward link ● fair provision for independents ● allowance for geographical diversity and ● a close fit between council wards and natural communities.

“To advise on an appropriate system of remuneration for councillors, taking account of available resources.”

Membership

The members of the Renewing Local Democracy working group are:

Richard Kerley (Chairman)	Vikram Lall	Marilyn Livingstone MSP
Neil McIntosh CBE	Cllr Norman Murray	Sandra Osborne MP
Sheila Ritchie	Cllr Daphne Sleigh	Bill Speirs
Maureen Watt		

The members of the group come from a wide range of backgrounds, and include representatives of the four main political parties. We recognise that if all of our recommendations are to come to fruition there will be a need for legislation, and the political parties will each have a policy position on such legislation. To a large degree we have set aside such considerations during our work and have been guided by our remit in arriving at our recommendations. After extensive discussion we are broadly agreed that the recommendations being made to Ministers are the best and most appropriate way of meeting the terms of the remit. On the issue of electoral reform, three members of the group have different views from the majority.

We are grateful to all those who assisted us in the preparation of this report.

one >

introduction

1 The establishment of the Renewing Local Democracy working group was announced by the Minister for Communities in a statement to the Scottish Parliament on 2 July 1999.

2 We hope that our report will help the Executive, the Parliament and Local Government give full consideration to some possible ways in which elected councillors in Scottish local government can be enabled to fulfil their roles more effectively. We believe that the ways in which councillors are elected and the way they operate can be improved, for the benefit of the citizens and communities they serve, for the benefit of existing councillors and for those who may be elected in the future.

3 In our examination of current practice in local government and discussions leading to the preparation of this report we have been conscious of the extent to which so many aspects of the current agenda relating to the modernisation of local government are inter-linked. We have, therefore, made certain assumptions about other concurrent changes that are occurring in local government and where appropriate these are referred to in the body of the report.

4 For the greater part of their modern existence, Scottish local authorities had a unique position as the only democratically elected tier of government in Scotland outside the Westminster Parliament. The creation of the Scottish Parliament in May 1999 added a new democratic body in Scotland. As the report of the Commission on Local Government and the Scottish Parliament puts it: both institutions "...share a common responsibility to the people of Scotland..."¹. In recognising such shared responsibilities, it is also important for society that both institutions recognise their respective roles on a basis of "...mutual respect and parity of esteem..."

5 We assume that it is for these reasons that The Scottish Executive has laid emphasis on the McIntosh principles of self-renewal for local government, and positively encouraged local authorities to review policy developments and decision making structures. This process is well in hand in all local authorities at present, and they have been asked to report on their reviews of such arrangements by the end of 2000.

6 We have kept in close contact with the Leadership Advisory Panel, and have heard the views of local authorities and others. We have met representatives of each local authority in Scotland both in meetings that we have arranged and in the Community Leadership Forum. We have also had the benefit of observing the enquiries of the Local Government Committee of the Parliament and reading their reports.

7 We have seen a lot of evidence that local government is continually reviewing its organisation and practice to keep up with a changing world and we are confident that Scottish councils are continuing to work in new ways and with renewed purpose. We see some of the changes signalled by the earlier work of the McIntosh Commission, and in current discussions, to suggest some underpinning features of how Scottish local government will look in the future:

- Parliament and local government are learning to work together with a relationship based on mutual esteem and respect; the general and specific proposals we make are designed to enhance that process.
- Councils recognise the diversity within their own communities and will continue to decentralise decision making and develop improved means of decision making through participation.
- Councils will benefit from attracting a broader cross section of the community to serve as members.
- In order to achieve this council service will have to be made more attractive.
- There need to be explicit and clear statements of the demands that will be made of councillors in different roles in different local authorities and the manner in which they will be compensated for their time and efforts.
- Councils are actively reviewing their policy and decision making processes, with the advice of the Leadership Advisory Panel and we endorse this process.
- The outcomes of these reviews should lead to a dramatic reduction in the time spent by the majority of members in attending formal and routine meetings of committees. As a result councillors should have more time to actively develop and review council policies and to carry out their representative role.

two >

Executive

Summary

We recommend that:

Widening Access

- 1** Each council should prepare and publish role descriptions which reflect what its members do. (para 15)
- 2** Each council should carry out a review of its business arrangements to ensure that the majority of councillors can carry out their role effectively on a part time basis. (para 17)
- 3** Each council should review the impact of its management arrangements on councillors' travelling time and should act to minimise its impact. (para 19)
- 4** Each council should review the time that members are required to spend in meetings and in preparation for meetings and should take action to maximise the time-effectiveness of meetings. (para 20)
- 5** Councils and representatives of employers and employees should discuss how to facilitate the participation of employees on councils. The Executive, with its wider interests in public service, should also be involved in these discussions. Specific practical issues that should be addressed include arrangements for individuals to alter their patterns of work on taking up, and on ceasing, council membership; and arrangements for protecting superannuation contributions. (para 25)
- 6** The Executive should discuss, with COSLA, and representatives of employers and employees the possibility of establishing an employers' fund which could provide financial compensation to individual employers to assist them in meeting the costs of releasing staff to become councillors. (para 26)
- 7** COSLA should play a role in encouraging the exchange of information and ideas about effective administrative support for councillors and in providing feedback on the benefits that such ideas can generate. (para 27)

8 ★ Councils should evaluate the current level of administrative support provided to councillors and the impact that this has on the councillor and should carry out an audit of the benefits that are brought about by new arrangements.

★ To assist councils in carrying out this review we have considered the components of the support package and recommend that the following should be considered for each councillor:

- A dedicated phone line and answerphone or a mobile phone
- A personal computer, printer and modem, together with appropriate software and technical support
- Appropriate working accommodation within the community
- Effective administrative support within the council
- Stationery and postage. (para 28)

9 Councils should review the support that is available to councillors in their ward in order to assist councillors in carrying out their representative duties effectively and efficiently. (para 29)

10 COSLA should have a role in sharing information on the benefits of different types of administrative support to councillors. COSLA and councils should keep this area under review in order to benefit from future developments in both technology and organisational good practice. (para 30)

11 Each council should review its arrangements to facilitate and encourage active and effective participation by councillors, and potential councillors, with a disability. (para 31)

12 The Scottish Executive should review legislation that hinders councils from using information and communication technologies to streamline the conduct of council business. (para 33)

13 ★ Councils should prepare a short educational package for people who have an interest in standing as a councillor.

★ There should be information and training for candidates, by parties, councils and COSLA, aimed at equipping candidates to stand as councillors.

★ There should be systematic training to provide councillors with a good understanding of local government and their own role: this should equip them to carry out responsibilities such as chairing meetings and representing the council.

★ There should be training, by councils and COSLA, tailored to the needs of councillors who are taking on additional responsibilities, such as responsibility for a significant area of policy. (para 34)

14 Councils and representatives of employers and employees and the Scottish Qualification Authority should consider how to develop mechanisms to facilitate the development and recognition of transferable skills. (para 35)

15 Each council should set aside a training budget which councillors can draw on to pay for approved training of their choice. COSLA should assist councils to exchange information on training and facilitate training across councils. (para 36)

16 An integrated communication strategy, involving local authorities, COSLA, political parties and the Scottish Executive, should be developed to explain why local government matters – what it does and how it affects people. (para 38)

17 Councils should review their arrangements and organisation and consider whether these contain factors that impact on women's participation. (para 40)

18 COSLA and representatives of people from ethnic minority backgrounds should draw up an action plan to encourage increased participation on councils by people from an ethnic minority background. (para 41)

19 ★ Political parties should review their arrangements for selecting candidates in order to ensure that a diverse and representative range of men and women is selected in wards where they have a good chance of being elected, and we encourage them to publicise these arrangements.

★ Political parties should consider using a specific mechanism to increase the number of women selected as candidates.

★ Political parties, COSLA, and representatives of independent councillors should work together on common issues, such as providing information on local government and the role of councillors, in order to encourage a diverse and representative range of candidates. (para 43)

20 Councils should consider how they can work with community councils and other community groups, both to provide, through them, information about the role and responsibilities of councils and councillors, and to encourage their members to stand as local authority councillors. (para 44)

21 The age for standing for election should be brought into line with the voting age – currently 18. (para 45)

Remuneration

R22 The remuneration payable to councillors should be £12,000. (para 57)

R23 The current² remuneration for MSPs is £41,255: the leaders of Glasgow and Edinburgh should receive the same amount. Other leaders should receive similar remuneration on a proportional basis. (para 59)

Remuneration for council leaders

	£
Edinburgh, Glasgow	41,255
Fife, North Lanarkshire, South Lanarkshire	38,367
Highland	36,304
Aberdeen City, Aberdeenshire, Dumfries & Galloway, Dundee City, Renfrewshire	34,242
Falkirk, North Ayrshire, West Lothian	32,591
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	31,354
Argyll & Bute, Inverclyde	29,291
East Lothian, East Renfrewshire, Stirling	27,641
Midlothian, Moray	26,816
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	24,753

² with effect from 1 April 2000

24 ★ A small minority of councillors in each council will carry significant additional responsibilities: their remuneration should reflect this.

★ We recommend that at least one of these will be a councillor who is not a member of the ruling group and who plays a lead role in the scrutiny and challenge of policy.

★ We consider that the civic head of the council should receive remuneration that reflects the significant additional responsibilities of that post. (para 63)

Remuneration for councillors with significant additional responsibilities

	Civic head (1 post)	Other councillors with significant additional responsibilities		Lead scrutiny and policy challenge role (1 post)
	£	No*	£	£
Edinburgh, Glasgow	30,000	8	25,000	20,000
Fife, North Lanarkshire, South Lanarkshire	27,900	8	23,250	18,600
Highland	26,400	8	22,000	17,600
Aberdeen City, Aberdeenshire, Dumfries & Galloway, Dundee City, Renfrewshire	24,900	8	20,750	16,600
Falkirk, North Ayrshire, West Lothian	23,700	6	19,750	15,800
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	22,800	6	19,000	15,200
Argyll & Bute, Inverclyde	21,300	6	17,750	15,000
East Lothian, East Renfrewshire, Stirling	20,100	5	17,000	15,000
Midlothian, Moray	20,000	5	17,000	15,000
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	20,000	5	17,000	15,000

*maximum no of councillors with remuneration for significant additional responsibilities.

25 The Scottish Executive should initiate discussions with COSLA, councils and the UK Government with a view to providing for consistent taxation arrangements between councillors and other elected representatives. (para 65)

26 A review of the arrangements for councillors' expenses would complement our work and we would encourage the Executive, COSLA and councils to carry out such a review. (para 66)

27 Future increases in levels of remuneration for councillors should be linked directly to increases in MSPs' remuneration. (para 67)

Electoral System

28 A programme of voter education will be an essential component of the successful introduction of a new electoral system for local government. (para 85)

29 STV best meets the requirements of our remit. [Marilyn Livingstone MSP, Sandra Osborne MP, and Cllr Daphne Sleigh dissented – their separate comments are included at the end of chapter 5.] (para 95)

30 ★ It is highly desirable that wards should reflect natural communities and, accordingly, there should be flexibility in ward sizes – ranging from 3 to 5 member wards – to allow natural communities to be maintained within wards.

★ In sparsely populated parts of Scotland, exceptionally, wards comprising a minimum of 2 councillors may be appropriate. (para 96)

31 We would urge the Scottish Executive to take an early decision on the date of implementation of a new electoral system. (para 101)

Numbers of councillors

32 A council should have no fewer than 19 members. (para 125)

33 ★ In general terms no council should have more than 53 members.

★ In the case of Highland Council a council of 53 members might place exceptional travelling demands on councillors and we consider that up to a further 10 members may exceptionally be necessary for that council. (para 126)

34 We suggest the following ‘families’ of councils: (para 128)

Numbers of Councillors

Council	No of councillors
Aberdeenshire Dumfries & Galloway Edinburgh Fife Glasgow Highland* North Lanarkshire South Lanarkshire	49-53
Aberdeen Renfrewshire	39-43
Angus Argyll and Bute Dundee East Ayrshire Falkirk North Ayrshire Perth and Kinross Scottish Borders South Ayrshire West Lothian	29-33
Clackmannanshire Comhairle nan Eilean Siar East Dunbartonshire East Lothian East Renfrewshire Inverclyde Midlothian Moray Orkney Islands Shetland Islands Stirling West Dunbartonshire	19-23

*up to a further 10 councillors may be required in Highland to take account of geographical factors.

35 COSLA, councils and the LGBC should develop a protocol to cover their working relationships in developing proposals for electoral wards. (para 129)

36 The task of the LGBC, councils, and local communities would be eased in future if the following procedural requirements were the subject of direction by Ministers:

- Parity of electorate to be the clear first order consideration, with divergence from this to be accepted as a means of accommodating well established natural communities.
- Councils should be required to supply the LGBC with draft and final paper and electronic copies of electoral registers on an annual basis at no cost. If appropriate councils should be required to allow the LGBC access via remote networking to electoral registers, again at no charge.
- For the purposes of population/household projection all councils should be required to adhere to common standards of projection. For construction this should be full planning consents granted; for demolition of social or privately owned housing, a combination of any proposals in the 5 year capital plan and any proposals for Housing Action Areas or similar. (para 133)

three >

Widening

access

Remit

“Building on the recommendations of the McIntosh report, to consider ways in which council membership could be made attractive to a wider cross-section of the community, and councils could become more representative of the make-up of the community.”

The Commission on Local Government and the Scottish Parliament

Part-time role

“we have been told repeatedly that being a councillor is a full-time job...this may be the case at present, but we are not convinced that it need be so; and we are certain that it is not desirable.”

Need to reflect community

“we see it as an important element in enhancing the democratic credibility of councils that their membership should itself broadly reflect the make-up of the community.”

Assistance by councils to members

“the core of each councillor’s job is representing the people. There is extensive scope for the council as an organisation to support individual members in this. This means, most obviously, having efficient and user-friendly means of responding to inquiries and complaints, whether direct from the public or from elected members on behalf of constituents.”

Role descriptions

“we recommend that all councils should produce a job description for members.”

Introduction

8 The Commission on Local Government and the Scottish Parliament made a cogent case for the need to widen the councillor base. We accept their arguments. Our task has been to consider how council membership could be made attractive to a wider cross-section of the community, and how councils could become more representative of the make-up of the community.

9 We consider this part of our remit to be an extremely important one. The overarching purpose of the group has been to consider the renewal of local democracy. Democracy, by its very definition, is a matter that involves the whole population. We are concerned that a significant proportion of the population appears to take little part in the democratic process. Although voting in local elections is not the only way for people to engage in the democratic process, it is of concern that fewer than 6 in 10 electors voted in the local elections in May 1999. We believe that local government is of real importance to the Scottish people and we believe that there is an important job to be done in building connections between the people and the council, and in informing people about local democracy.

10 We believe that Scotland needs a clear vision of what it wants local government to be. Without that – without a goal and a focus for modernisation and renewal – success cannot be achieved. We recognise that local government has many stakeholders – its members, its employees, its partners in the community, the Parliament, the Executive and, above all, the people. The vision for local government must reflect the aspirations of these groups. We were not asked to consider this issue but we have found it impossible to consider how to encourage people to stand for election without also considering the nature of the elected body itself. In essence we believe that local government plays a crucial role in the new democratic Scotland. We believe that role should be recognised by the Executive and by Parliament and that the parity of esteem that McIntosh described should be made a reality. In particular, we believe that his recommendation on giving proper consideration to local government as the vehicle for delivering more public services is right. In our view devolution must not stop in

Edinburgh: power to make policy and deliver services should be placed with the tier of government closest to the people as is practical, effective and efficient.

11 As part of our work we met representatives of each council in Scotland. Our abiding impression is of the enthusiasm and commitment of those we met. Our work in looking at ways to make the role of councillor attractive to a wider range of people is not an adverse reflection on the people who currently serve as councillors. The issue we were invited to consider was how to make the role of councillor attractive to a wider range of people. Local government concerns all of us and we believe that the widest possible range of people should participate in it. Each council must both represent, and be representative of, its population.

Research

12 To support our deliberations on widening access, the Scottish Executive commissioned research exploring motivations to public service. Focus groups were held with the general public and with people serving in a range of public capacities, such as tenants associations, school boards and church organisations. Interviews were held with existing councillors and with individuals who had chosen to discontinue being a councillor for reasons other than age. The objective of the research was to identify the key barriers to council participation and those factors which motivate people to become and remain councillors. Research Findings from this project are published separately³ but the key points of relevance are:

- amongst **the general public**, there was a distinct lack of knowledge and awareness of what councillors actually do and what the role of a councillor is. Knowledge of the activities of local government was also limited.

³ Scottish Executive Development Department Research Findings 87: Motivations to Public Service

- **those who participated in the focus groups** commented that:
 - anyone in full time employment would be unlikely to participate as a local councillor because of time constraints and a lack of flexibility in their working day;
 - the long hours worked by councillors were felt to make certain sections of the community ineligible;
 - many women would be unable to take up the role of local councillor because of family and/or work commitments;
 - many younger people would not be interested or have the necessary experience and skills to become an effective local councillor;
 - the electoral process was daunting;
 - many participants discounted themselves on grounds that they lacked political allegiance.

- for the majority of **those participating in some form of public service**, their involvement was predicated on relevance and/or specific interest. By contrast, the role of the councillor was perceived to be wide-ranging and multi-dimensional and not merely further along the 'public service spectrum'.

- the majority of **councillors** cited a strong desire to do good in the community as their prime motivating factor. Support and advice from political parties in the process of becoming a councillor was also deemed important.

- **councillors** commented on the heavy time demands of council work.

- a number of contributory factors were cited by **former councillors**, including: decreasing opportunities to make a difference; constant intrusions into private life; negative public perceptions and media coverage; the long hours which gave rise to difficulties in juggling home, work and council duties.

Who are councillors?

13 The Scottish Local Government Information Unit (SLGIU)/COSLA published a report in September 1999⁴ which noted that “the average Scottish councillor is white, male, aged 53, lives in his own house, owns a car, has a degree or professional qualification, and works in a professional or managerial job”. From this research it is clear that many groups in our society – women, younger people, people from ethnic minority backgrounds, and people with disabilities – are significantly underrepresented on councils. We believe that within these groups there are many very capable people who could make a significant contribution to local government: our task has been to consider why this participation is not happening today, and to consider what might be done to encourage it. Appendix 1 provides statistics on under-represented groups.

Who could be a councillor?

14 One of our first tasks was to ask ourselves a simple question – was the role of councillor one that the majority of the electorate could take on? While we recognised that there were barriers which hindered people, and that there were skills and experience that might need to be developed, our fundamental view was yes, being a councillor is – and ought to be – a role that most people could carry out effectively.

15 Before we could consider how to encourage a wider range of people to stand for election, we had to consider what the role of a councillor involved, and what skills, experiences and attributes a potential councillor needed. As a starting point, we offer outline role descriptions for consideration at appendix 2. These role descriptions set out: the role that every councillor should play in acting as a member of the council and a representative of his or her constituents; the role of the leader of a council; and the role of other councillors with significant additional responsibilities. These outline role descriptions are not specific to the descriptive titles used in each council. The role of a councillor cannot be defined in narrow terms; neither is it a static role. We consider that councils and their members, together with COSLA, are best placed to draw up and maintain their own detailed role descriptions and specifications. Such documents should provide valuable factual information for people who might consider standing for election; we hope that they might also be of use to members.

We recommend that each council should prepare and publish role descriptions which reflect what its members do.

What hinders people from standing for election

16 We recognise that there are two aspects to the question of what hinders people from standing for election: **the barriers** that prevent people from standing as a councillor, and **the absence of factors that are necessary to motivate people** to consider standing for election. Individuals will experience these factors differently, for example, for someone in full-time employment a key issue might be the need to secure their employer's support to their participation in local government, while for

someone with caring responsibilities it might be the time required to carry out the role of councillor and the need to make alternative care arrangements which is critical.

Time

17 The Commission on Local Government and the Scottish Parliament recommended that being a councillor should not necessarily be a full time occupation: we agree. We believe that unless the role of the councillor can, in most cases, be carried out on a part time basis, it will be very difficult for those in full time employment or with significant caring responsibilities to contemplate taking on this role. The challenge – for local government and its members – will be to organise their work in such a way as to allow most councillors to participate effectively on a basis that allows them to combine this with work, with caring responsibilities or with other interests.

We recommend that each council should carry out a review of its business arrangements to ensure that the majority of councillors can carry out their role effectively on a part time basis.

18 We recognise that councils are currently going through a modernisation process and are changing their political management structures. That process has the potential to deliver significant benefits to the wider community which the council serves, and also, through streamlining and rationalising, to deliver benefits to many individual councillors, both by allowing them more time to pursue an effective community advocacy role, and by enhancing their potential to contribute to the development and scrutiny of policy. We recognise that now, and following restructuring, each council is likely to contain a small number of roles with onerous duties which cannot be carried out effectively on a part-time basis. However, we would comment that the roles involving additional responsibilities should be clearly identified, so that a councillor who is contemplating taking on such responsibilities can do so from an informed viewpoint.

Managing the time commitment

Travelling

19 On average, councillors spend 5 hours per week travelling – this ranges from nearly 4 hours for councillors in urban and mixed authorities, to 7.5 hours for those in rural authorities. If most councillors are to be able to carry out their duties on a part-time basis, it is essential that the amount of time spent travelling should be kept to a minimum. We consider that the time spent travelling is often lost time that a councillor might prefer to spend on other council duties or on personal matters. In the section on administrative and other support below we discuss the benefits which information and communication technologies can offer to councillors. One of the benefits of these technologies is that they can allow councillors to communicate in new ways and reduce the need to travel to a distant location for a meeting. The re-organisation of council meetings could also greatly reduce the burden that travel places on councillors and we recommend that councils review the scheduling of meetings in order to minimise the impact that travelling to meetings has on councillors' diaries.

We recommend that each council should review the impact of its management arrangements on councillors' travelling time and should act to minimise its impact.

Meetings

20 Research⁵ commissioned for us by the Scottish Executive showed that, on average councillors spend over 7 hours a week in meetings of the council, and its committees and sub-committees. In addition, councillors spend an average of 3 hours 45 minutes each week preparing for meetings. As we have noted above councils are currently reviewing their political management arrangements and, as a result of this, it can be expected that there will be a reduction in the time most councillors spend in council and

committee meetings. We would urge councils to take into account the impact that arrangements for formal meetings of the council have on councillors' time.

We recommend that each council should review the time that members are required to spend in meetings and in preparation for meetings and should take action to maximise the time-effectiveness of meetings.

Remuneration

21 In our remit, we were asked to consider remuneration of councillors and do so in chapter 4. However, it is clear to us that remuneration is an important factor in making the role of councillor an attractive – and financially viable – option for a wide range of people and we touch here on the main financial aspects that impact on enabling and encouraging more people to stand as a councillor.

22 As we have outlined above we believe that the role of a councillor should be one that can generally be carried out on a part-time basis. There are additional roles that a minority of councillors will be required to take on which will increase the time commitment for those councillors to a full time one. Our first observation is that it is unrealistic to assume that people can afford to take on the role of a councillor without adequate financial recompense. It must be recognised that, by committing time to council duties, an individual is giving up an opportunity to spend those hours in paid employment. For a councillor who is able to combine council duties with paid employment such financial concerns may be of less importance; but for an individual who is combining the role of councillor with unpaid demands – such as caring responsibilities – there may be a very real dilemma in choosing between paid employment and becoming a councillor. We therefore consider that remuneration is an important factor in enabling more people to stand as a councillor. If council membership is to be opened up to a wider range of people the fundamental principle of reasonable remuneration must be met.

23 We have also considered whether the level of remuneration should be increased – not simply to enable people to afford to become a councillor - but to a significant level that would be attractive in itself. While we recognise that this could have the effect of raising the perceived value of councillors, we also consider that it would be to misunderstand the position of a councillor, which is principally a matter of voluntary public service – not employment. We have concluded that levels of remuneration should be set at a level that would enable a wide range of people to be able to afford to take on the role of a councillor, but that it would not be appropriate to increase remuneration beyond this purely as a means of providing a financial incentive for people to stand.

24 We have considered the wider aspects of remuneration and considered issues such as superannuation and taxation. These issues are explored in detail in chapter 4.

Careers and Job Patterns

25 We recognise that people in employment who are considering standing as a councillor may not be able to continue in employment, or may need to reduce their hours of employment, if they are elected. We have already considered the need to provide adequate financial recompense for councillors. We recognise that people in employment who stand for election are taking a gamble on their future – they cannot predict whether they will be elected to serve as a councillor for a single term, or whether they, and the electorate, will wish them to continue in that role for several years to come. These risks could be reduced if individuals were assured that their work as a councillor would be seen as a relevant part of a career path: recognition of the skills gained as a councillor would help in this.

We recommend that councils and representatives of employers and employees should discuss how to facilitate the participation of employees on councils. The Executive, with its wider interests in public service, should also be involved in these discussions. Specific practical issues that should be addressed include arrangements for individuals to alter their patterns of work on taking up, and on ceasing, council membership; and arrangements for protecting superannuation contributions.

26 We recognise that there may be costs, in both time and money, to employers in releasing experienced and skilled staff to become councillors, particularly in a workplace with few employees. This is a complex matter which needs further discussion with interested parties.

Accordingly, we recommend that the Executive should discuss, with COSLA, and representatives of employers and employees the possibility of establishing an employers' fund which could provide financial compensation to individual employers to assist them in meeting the costs of releasing staff to become councillors.

Administrative and other support

27 We have been struck by the positive impact that strong support can have on the ability of a councillor to carry out his or her duties effectively and efficiently. We have learned about many initiatives that councils have taken, such as provision of office accommodation and computers, and we have been impressed by the benefits that these could bring. These initiatives are not necessarily expensive and we would urge all councils to exchange information on good practice in this area and to learn from each other's experience.

We consider that COSLA should play a role in encouraging the exchange of information and ideas about effective administrative support for councillors and in providing feedback on the benefits that such ideas can generate.

28 The needs of each council and each councillor will vary and that there should be flexibility in deciding how such improvements should be achieved. However, in our view, we do not achieve the ends of representative democracy and effective local government if we scrimp on the basic tools for councillors. For councillors in remote areas a computer and dedicated phone line might bring considerable benefits, whereas for a councillor living near the council headquarters administrative assistance and access to a photocopier might be more useful.

We recommend that councils should evaluate the current level of administrative support provided to councillors and the impact that this has on the councillor and should carry out an audit of the benefits that are brought about by new arrangements. To assist councils in carrying out this review we have considered the components of the support package and recommend that the following should be considered for each councillor:

- **A dedicated phone line and answerphone or a mobile phone**
- **A personal computer, printer and modem, together with appropriate software and technical support**
- **Appropriate working accommodation within the community**
- **Effective administrative support within the council**
- **Stationery and postage.**

29 In addition to their role as members of the council, councillors have a significant task in acting as representatives of their constituents. We recognise the priority that councillors themselves give to carrying out this task effectively. Our work has been founded on a belief in local democracy, in making council business accessible to the community, and in providing the best possible local services to that community. We therefore encourage councils to consider the feasibility of providing administrative support for councillors within the local community to help them in their representative role. Such support should also directly benefit the local community: it should therefore be a priority for councils.

We recommend that councils should review the support that is available to councillors in their ward in order to assist councillors in carrying out their representative duties effectively and efficiently.

30 We also recommend that COSLA should have a role in sharing information on the benefits of different types of administrative support to councillors. We recommend that COSLA and councils should keep this area under review in order to benefit from future developments in both technology and organisational good practice.

31 We are particularly conscious that the right support can make a considerable difference to people with disabilities. Many councils have taken initiatives to help members with disabilities, for example, by providing wheelchair access and assistance to those with visual and hearing impairments.

We recommend that each council should review its arrangements to facilitate and encourage active and effective participation by councillors, and potential councillors, with a disability.

32 Some people may be discouraged from becoming councillors because of commitments to care for others, and we consider councils should make a major effort to encourage the involvement and participation of people in this position. We recognise that for some people – particularly those with caring responsibilities who may need to make alternative caring arrangements – there will be a financial cost to becoming a councillor. The level of remuneration which we recommend takes account of this.

33 We have been struck by the potential benefits that information and communication technologies might yield for councils. In many instances there could be direct benefits for councillors too, for example, using e-mail to send papers and exchange ideas, and holding meetings in different locations using video conferencing. Much can be done now and we have seen examples of the benefits these technologies can bring. However, in some cases, councils are constrained by legislation. For example, the provisions in Schedule 7 to the Local Government (Scotland) Act 1973 constrains councils' use of new technologies.

We recommend that the Scottish Executive should review legislation that hinders councils from using information and communication technologies to streamline the conduct of council business.

34 Another key area in support of councillors, and potential councillors, is training. This training can be separated into the following areas:

Pre-election

- **Councils should prepare a short educational package for people who have an interest in standing as a councillor.**
These materials should give an overview of the role of councillors and of local government. The role descriptions could be used in this.
- **There should be information and training for candidates, by parties, councils and COSLA, aimed at equipping candidates to stand as councillors.**

Councillors

- Councils and COSLA should provide a range of induction training for newly elected members.
We consider that, in addition, there should be systematic training to provide councillors with a good understanding of local government and their own role: this should equip them to carry out responsibilities such as chairing meetings and representing the council.

Other training

- **There should be training, by councils and COSLA, tailored to the needs of councillors who are taking on additional responsibilities, such as responsibility for a significant area of policy.**
- We recognise that changes in the political organisation of councils, and initiatives such as community planning, will bring new challenges and a consequential demand for training for councillors on these issues.

35 We acknowledge that in carrying out their duties, councillors develop many skills and gain much experience that is transferable to other areas, including paid employment. We consider that these skills and experience should be recognised – both for the benefit of individual councillors, but also to give due public recognition to the skills and abilities of those who hold, or have held, elected office. The recently developed Performance Development Award for councillors goes some way in doing this but we remain concerned about wider recognition.

We recommend that councils and representatives of employers and employees and the Scottish Qualification Authority should consider how to develop mechanisms to facilitate the development and recognition of transferable skills.

36 Ultimately training is a responsibility for each councillor, who has a personal responsibility and a responsibility to the electorate to take advantage of relevant available training. Councillors should be given every opportunity to take up such training, and it may be appropriate to integrate this with the development of Individual Learning Accounts.

We recommend that each council should set aside a training budget which councillors can draw on to pay for approved training of their choice. COSLA should assist councils to exchange information on training and facilitate training across councils.

Status and role

37 Local government has an image problem. We do not say this lightly, but it is a fact which must be recognised. It has an impact on whether or not people see the role of councillor as an attractive one. Local government, and local government councillors, are not widely appreciated or valued. Their roles and responsibilities are not well understood by much of the population and, as local government election turnout figures show, there is a need to increase the involvement of local people in local democracy. We believe that re-engaging with the public is one of the greatest – and most exciting – challenges that face local government. We believe that many in local government have a vision of what local democracy can and should be. That vision needs to be communicated to the public, to politicians and others in public life, and to the media. We recognise that this will require a long term strategy but we consider that the benefit – increased local participation in local government – is a valuable prize that merits such efforts. In their support for democratic renewal we consider that each Member of the Scottish Parliament and each Minister can make a major contribution by constantly positively recognising, acknowledging and commending the major contribution that local government makes.

38 We believe that there is a need to explain to people why local government matters – what it does and how it affects people. People need to know why being a councillor matters and what it requires. At a mechanistic level this requires at least a role description which provides a picture of the skills and experiences that a councillor requires to carry out that role effectively.

An integrated communication strategy, involving local authorities, COSLA, political parties and the Scottish Executive, should be developed to explain why local government matters – what it does and how it affects people.

39 The Commission on Local Government and the Scottish Parliament made several recommendations about the relationship between local government and both the Parliament and the Executive: it recommended a joint agreement and a joint conference between the Parliament and local government, and a working agreement between Scottish Ministers and local government. We believe that those recommendations should lead to increased, and more visible, parity between the two tiers of government in Scotland. This should offer a significant enhancement to the status of local government, and result in the role of a councillor being given improved status. We note that work is underway on the covenant between the Parliament and COSLA, and on the partnership agreement between COSLA and the Scottish Executive. We welcome this and look forward to that work coming to fruition. We also welcome the Scottish Executive's commitment to introduce a power of community initiative for local government; this was a recommendation of the Commission on Local Government and the Scottish Parliament. That, together with a positive outcome from the Executive's proposed review of the method of arriving at the local government financial settlement, would give an extremely positive statement about how the Executive sees councils.

Women candidates

40 At present women are significantly under-represented on all councils and appallingly so on some. This is not tolerable. We have discussed some of the particular issues that women with caring responsibilities may face above. However, we consider that the issue of attracting women candidates extends beyond this.

We recommend that councils should review their arrangements and organisation and consider whether these contain factors that impact on women's participation.

Candidates from ethnic minority backgrounds

41 Individuals from ethnic minority backgrounds are also under-represented on councils: this must change.

We recommend that COSLA and representatives of people from ethnic minority backgrounds should draw up an action plan to encourage increased participation on councils by people from an ethnic minority background.

The role of politics

42 Many local councils are made up mainly or wholly by councillors who belong to a political party. Yet only a small proportion of the population belongs to a political party. We recognise that there are many people who are willing to play an active role in public life yet who are not members of a political party. We do not argue that party politics should be removed from local government. But we do consider that independent candidates should not be discouraged from standing for election.

43 Because so many councillors (over 80%) represent a political party, and so are selected as candidates by a political party, we consider that the political parties have a unique role in assisting a wider range of people to stand for election as councillors.

We recommend that political parties should review their arrangements for selecting candidates in order to ensure that a diverse and representative range of men and women is selected in wards where they have a good chance of being elected, and we encourage them to publicise these arrangements.

Experience in the selection of Labour candidates for Holyrood and Westminster has shown that the selection of more women candidates can be achieved by using a specific mechanism, such as “twinning” or women only shortlists.

Political parties should consider using a specific mechanism to increase the number of women selected as candidates.

We recognise that such mechanisms must be consistent with equal opportunity legislation. We recognise that across the political spectrum there is a shared commitment to healthy democracy:

political parties, COSLA, and representatives of independent councillors should work together on common issues, such as providing information on local government and the role of councillors, in order to encourage a diverse and representative range of candidates.

Community groups

44 We believe that community councils and other local groups, such as tenants’ associations and voluntary bodies, are well positioned to inform local people about the role of local government and to encourage interest in council membership.

We recommend that councils should consider how they can work with community councils and other community groups, both to provide, through them, information about the role and responsibilities of councils and councillors, and to encourage their members to stand as local authority councillors.

Constitutional issues

45 The franchise for local government elections was not a matter that we were asked to consider. However, in looking at stimulating interest in council membership we were struck by the importance of civic education and the role that it should play in the school curriculum. We consider that the current age limit for standing as a councillor – 21 years of age – disenfranchises younger people. We consider that the effect of this age limit may be to make politics a more distant and unconnected issue for young people.

We recommend that the age for standing for election should be brought into line with the voting age – currently 18.

We note that such consistency between the voting age and the age for standing is the norm in most European countries (see Appendix 3).

46 It is perhaps anachronistic that while 16 year olds are considered to be adult members of the community for almost all purposes, for example, employment, tax, marriage and criminal law, they are not eligible to play an active part in local democracy – either as a councillor or as a voter. We would encourage public debate on whether both the age limit for standing for election and the age limit for voting should be reduced to 16 years.

47 The Scottish Executive's response to the Commission on Local Government and the Scottish Parliament⁶ explored the issue of political restrictions on local government employees. Both restrictions – those preventing council employees from standing for election to their own council, and those restricting staff above a certain salary threshold, and those in specific posts, from being politically active in any council – have an obvious impact on the range of people who may stand for election. In some parts of the country this places severe limitations on those who can be candidates and excludes large numbers of staff, including those who may be remote from policy formation and management decisions. We know that these arrangements are being reviewed by the Executive, and we welcome that.

⁶ The Scottish Executive's Response to the Report of the Commission on Local Government and the Scottish Parliament, Scottish Executive, September 1999

four >

remuneration

Remit

“To advise on an appropriate system of remuneration for councillors, taking account of available resources.”

The Commission on Local Government and the Scottish Parliament

“A pay and conditions package for councillors should be drawn up for the approval of the Parliament, to be implemented on completion of councils’ internal reviews. Remuneration for councillors should in future be subject to independent review.”

Introduction

48 The present system of remuneration for councillors comprises a basic allowance, which is payable to each councillor and, for councillors who have additional responsibilities, by statute, there is an additional, and variable, special responsibility allowance (SRA). Councillors may also be paid allowances, for example, to assist them in carrying out their duties, and for travel and subsistence. The payment of these allowances are founded on a mixture of primary and secondary legislation, on COSLA guidance, and, in some cases, on councils’ own schemes.

49 As we have already noted being a councillor is principally about voluntary public service. We do not believe that remuneration is, or should be, a key factor in motivating people to take up public service – however, we also strongly believe that inadequate remuneration should not hinder people from becoming a councillor. In our view, the current arrangements, whereby all councillors receive a basic payment of between £5,445 - £6,534, has this effect. We recognise that approximately two-thirds of councillors also

receive an additional special responsibility allowance. In 1997 the average SRA payment to those councillors was £7,510: taking this together with a basic allowance of, say, £5,500 would bring the total average payment to the two-thirds of councillors in receipt of an SRA to £13,010. We do not believe it is right that these allowances should be such a significant proportion of the total payment for many councillors, nor that they should be paid to such a significant proportion of councillors. In our view, the current levels of remuneration and system of remuneration are no longer workable.

Current remuneration

	Basic Allowance*	Special Responsibility Allowance **	Total**
	£	£	£
Population:		250 - 29,750	5,445 - 36,284
up to 100,000	5,445		
100,001 - 150,000	5,989		
over 150,000	6,534		

* with effect from January 1999

** based on Nov 1997 figures

50 The drawbacks in the current system provide good reason to review remuneration arrangements for councillors. However, we have not looked at this part of our remit as simply an opportunity to review the current arrangements. Rather, we went back to basics and reviewed the objectives for a remuneration system before considering how these objectives might be achieved.

51 There are a number of weaknesses with the current arrangements that are worth noting:

- the basic allowance is set at a low level and, by reference to the responsibilities attracting an SRA, relates to relatively routine responsibilities;
- the responsibilities attracting SRAs are very wide and, similarly, the level of SRA payments is very wide: this tends to lead to a complicated scheme which is poorly understood by the public;
- There is inconsistency in the application of SRAs across councils – ranging from councils where one third of councillors receive an SRA, to others where all councillors receive an SRA.⁷

The SRA system reflects the allocation of responsibilities across a council. However, it may also influence, or be perceived to influence, the way in which those responsibilities are allocated. In particular, it is a matter of concern if the current, or any other, system of remuneration hinders councils in reviewing and modernising their political management structures.

Objectives

52 As we discuss in chapter 3 adequate remuneration is an essential ingredient in making it possible for the widest range of people to serve as councillors. At a basic level it is right and necessary that people should receive recompense for the time that they spend on council duties – time that could otherwise be spent in employment or in carrying out other responsibilities.

⁷ based on figures as at November 1997

53 We recognise that there are significant differences between being an elected member and being an employee. But there are also similarities between them. We have recommended in chapter 3 that role descriptions and person specifications for councillors should be drawn up and used to inform the public about the roles that councillors play. We believe that, by explaining the responsibilities and functions of councillors, such role descriptions can also help in evaluating, and explaining, levels of remuneration for councillors.

54 While the essence of a councillor's role can be expected to remain reasonably constant – participating in the development and implementation of policy; representing constituents; and representing the interests of the council – it is inevitable that there are elements of the role that will evolve. Indeed, given the current council reviews of political organisational structures, and the development of new ways of serving the community, for example, through community planning, councillors' roles can be expected to develop over a fairly short timescale. The outline role descriptions that we offer at appendix 2 do not merely list the activities on which councillors are currently occupied. In drawing these up we have tried to give a broad indication of councillors' responsibilities and we hope that they offer the flexibility to incorporate local variations, and to be developed over time.

55 We believe that the system of remuneration should recognise the significant additional responsibilities that a minority of councillors carry. These councillors, such as leaders, civic heads and councillors with overall responsibility for significant policy areas carry out a role which is both onerous and demanding. These roles generally require a full time commitment – they also place these councillors in the public spotlight and require them to take personal responsibility for a wide range of decisions and actions. We have discussed in chapter 3 the need for the status of local government to be improved. We believe that one way in which that can be done is to acknowledge the role of council leaders. In the case of the leaders of the biggest councils, we believe that their roles carry responsibilities that are of a similar weight to those of Members of the Scottish Parliament: we believe that their levels of remuneration should also be similar.

Criteria

56 We believe that there are a number of criteria that a remuneration system for councillors must meet. It should:

- make being a councillor a financially viable option for a wide range of people;
- reflect the responsibilities that most councillors can be expected to carry out; and the significant additional responsibilities that a few councillors carry;
- be fair – councillors with similar responsibilities should receive similar remuneration;
- be transparent – the system should be clear and easily understood.

Our proposals

Remuneration for councillors

57 We have prepared outline role descriptions – for councillors, leaders, and other councillors with significant additional responsibilities. These reflect the responsibilities and duties that we believe such councillors should reasonably be expected to carry out. We discuss the responsibilities and remuneration of leaders and councillors with significant additional responsibilities in more detail below. The outline role description for councillors includes some responsibilities, for example chairing a working group or an area committee, that may currently attract an SRA. We believe that it is more realistic and equitable to reflect these responsibilities in the role description for councillors, and for the level of remuneration to properly reflect all of those responsibilities.

Accordingly, we recommend that the remuneration payable to councillors should be £12,000.

We also consider that a clear statement of the remuneration councillors could receive during their term of office, and the duties that require to be carried out, will make it easier for people to decide if they wish to be a candidate. For example, it is now common for appointments to Non Departmental Public Bodies to specify the expected time commitment, tasks and remuneration.

58 In arriving at the level of remuneration for councillors we have taken account of a number of financial aspects that are currently excluded from councillors' remuneration:

- Superannuation contributions. Like the rest of the population, many councillors will wish to make pension arrangements. The needs of individual councillors will be very varied. Accordingly, the remuneration which we recommend for councillors includes a notional superannuation contribution that leaves each councillor free to make arrangements which best fit their personal circumstances. We comment further on tax equity in paragraph 65 below.
- Personal expenses. As with many occupations, there are costs which a councillor may incur as a direct result of carrying out his or her role, for example providing alternative care arrangements for dependants. Again, the circumstances of councillors will vary and so it is appropriate that each councillor should be able to make arrangements to meet their own needs.

Leaders

59 As we have noted above, we believe that leaders of the biggest administrations should receive similar levels of remuneration to MSPs. We recognise that in many respects the role of all council leaders across Scotland is the same – however, the weight of their responsibilities do vary. There is an interesting parallel with the existing arrangements for Chief Executives’ salaries. Under that system, which was drawn up by COSLA, the salaries of Chief Executives are grouped into bands that reflect both the financial turnover and the population of councils.

The current⁸ remuneration for MSPs is £41,255: we believe that the leaders of Glasgow and Edinburgh should receive the same amount. Other leaders should receive similar remuneration on a proportional basis.

Remuneration for council leaders

	£
Edinburgh, Glasgow	41,255
Fife, North Lanarkshire, South Lanarkshire	38,367
Highland	36,304
Aberdeen City, Aberdeenshire, Dumfries & Galloway, Dundee City, Renfrewshire	34,242
Falkirk, North Ayrshire, West Lothian	32,591
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	31,354
Argyll & Bute, Inverclyde	29,291
East Lothian, East Renfrewshire, Stirling	27,641
Midlothian, Moray	26,816
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	24,753

⁸ with effect from 1 April 2000

Councillors with significant additional responsibilities

60 We have discussed the role description and remuneration for councillors and for leaders. In between, there lies a minority of councillors who carry significant additional responsibilities, for example, councillors with responsibilities for significant policy areas and civic heads. These roles and responsibilities are set out in more detail in the outline role descriptions at appendix 2.

61 We hope that these outline role descriptions will offer clarity about the remuneration arrangements that we recommend. However, we recognise that it may be helpful if we set out some observations on how these arrangements might be implemented.

62 Firstly, we would note the importance of democratic scrutiny and challenge and the significant contribution that the leaders of the opposition groups, or major opposition parties, in each council should make to this. This is reflected in the outline role descriptions at appendix 2. We strongly believe that such councillors should receive remuneration that reflects these responsibilities.

63 The outline role description that we propose for councillors reflects the full range of responsibilities that all councillors carry.

A small minority of councillors in each council will carry significant additional responsibilities: their remuneration should reflect this.

We recognise that this cannot simply be defined as a proportion, for example 15% would give 7.5 such councillors in a council of 50 members, but only 3 in a council of 20. The organisational demands of each council are such that there is likely to be a core minimum of 7 councillors who will be required to take on significant additional responsibilities, in addition to the leader of the council. While larger councils may require this load to be shared among more councillors we do not believe that this should involve a much larger group of councillors. We consider that in the largest councils up to 10 councillors may be required to take on these roles.

We recommend that at least one of these will be a councillor who is not a member of the ruling group and who plays a lead role in the scrutiny and challenge of policy. We consider that the civic head of the council should receive remuneration that reflects the significant additional responsibilities of that post.

We recognise that within each council there will be variation in the weight of these additional responsibilities and we consider that the level of remuneration should reflect this. As with leaders, the weight of responsibilities will also vary between councils and we recommend that this should be reflected in the levels of remuneration. We have used the weighting of leaders' remuneration as the basis of our calculations. Because of the differences this gives between councils we have had to adjust the minimum figures in each band to provide appropriate recognition for all of those who have additional responsibilities.

Remuneration for councillors with significant additional responsibilities

	Civic head (1 post)	Other councillors with significant additional responsibilities		Lead scrutiny and policy challenge role (1 post)
	£	No*	£	£
Edinburgh, Glasgow	30,000	8	25,000	20,000
Fife, North Lanarkshire, South Lanarkshire	27,900	8	23,250	18,600
Highland	26,400	8	22,000	17,600
Aberdeen City, Aberdeenshire, Dumfries & Galloway, Dundee City, Renfrewshire	24,900	8	20,750	16,600
Falkirk, North Ayrshire, West Lothian	23,700	6	19,750	15,800
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	22,800	6	19,000	15,200
Argyll & Bute, Inverclyde	21,300	6	17,750	15,000
East Lothian, East Renfrewshire, Stirling	20,100	5	17,000	15,000
Midlothian, Moray	20,000	5	17,000	15,000
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	20,000	5	17,000	15,000

*maximum no of councillors with remuneration for significant additional responsibilities.

The expenditure implications

64 Our remit asked us to make recommendations ‘taking account of available resources.’ As we have described above our approach to remuneration was to consider the objectives of a remuneration scheme, and how those could be met. The working group thought it most important to establish a sound and equitable approach to this process. We estimate that the current costs of basic allowances and Special Responsibility Allowances is in excess of £14 million per annum. Additional costs incurred in councillors’ expenses vary from year to year depending upon the activities of councils. We considered the cost implications of our proposals, and if these were based upon the current number of councillors then they would be in the order of £17.2 million per annum. A change in the number of councillors will obviously have implications for this overall figure, leading to either an increase or a decrease of approximately £12,000 per councillor.

Taxation

65 We consider that the taxation arrangements for councillors should be consistent with the taxation arrangements for other elected representatives, e.g. members of the Scottish or UK Parliaments.

We recommend that the Scottish Executive should initiate discussions with COSLA, councils and the UK Government with a view to providing for consistent taxation arrangements between councillors and other elected representatives.

Expenses

66 Our remit asked us to consider remuneration arrangements for councillors and we have done so.

We consider that a review of the arrangements for councillors’ expenses would complement our work and we would encourage the Executive, COSLA and councils to carry out such a review.

Future increases

67 We recommend that future increases in levels of remuneration for councillors should be linked directly to increases in MSPs’ remuneration.

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electoral
system

Remit

“To advise on the appropriate numbers of members for each council, taking account of new management arrangements and the particular characteristics of city and rural authorities; and on the most appropriate system of election, taking account of the following criteria – ● proportionality; and the councillor-ward link ● fair provision for independents ● allowance for geographical diversity and ● a close fit between council wards and natural communities.

The Commission on Local Government and the Scottish Parliament

Proportional representation

“Proportional representation (PR) 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.”

Criteria

“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.”

Possible systems

“AMS, STV and AV Top-up should be given particular consideration.”

Introduction

68 The Commission on Local Government and the Scottish Parliament found substantial and widespread support for a move to some form of proportional representation for local government. It reported that this was seen as particularly desirable where one party had an overwhelming

dominance on a council which did not reflect the proportion of the total vote it had gained. The Commission considered that, as far as practicable, every vote should count, and that councils should be representative of the range and balance of views of their electorate. The Commission also noted that local government must be as democratic as the Scottish Parliament, and that PR for the Scottish Parliament elections brought a compelling need for corresponding, though not necessarily identical, PR arrangements for local government. The Commission also recommended that the legislation governing the Local Government Boundary Commission should be reviewed with a view to providing greater flexibility in determining ward boundaries.

Criteria

69 We approached this part of our remit by starting with an examination of the above criteria. We agreed with the Commission's observation that no single electoral system could satisfy all of the criteria equally and we recognised that it would be necessary to prioritise them. We then considered the main options for electoral systems and examined how far each of these met the criteria.

70 Before turning to electoral systems, it may be helpful to recap on the issues behind each criterion. McIntosh analysed these issues thoroughly and we quote here from the findings in his report:

Proportionality

“The basic objection to the present system is that, within a ward, votes cast for losing candidates are wasted. In a politically marginal area there will at least remain the hope, for those who support a losing candidate, that the seat will change hands at the next election; but sometimes the seat never does change hands and the same party gets its candidate home repeatedly, even by a narrow margin and on a small minority of the vote. The problem is obviously worse still in a seat where a party has a steady and strong majority: those who do not support it never get the effective use of their votes, and this produces two ill effects – fatalism and disillusion on the part of voters and complacency on the part of the winning party. Both are bad for democracy. The essence of the case for proportional representation is that it produces a result which more fairly represents the spectrum of opinion within the electorate.”

Councillor and ward

“It is clearly fundamental to the whole idea of local government in this country that councillors are elected to represent a group of people. A question which must immediately be addressed is: is it requisite that there be precisely one councillor for one ward, or can there be multi-member wards? We have found some feeling, in the responses we have received, that in a multi-member ward the essential link between councillor and constituents would be weakened; and indeed it is self-evident that there would no longer be one single councillor to whom a constituent could turn. Nevertheless we think there could also be advantages which could more than compensate, and would be in the interests of constituents themselves. If each ward is represented not by one councillor but by several there is a better chance that the various members will themselves represent the spectrum of opinion within the ward – that after all is the purpose of the system – and a better chance that any constituent will be able to make contact with at least one member with whom they feel sympathy and confidence. From this point of view, the multi-member ward can be considered to be an improvement in representation for individual constituents.”

Fair provision for independents

“There is a strong tradition still, particularly in more rural areas, of returning independent members to councils. Some councils consist mainly of independents. For that reason we consider this criterion as essential for local government.”

Allowance for geographical diversity

“In adding [geography and natural communities] to those which we proposed in our last consultation paper we had two considerations in mind. The first is very obvious – the enormous geographical diversity of Scotland, from dense conurbations such as Glasgow to the extremely sparse population density of the Highlands and Islands. Any electoral system has to take account of the diverse needs of these areas and others like them; and if no one system would do that, it would be necessary to consider whether different areas should have different systems.”

Close fit between council wards and natural communities.

“The other factor which we have considered – natural communities – was prompted by the reactions we heard during our consultations to the exercise which the Local Government Boundary Commission for Scotland was completing at the time, in revising ward boundaries for each council. The Boundary Commission operates under statute, and we understand that it is required to produce schemes which as nearly as possible have the effect that a vote in one ward has the same weight as a vote in any other ward in the council area: hence the need to divide council areas into pieces of approximately the same population. Plainly this was a matter of controversy in many areas; and the controversy centred, so it seemed to us, on boundary proposals which cut across what people regarded as natural communities. If another electoral system would reduce such conflicts in the future, we think that that would be an attraction. In any event we believe there would be merit in easing the statutory constraints on the Boundary Commission in order to provide greater flexibility for future reviews of ward boundaries; and we recommend accordingly.”

71 The first two criteria – proportionality and the councillor-ward link – seem to us the most critical. Since perfect proportionality, i.e. a list system, can only be achieved at the expense of the councillor-ward link, the basic choice to be made is where to strike the balance between them. Accordingly we examine the main systems in relation to these two criteria first; from this we draw a preliminary evaluation of the systems; and in the light of that we consider the remaining criteria.

72 Proportional representation would require either an increase in the number of councillors or some larger wards. We would observe that an increase in ward size will tend to dilute the councillor-ward link. Proportional representation is likely to result in at least some multi-member wards. We note that this may lead to confusion among electors and duplication among their representatives. We decided that, in considering the councillor-ward link, our main objective should be to view this from the perspective of the constituent, rather than the councillor.

Examination of electoral systems

73 The Commission on Local Government and the Scottish Parliament recommended that the Additional Member System (AMS), Single Transferable Vote (STV) and AV Top-up (AV+) – the additional member system using the alternative vote in the ward – should be given particular consideration and so we have examined these. We have also considered the list system which is used for local government elections in most European countries and which was used in last year's elections to the European Parliament. We begin, however, by examining the current first past the post system against the same criteria, so as to provide a kind of benchmark for the others.

First Past The Post (FPTP)

74 The present system is too familiar to need much description. It is distinguished by the fact that each elector is represented by one, and only one, councillor, and each councillor is elected as the representative of the people in a ward. Thus it perfectly satisfies the criterion of a member-ward link. It does not however produce a proportionate result. For example, in the present Midlothian council Labour won 94% of the seats on 46% of the vote, whilst the SNP polled 31% of the vote and won no seats; in Angus the positions of the parties were the reverse, but the disproportion was similar: Labour polled 18% of the vote for 3% of the seats; SNP polled 47% and took 72% of the seats; in Scottish Borders, the Liberal Democrats won 42% of the seats on 27% of the vote, whilst the Conservatives' 17% of the vote translated into only 3% of seats. These are not atypical results under the FPTP system: it tends to reward the largest party with a disproportionate number of seats, at the expense of second and third choice parties.

Alternative Vote (AV)

75 Public debate on electoral reform has included discussion of the Alternative Vote (AV) system as well as the AV+ proposal, and therefore we have given consideration to it. AV operates on one-tier single member wards, like the current first past the post system. Unlike AV+ it has no balancing list system to increase proportionality. However, unlike first past the post, voters rank the candidates in order of preference. If a candidate receives more than 50% of first preference votes, he or she would be elected as under the current system. However, if no single candidate wins more than 50% of the vote, the votes cast for candidates at the bottom are redistributed to the other candidates on the basis of the second preferences on those ballot papers. The process is repeated until a single candidate has acquired more than 50% of the vote. AV is a majoritarian – not a proportional – system. AV scores against the criteria in much the same way as first past the post: it is strong on the member/ward link; but does not meet the requirement for proportionality. Similar to AV is the Supplementary Vote which was used in the recent elections of the London Mayor. This limits voting preferences to two choices. If no candidate achieves 50% or more of the vote on first votes then the two highest scoring candidates are retained and the second preference votes of the eliminated candidates are redistributed.

List systems

76 Under the party list system each party ranks its candidates on a published list. Electors then cast votes for a party within multi-member constituencies. All votes cast are counted and each party receives seats within the constituency in the same proportion as the votes that were cast for it. Under an **open** list system voters may either vote for a party's published list or for an individual candidate regardless of where that candidate is ranked on the list. Seats are again allocated to each party in proportion to the seats it has won; the effect of the open list is that a party's candidates may be elected from positions other than the top of the list.

77 The results under a list system are highly proportionate, but the voters are restricted in their power to choose between individuals and there is no kind of one-to-one relationship between councillor and constituent. This type of system therefore entirely fails on the criterion of a single councillor-ward link; and for that reason, even though it is proportionate, we rule it out of further consideration.

The Additional Member System (AMS)

78 The Additional Member System was used in the elections to the Scottish Parliament last May. The system can be varied but, in essence, it comprises a combination of election by first past the post and party list voting. Each voter has two votes – one to cast for a single ward member under FPTP, and a second to cast for a wider-area member.

79 Under AMS the percentage of votes obtained by the parties determines their overall number of representatives. The lists are used to allocate additional seats to parties so that the total number of seats that the party gains is in proportion to the number of votes cast in wards for its members. If this system were applied to councils either councils would have to be substantially increased in size or, if they remained at their present size (or smaller), the number of individual wards would need to be reduced. Under this system, in a council of 80 members there might be 45 members elected for individual wards and 35 list members elected either from the entire council area or from a small number of wider wards. At the other extreme, in a council of 18 members there could be 10 ward members and 8 list members.

80 The AMS system offers a high level of proportionality. It also ensures that every elector has a single councillor who represents the ward, and to that extent it satisfies the member-ward criterion. The elector will also have a number of list or wider-area members representing him or her – thus AMS would provide choice to the constituent. However, as with other multi-member systems, unless such choices were clearly communicated to the electorate, there could be confusion about the role of each representative.

81 AMS in effect produces two types of member – ward members and wider-area members – and we have some concerns about the implications of this for the political dynamic of the council. In many councils, it would be likely, under AMS, that the ward members would be members of the ruling political party (this party having attracted most votes), while the wider-area members would generally be drawn from the opposition parties. We consider that this polarisation might have two effects: firstly, that it could lead to competition among ward and wider-area councillors that was motivated by political, rather than community, consideration; and, secondly, that it could lead to an inappropriate distribution of responsibilities across the council whereby members of the ruling group, who would be likely to have more significant organisational responsibilities, might also be expected to have the heaviest constituency caseload. The converse would be that the wider-area members would be less able to represent their constituents because the link with them would be weaker, and because such members would have a less influential role on the council.

AV Top-up

82 AV Top-up is a variant on the Additional Member System whereby the Alternative Vote system, rather than FPTP, is used to elect the single ward member, with proportionality again achieved through elections to wider-area wards. Under this system electors would rank ward candidates. A candidate would require 50% of the votes to be elected – if no candidate received 50% of first preference votes, the second choice of those voters who had given their first vote to the least popular candidate would be redistributed. This process of redistribution of the votes for the lowest scoring candidate would continue until one candidate achieved an absolute majority.

83 In respect of the two criteria – proportionality and the councillor-ward link – this system scores exactly the same as AMS; it also carries the same risks of division among members which we have noted in respect of AMS. We do not think that it offers anything sufficiently distinct from AMS to warrant further consideration in its own right.

Single Transferable Vote (STV)

84 Single Transferable Vote elections are built on elections to multi-member wards. In voting, electors rank the candidates in order of preference. If the voter's first choice candidate does not need their vote, either because he or she is elected without it, or because he or she has too few votes to be elected, then that voter's second choice candidate picks up that vote. STV is intended to maximise the use that is made of each vote cast and so provides that the representatives elected within a ward more or less reflects voting patterns. The greater the number of seats per ward, the more proportionate the result is likely to be. We therefore consider that STV does meet the proportionality criteria.

85 We then considered how the councillor-ward link could operate under multi-member wards. Inevitably, there would be changes from the current system – each ward would be larger than at present. Under STV each elector would have an equal link to several councillors and we recognise that the electorate would have a choice of councillors. Again, unless such choices are clearly communicated to the electorate this could lead to confusion about the role of each representative. On the other hand, experience of multi-member systems for local government, such as there were in Scotland prior to 1975, and as exist in many English urban areas today, suggests that these concerns may be ill-founded.

We consider that a programme of voter education will be an essential component of the successful introduction of a new electoral system for local government.

86 On the two principal criteria – proportionality and the councillor-ward link – we can summarise the position as follows:

- **FPTP**, the present system, provides a strong member-ward link; but does not meet the proportionality test. It therefore fails to meet the remit.
- **AV**. Like FPTP this provides a strong member-ward link; but does not meet the proportionality test. Therefore it too fails to meet the remit.
- **List systems** are the reverse: they are highly proportionate, but fail entirely on the member-ward criterion. We therefore discard them at this stage.

- **AMS** produces a very proportionate result. It also gives the elector a single ward councillor (as well as a number of area members). However, it creates two types of councillor, which could be disadvantageous for the administration of the council.
- **AV Top-up** is not sufficiently distinct from AMS to merit further consideration, since AMS has the advantage of now being known to the Scottish electorate.
- **STV** is a proportional system. It also ensures that each member has a ward – all are elected on the same footing. However, each elector has a number (two or more) of ward representatives to turn to: this has both advantages and possible drawbacks.

The other criteria

87 We turn now to the other criteria which we have to consider – fair provision for independents, allowance for geographical diversity, and a close fit between council wards and natural communities – and review the systems that satisfy the two principal criteria of proportionality and the councillor-ward link – STV and AMS – against them.

Independents

88 Under the current system, a high proportion of independents are returned in the most rural areas. In urban areas, and generally anywhere where most candidates are fielded by political parties, and the electorate is accustomed to vote largely on party lines, it is notoriously difficult for an independent to be elected. Arguably however that simply reflects the choices made by voters.

89 Under an AMS system, in the single member wards it is likely that independents would continue to be elected in those councils where there are currently independents. AMS gives a few independents – and lone candidates from minority parties – a chance to get elected on the wider list.

90 STV offers scope for independents to be elected on first, second etc choice by voters. There is less predictability in how second, third etc votes will be recast in those areas where most candidates are independents.

Geographical diversity

91 As noted above, the more sparsely populated areas are also those where the tradition of independent candidates remains strong. Proportional systems, by their nature, are designed for situations where voting is mainly on party lines, being designed to deliver numbers of members for each party in proportion to the total number of votes cast for each. It follows that a proportional system would be irrelevant in an area that was contested solely by independents – however, it is relevant in areas where both independents and political parties fight seats.

92 Under a multi-member system, unless the number of councillors increased, the size of wards would increase. Within Scotland there is already enormous variation in the size of wards: this would suggest that there is no essential physical size for a ward and that, in principle, larger wards could be accommodated. However, in sparsely populated parts of Scotland – such as parts of Highland, Perth & Kinross and Argyll & Bute – there already exist some very large wards and an increase in the size of those would create even larger new wards. Set against this would be the increased number of councillors to represent the constituents of those wards. We would also note that one consequence of larger wards that would impact disproportionately on independents is the higher costs associated with campaigning for election across a wider geographic area and bigger electorate.

Natural communities

93 The recent Boundary Commission review of ward boundaries caused friction in situations where the requirement to equalise the numerical size of wards (and hence the weight of the individual vote) tended to produce highly artificial boundary lines. The larger ward units which would be required under AMS or STV reduce the number of lines to be drawn on the map, and to that extent reduce the risk that communities would be split, or that areas which feel no common community will be put together. However, we have already noted the difficulties that would arise from the creation of very large wards in sparsely populated areas.

94 It seems to us that the root of this problem probably lies more in the legislation under which the Boundary Commission operates. The McIntosh Commission recommended that this legislation be reviewed so as to make it more flexible (as the legislation governing the Parliamentary Boundary Commission already is). We discuss this further in chapter 6.

Conclusions

95 Consideration of these final three criteria suggests that there is little between STV and AMS in respect of them. Returning to consideration of our two primary criteria – proportionality and the councillor-ward link – we do consider that the two classes of member that AMS would produce, with the possible disadvantages which we have noted above, are distinctly less attractive than the single type of member that STV provides.

Accordingly, we consider that STV best meets the requirements of our remit.

[Marilyn Livingstone MSP, Sandra Osborne MP, and Cllr Daphne Sleigh dissented – their separate comments are included at the end of this chapter.]

96 Any consideration of size and boundaries has implications for proportionality and the recognition of natural boundaries. We consider that 4 member wards will usually balance these requirements: they will be large enough to achieve proportionality, and also offer a sound link between the electorate and its communities. We consider their representatives.

We consider it highly desirable that wards should reflect natural communities and, accordingly, we recommend that there should be flexibility in ward sizes – ranging from 3 to 5 member wards – to allow natural communities to be maintained within wards.

However, we recognise that in sparsely populated parts of Scotland, four member wards would cover very large geographic areas. Such very large wards might be to the detriment of some of the electorate who could be geographically remote from their councillors; it would also be difficult to map such very large wards onto a natural community.

Accordingly, in sparsely populated parts of Scotland we recommend that, exceptionally, wards comprising a minimum of 2 councillors may be appropriate.

One system or two?

97 We have considered this issue from the perspective of the electorate and consider that there are over-riding arguments for a single electoral system for Scottish local government. We have heard arguments that no single system can accommodate the diversity of Scotland: we do not accept this. We believe that a proportional system will assist political parties in areas where independents are strong and will not disadvantage independents in areas where political parties are strong. Furthermore, we consider that it is in the interests of democracy in Scotland that every elector should have access to the same electoral system to vote for members of their local authority.

Dealing with a new electoral system

98 There is one further issue that we have taken into consideration – the administrative implications of a new electoral system. The objective underlying our entire remit is to revive voter interest: a system which voters find confusing will militate against that. The voter education campaign was a major factor in providing that the electorate was properly able to participate in the first Scottish Parliament elections⁹.

99 Any one of the systems we have considered, taken on its own, is probably acceptable to voters. FPTP is very simple indeed and has been long understood by the electorate. Voters have also proved, in the elections to the Scottish Parliament, that they can cope with AMS, and with having two quite different types of ballot paper to handle at an election. STV too is straightforward - from the voter's point of view there is one ballot paper, with all the candidates listed on it, and the voter simply has to mark the candidates in order of preference, and need not make a mark for all the candidates. We have already noted in para 85 that a voter education campaign will be an essential element in the effective introduction of a new electoral system for local government. We do not make light of the changes that a new system will entail, but we are confident that such change can be managed successfully.

Timing of elections

100 We write this report in a situation where the Executive has still to decide on the timing of local government elections – will they take place in the same year as the elections to the Scottish Parliament, or at the mid term of the Parliament? 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.

Introducing change

101 A new electoral system for local government will require legislation, a voter education campaign and the development of new administrative arrangements. Each of these elements will take time. Meanwhile, the date of the next local government elections, due to take place in 2 years time (2002), grows ever nearer. We recognise that time may already be too short to introduce a new system for May 2002: the alternative options are to delay the next elections, or to introduce new arrangements for the following elections. This is ultimately a matter for the Executive and the Scottish Parliament.

We would urge the Scottish Executive to take an early decision on the date of implementation of a new electoral system.

Electoral System: comments by individual members (see paragraph 95)

Marilyn Livingstone MSP

I have a strong view that STV does not adequately maintain the councillor-ward link and therefore does not achieve the criteria set out in the remit and believe that Sandra Osborne's comments below better represent my position. Furthermore, I am concerned that the introduction of a fourth electoral system into the Scottish democratic process would be unhelpful.

Sandra Osborne MP

I have reached the conclusion that an effective balance cannot be reached between a requirement for proportionality and at the same time maintaining the councillor-ward link.

I depart from the conclusions of the rest of the Group in that they accept a trade off between these two requirements which favours achieving proportionality.

The remit of the Group precludes a recommendation supporting the First Past the Post system or the Alternative Vote system since neither achieves proportionality, in spite of the fact that FPTP and AV achieve the best possible maintenance of the councillor-ward link and the AV system also scores highly in 'making votes count'.

I reach the same conclusion as the other members of the Group on the outcomes of STV i.e. with smaller multi member wards some form of councillor-ward link is maintained but they fail to deliver proportionality while larger multi member wards come closer to achieving proportionality but the councillor-ward link is lost.

While under STV, elected representatives all have equal status, unlike the Additional Member System of the Scottish Parliament with the conflicting roles of FPTP members and those appointed from the Party Lists, STV does not solve the problem of numerous councillors representing the

same geographic area. We have all seen the public confusion and duplication resulting from the existence of List MSPs alongside Constituency MSPs.

The Group has already stated that the new structures Councils will be bringing in will allow councillors more time to carry out their representative role. An enhanced representative role, I submit, is best served by the clearest possible councillor-ward link. This is not achieved under STV.

In conclusion, I do not support the recommendation that STV best suits the requirements of our remit as I believe it detracts from the criterion on maintaining the councillor-ward link.

Cllr Daphne Sleigh

I remain of the view that no electoral system, whether it be FPTP or PR is perfect. However, the working group was asked to address PR alone and was given the criteria to be used in deciding which system should be introduced.

I believe that of all the PR systems we examined AMS best fits the criteria in that it:

- Has a high level of proportionality;
- Satisfies the member/ward link;
- Gives a fairer provision for independents.

Further to this, under AMS, unlike STV, the number of seats won by the parties is decided by the percentage of votes they receive. This is what voters expect to happen to their votes. AMS also is the least complex of all the systems which could be said to fit into the criteria. I therefore cannot support the Committee's view that STV is the system that should be introduced.

Six >

numbers of
councillors

Remit

“To advise on the appropriate numbers of members for each council, taking account of new management arrangements and the particular characteristics of city and rural authorities.”

Introduction

102 There is no right answer to the question “What is the appropriate number of members for each council?” There are a number of factors which can influence any attempt to answer this question and we have considered these in some detail, always as a consequence of reviewing the other elements of our remit. Indeed, we deliberately placed this matter at the end of our discussions because we did not start with any assumptions about the ‘right’ number of councillors for each council. Coming to some view on this is made even more complex by the great diversity of councils within Scotland (ranging from populations of 20,000 to over 600,000) and the range of population densities from the very urban to the sparsely populated areas of the Highland and the Island councils. An additional critical factor is travelling distances for councillors and the public which has a substantial significance for a few councils.

103 There are several aspects which need to be considered:

- The role we expect a councillor to play within the council. Currently a councillor is expected both to represent a given number of electors – spread across a greater or lesser area – and to represent the council to them. The councillor will play some role in the collective decision-making work of the council. Increasingly, as the nature of society changes, many councillors also have to a part to play in representing the council on a wide range of partnership bodies.

- Different forms of electoral system have implications for the number of councillors and this is discussed elsewhere in our report.
- There are consequences for collective discussion and decision-making of the overall size of the council and for the party groups within it where the council is politically organised. Clearly a council of 18 or 20 members can have a face to face 'round table' discussion in a way which a council of 80 or so cannot. Equally a very small council, particularly one which is politically divided, will be pressed to be adequately represented by councillors on the wide range of external bodies with which the council works in partnership.
- There are cost consequences in the size of the council, not simply in member remuneration and costs but in support and material costs also.

The current system

Local Government Boundary Commission (LGBC)

104 The Local Government Boundary Commission (LGBC) was created by the Local Government (Scotland) Act 1973 (the 1973 Act). The 1973 Act followed and largely implemented the report of a Royal Commission on Local Government in Scotland (the Wheatley report) and it made the most far-reaching changes in Scottish local government in a century or more. It swept away the former patchwork of counties, cities, large and small burghs and districts, and replaced it by a uniform two-tier system of regional and district councils (except in the islands, which were given unitary, all-purpose councils). Much of the meat of the Wheatley report was concerned with the allocation of functions between regional and district councils.

105 Wheatley envisaged that its arrangements would need to be kept under independent review, and recommended the creation of a standing advisory review body – to keep under review the structure of local government, its boundaries and the arrangements for the exercise of its various functions. This recommendation was implemented only in part, by the creation of the LGBC which, as its name implies, is concerned only with boundaries (both internal ward boundaries and the boundaries between local authorities).

106 The Commission was required by the 1973 Act to conduct reviews at regular intervals of 8 to 12 years. In doing so it has to follow detailed requirements as to consultation and publication of proposals, and also to use certain criteria. One of these is that its proposals must represent “changes appearing to the Commission desirable in the interests of effective and convenient local government”. This applies both to changes in the boundaries between councils and changes in ward boundaries within councils. In regard to the latter there is a further requirement that, within a local government area, the number of electors shall be, as nearly as may be, the same in every electoral ward (“parity”) and, subject to that rule, that regard shall be had to the desirability of fixing boundaries which are and will remain easily identifiable, and any local ties which would be broken by the fixing of any particular boundary. The rules governing electoral arrangements are set out in Schedule 6 to the 1973 Act (see appendix 4).

107 Between 1975, when the regional and district councils took over, and 1995 when they were abolished and replaced by the present system of 32 unitary authorities, the Commission carried out two reviews of ward boundaries throughout the country. These were however conducted piecemeal – in effect it was a rolling review, taking each council in turn over a cycle spanning several years. There was never a time when all councils were subject to review simultaneously.

The third review of ward boundaries

108 The Local Government etc (Scotland) Act 1994 replaced regional and district councils with unitary councils, and drew new boundaries between them. It empowered the Secretary of State to determine the numbers of members of each council and to delineate their wards, but to compensate for that it also required the LGBC to carry out a complete review of ward boundaries as quickly as practicable. Although the Act did not specify as much, the understanding in Parliament was that the ward boundary review would be completed before the next round of council elections, in 1999. Thus the Commission was required, for the first time in its existence, to review all councils simultaneously.

109 In retrospect it is not hard to see that this may have been a major contributory factor to the degree of controversy aroused by this review. A Commission dealing with one council at a time may have scope to accommodate local pressures, whereas when it is dealing with 32 simultaneously it will almost inevitably have to stick more rigidly to standard criteria and enforce its view if the whole exercise is not to degenerate into chaos.

110 The other factor which certainly produced controversy was the Commission's interpretation of the statutory requirement that, within a local government area, the number of electors shall be, as nearly as may be, the same in every electoral ward ("parity"); and, subject to that rule, that regard shall be had to the desirability of fixing boundaries which are and will remain easily identifiable, and any local ties which would be broken by the fixing of any particular boundary. In short the Commission took the view, on legal advice, that "parity" must take precedence over local ties. The legal view may be sound – at any rate the Commission survived a number of judicial reviews over it; but in that case one may wonder whether the statutory requirement is itself in need of revision.

Evidence on size of councils

111 There appears to be little empirical or theoretical evidence that helps us consider what is the appropriate number of councillors, either from past review here or in comparison with overseas experience. The Wheatley report simply and briefly suggested, with no supporting evidence other than 'views expressed to us', that the maximum size of councils should be 75.

112 It is certainly not immediately obvious that evidence from overseas is of great help in this matter. It is often reported that France has many thousands of councillors (in excess of 20,000) but alongside a degree of executive centralisation to national government which would not generally be acceptable here. The evidence available to us suggests that in many other European countries the number of councils and councillors has been gradually and consistently reducing over the years, particularly in the past two decades.

113 Further afield there are countries with which Scotland has much in common, such as Canada and New Zealand, where patterns of representation are very different. In Toronto, city councillors represent in the order of 50,000 people, albeit with much enhanced support and salary. Christchurch, a little larger than Edinburgh in population, has 24 councillors and a mayor, who is directly elected.

114 Since the evidence from elsewhere and from earlier reviews of local government is not very helpful, we therefore have had to approach the exercise afresh, taking into account all the other matters currently under discussion.

Consideration

115 Recent discussion about the size of councils has been coloured by the impact of the short term measures taken to accommodate the re-organisation of 1995. As a short term measure in some cases pre-existing district and regional boundaries were used in a manner which produced some large councils such as the 92 members in Fife and 58 in the Scottish Borders. The available evidence on how councillors commit their time to council work does not suggest that the creation of unitary councils has universally increased the 'case' workload of councillors so a simple aggregation of district and region was not a sound approach. These were subsequently reviewed en masse by The Local Government Boundary Commission for Scotland in reports which saw further number changes for the 1999 elections.

116 The LGBC is charged with reviewing local government boundaries both within councils and between councils. By implication therefore it also recommends on the size of population appropriate to each council ward and in different types of councils, working with criteria of which the principal is that of parity of size of electorate. This approach has attracted some critical comment which has been relayed to us by councils and members of the public and we understand some of the strong feeling such matters can arouse. At the end of this chapter, we discuss the operations of the LGBC and its relations with councils and the public.

117 It is clearly necessary for a body tasked with a challenge so fundamental and intensely political as drawing electoral boundaries to work to some broad principles. It is clearly difficult to do so in a country where the population is so broadly and variously dispersed between cities, remote rural areas and in councils where dense urban and sparsely peopled rural areas co-exist within the same jurisdiction. In extreme circumstances – such as Stirling and Perth and Kinross councils for instance – a very tight urban centre where the bulk of the population resides may be geographically smaller than one of the extremely remote rural wards. It is hard for any system to accommodate such diversity, particularly when that system is, as now, based on single councillor wards that require to be of generally similar size of population.

118 The LGBC has approached this by developing different categories of councils, where it has considered different levels of representative ratio to be appropriate. This current arrangement is shown in Appendix 4. There are 6 categories for the mainland councils. The groupings are derived from total population within the council area; the proportion of that population living outside towns with a population of 10,000; and the overall population density. The LGBC considered the position of the island councils on a separate basis.

119 For each group there is a ratio governing the number of voters to be represented by each councillor. This ratio varies from 1:1750 in the island councils through to 1:6000 in Glasgow and Edinburgh. As mentioned above the pre-eminent factor which the LGBC considers is the number of persons represented by each councillor and departs from this principle when it considers matters such as the natural communities and boundaries and the particular circumstances of individual councils. The LGBC understandably aims to secure broad parity of representation but accepts departures from that of +/- 20% in the more sparsely populated parts of some councils.

120 A strong reaction to a change in boundaries and councillor numbers is understandable and has been expressed to us by both members of the public, councils and councillors. The Scottish Borders Council has been enthusiastic about the recent reduction in councillor numbers from 58 to 34, while both Perth and Kinross and Aberdeenshire councils have expressed their opposition to recent substantial increases to the number of councillors in each area.

121 Such reactions are understandable but cannot be acceptable as a basis for defining democratic representation, so some broader set of principles must be sought and agreed upon. Finding those broader principles and rooting them in firm ground is more difficult to do.

122 It seems to us that while parity of representation is important, the diversity of our country requires the application of broad frameworks adapted where necessary to take account of local circumstance – after all that is one of the reasons why Orkney Islands and Shetland Islands are each represented by a Member of the Scottish Parliament.

123 We therefore consider it is appropriate to vary the representative ratio across the different parts of Scotland. We also consider it appropriate to review what these ratios might be in light of all the other aspects of running local government that are under consideration at the present, and the changed ways in which local government will work in the future. This leads us to an approach for assessing the appropriate size of councils which has additional dimensions than those used at present. We therefore recommend the following factors need to be taken into account in considering the appropriate representative ratio and the effective working size of councils.

The size of a council

124 We consider that there is a minimum number necessary for the effective administration of a council, particularly in the light of suggested management changes and the proposed power of community planning which require councils to work in partnership arrangements. There is a clear requirement for the electorate to be effectively represented and there are a number of other important factors:

- There needs to be sufficient members to share the responsibilities of policy and decision making;
- The increased requirement for councils to work in partnership with other bodies requires sufficient councillors to carry out its function;
- There must be an appropriate number of members to ensure effective direction to the council and others to scrutinise the activities of the majority;
- There needs to be an appropriate number to effectively meet together, debate and decide the course of action the council will follow;
- This needs to be done in an effective and efficient fashion in relation to the overall scale and budget of the council;
- In our view, any council should have an odd number of councillors. All the processes of democracy are set aside if fundamental decisions are made on a cut of cards, as has happened before in Stirling District Council – twice.

Minimum size of a council

125 We recommend that a council should have no fewer than 19 members.

Maximum size of a council

126 In general terms no council should have more than 53 members.

We consider that this is the maximum numbers that can be accommodated in an efficient administration; this echoes views expressed to us by councillors and officials.

We recognise that in the case of Highland Council a council of 53 members might place exceptional travelling demands on councillors and we consider that up to a further 10 members may exceptionally be necessary for that council.

Councillor: Population ratio

127 In general terms, the larger the size of population, the more councillors should be available to represent that population. Both population density and settlement patterns represent a complex variable in different parts of the country, with some paradoxical patterns. So, for example, Dumfries and Galloway is both more rural in one respect than Aberdeenshire and less so in another. Fife has a relatively high degree of rurality, but the council headquarters is readily accessible from all parts of the area. In arriving at our suggested figures we have therefore sought to balance all these factors. We have also shown a range of numbers to make allowance for the LGBC to take account of a new electoral system based on wards represented by more than one councillor.

■ **128 On that basis we suggest the following ‘families’ of councils:**

Numbers of Councillors

Council	No of councillors
Aberdeenshire Dumfries & Galloway Edinburgh Fife Glasgow Highland* North Lanarkshire South Lanarkshire	49-53
Aberdeen Renfrewshire	39-43
Angus Argyll and Bute Dundee East Ayrshire Falkirk North Ayrshire Perth and Kinross Scottish Borders South Ayrshire West Lothian	29-33
Clackmannanshire Comhairle nan Eilean Siar East Dunbartonshire East Lothian East Renfrewshire Inverclyde Midlothian Moray Orkney Islands Shetland Islands Stirling West Dunbartonshire	19-23

*up to a further 10 councillors may be required in Highland to take account of geographical factors.

Conduct of reviews

129 There is a strong, and we would hope beneficial, inter-dependency between councils and the LGBC. Under the current arrangements it is for each council to draw up proposals for their electoral wards and submit these to the LGBC. We think that it is right that these proposals should be instigated at a local level by those that best understand natural, local communities. The LGBC has responsibility for the ward arrangements and for it to be able to carry out its functions effectively it needs to have an open dialogue with councils about proposals, and to have access to data on which planning estimates are based. We recognise that there are variations in how effectively this process works and believe that there is scope to share good practice.

We recommend that COSLA, councils and the LGBC should develop a protocol to cover their working relationships in developing proposals for electoral wards.

130 Our discussion on these matters, and the evidence presented to us led us to the view that the work of the LGBC could be made easier and more transparent if the guidance to the LGBC were changed. Since the former district council ward boundaries have in recent years formed the building blocks of electoral reviews, our proposals will also have implications for boundary changes which are currently under discussion for Westminster and Scottish Parliaments. The Executive will need to take this factor into account in their consideration.

131 Drawing boundaries is always an invidious task and will always attract criticism, some of it justified, some mistaken. A system based on the creation of single wards will produce anomalous positions where it is necessary to either cut off part of a 'natural community' or link two disparate areas together. Of course, we all categorise and describe 'natural communities' in different ways.

132 The current practice of the LGBC is actually to allow considerable variation to try and meet the understandable desire for boundaries that follow clear and 'natural' lines. This produces population variations between wards in some councils of +/- 10-15% which seems to us to be a reasonable departure from any norm of parity. With wards representing 2,3,4 or 5 members, such a level of variation would do a great deal to accommodate 'natural' communities. So, for example, a distinct town within a large rural area might elect 3 councillors while a nearby larger town might elect 4.

133 We consider the task of the LGBC, councils, and local communities would be eased in future if the following procedural requirements were the subject of direction by Ministers:

- Parity of electorate to be the clear first order consideration, with divergence from this to be accepted as a means of accommodating well established natural communities.
- Councils should be required to supply the LGBC with draft and final paper and electronic copies of electoral registers on an annual basis at no cost. If appropriate councils should be required to allow the LGBC access via remote networking to electoral registers, again at no charge.
- For the purposes of population/household projection all councils should be required to adhere to common standards of projection. For construction this should be full planning consents granted; for demolition of social or privately owned housing, a combination of any proposals in the 5 year capital plan and any proposals for Housing Action Areas or similar.

appendices >

**Profile of Scottish local authority councillors (summer 1999)
compared with the adult Scottish population.**

	Councillors	Scotland
Age 21-30	2%	18%
30-44	20%	30%
45-59	51%	24%
Over 60	28%	28%
Gender: Female	22%	52%
Male	78%	48%
Population from an ethnic minority background (non-white)	0.5%	1.3%
People with a disability	9.8%	* no comparable figures

Source: Scotland's Councillors - The Analysis of the 1999 SLGIU/COSLA Scottish Councillors' Survey Paolo Vestri & Stephen Fitzpatrick - Scottish Local Government Information Unit

Outline role descriptions and person specification for councillors

Introduction

The outline role descriptions and person specification are intended to offer a framework which local government, at national and/or individual council level, should consider developing and adopting to provide role descriptions for councillors and information as to the skills, experience, aptitudes and training that are relevant to carrying out the role of a councillor effectively.

The following suggested framework, which is not meant to be exhaustive, is proposed for all forms of political decision making systems utilised in councils, it refers to three types: the councillor; the leader of the council; and the councillor with significant additional responsibilities.

Councillor

- represent constituents
- community leadership and involvement
- policy development and approval
- scrutineer of effectiveness of the council
- support the development of effective councillor and officer working relations
- support the creation of an inclusive working environment
- representative for the council and area
- involvement in devolved area/ local policy and service delivery
- lead council working groups and appropriate committee activities
- maintain highest standards of conduct

Leader of council

- provide leadership of council
- overall responsibility for promoting and overseeing policy development and implementation
- develop and encourage effective working relations with councillors and officers
- primary representative for the council
- promote policies and programmes within and outwith the council

- commission reports and advice from officers
- support the creation of an inclusive working environment
- monitor, review and comment on performance of council
- ensure public confidence in council services
- develop relationships with partner organisations
- maintain highest standards of conduct

Councillor with significant additional responsibilities

- provide leadership in significant area of responsibility (this includes leader of major opposition group)
- fulfil Executive or equivalent responsibilities as appropriate to council management structure (including chair of full council)
- facilitate policy development via appropriate mechanism
- develop effective working relationships with councillors and officers
- support creation of an inclusive working environment
- encourage participation and debate
- develop effective working relations with relevant partner organisations
- represent the views of the council to the community
- monitor, review and comment on performance
- maintain highest standards of conduct

Person Specification: Skills, Experience, Aptitudes and Training

We suggest the following are likely to be useful for those who might serve as councillors. Effective candidate and councillor training support will help develop these.

- commitment to public service
- active citizen
- community interest and involvement
- good presentational and communication skills
- arbitration skills
- accept need for continuous learning and development

The right to stand at local elections

The material in this appendix is taken from the Council of Europe's report "Electoral systems and voting procedures at local level; local and regional authorities in Europe No 68".¹⁰ We are grateful to the Council of Europe for its agreement to reproduce that material here.

Prerequisites for eligibility: age, nationality and residence

There is a strong similarity between prerequisites for the right to vote and prerequisites for eligibility to stand as a candidate. In several countries, all regularly registered voters can stand as candidates. In other countries it is possible to observe some differences concerning the conditions relating to age, nationality and residence.

¹⁰ Electoral systems and voting procedures at local level; local and regional authorities in Europe, No 68, Council of Europe, July 1999 ISBN 92-871-3983-0

The right to stand at local elections normally begins at the age of 18. In this respect there are more exceptions than those concerning the age for voting, as illustrated below:

Age for voting and standing in local elections

Country	Right to vote (age)	Eligibility to stand (years)	Country	Right to vote (age)	Eligibility to stand (years)
Albania	18	18	Lithuania	18	18
Andorra	18	18	Luxembourg	18	21
Austria	18, 19, 20	18, 19, 20	Malta	18	18
Belgium	18	18	Moldova	18	21
Bulgaria	18	18	Netherlands	18	18
Croatia	18	18	Norway	18	18
Cyprus	18	25	Poland	18	18
Czech Republic	18	18	Portugal	18	18
Denmark	18	18	Romania	18	23
Estonia	18	18	Russia	18	21
Finland	18	18	San Marino	18	18
France	18	18	Slovak Republic	18	18 (25 for mayors)
Germany	16, 18	18	Slovenia	18	18
Greece	18		Spain	18	18
Hungary	18	18	Sweden	18	18
Iceland	18	18	Switzerland	18	
Ireland	18	18	"the Former Yugoslav Republic of Macedonia"	18	18
Italy	18	18	Turkey	18	25
Latvia	18	18	Ukraine	18	21
Liechtenstein	20	20	United Kingdom	18	21

Local Government Boundary Commission: Current Categories of Councils

Category 1

Definition	Large Cities
Councils	Edinburgh, Glasgow
Ratio	1:6000

Category 2

Definition	Cities
Councils	Aberdeen, Dundee
Ratio	1:4000

Category 3

Definition	Authorities with less than 60% of the population living outwith settlements of 10,000 or more persons and an overall population density of more than one person per hectare.
Councils	Clackmannanshire, East Dunbartonshire, East Renfrewshire, Falkirk, Fife, Inverclyde, Midlothian, North Ayrshire, North Lanarkshire, Renfrewshire, South Lanarkshire, West Dunbartonshire, West Lothian
Ratio	1:3500

Category 4

Definition Authorities with either 60% or more of the population living outwith settlements of 10,000 or more persons or an overall population density of less than one person per hectare.

Councils Angus, East Ayrshire, East Lothian, South Ayrshire, Stirling

Ratio 1:3000

Category 5

Definition Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons and an overall population density of less than one person per hectare

Councils Aberdeenshire, Dumfries & Galloway, Moray, Perth & Kinross, Scottish Borders

Ratio 1:2500

Category 6

Definition Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons and an overall population density of less than 0.2 person per hectare

Councils Argyll & Bute, Highland

Ratio 1:2000

Category 7

Definition Island councils

Councils Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands

Ratio 1:1750

