

ANNEX A

DECOUPLING THE SCOTTISH PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS

CONSULTATION PAPER

Introduction

1. The Gould Report, which reported on key aspects of the 2007 Scottish Parliamentary and Local Government elections, was published on 23 October 2007.²⁶ The Review Team specifically examined the fact that the two elections were combined and what effect this had. The Report recommended that the Scottish Parliamentary and local government elections be decoupled citing the lack of focus on local government candidates and issues as the reason behind this recommendation.
2. The Scottish Government has accepted this recommendation, and the proposal to decouple the two sets of elections has the approval of the Scottish Parliament. The purpose of this consultation is to seek views, firstly on the proposal to decouple the elections and, secondly, on the timing of the next set of local government elections.

Background

Legislation

3. The Scottish Local Government (Elections) Act 2002 was approved by the Parliament on 21 December 2001 and received Royal Assent on 22 January 2002. The Act provides that the local government elections are to be held on the same day as those for the Scottish Parliament. Combined elections have been held in 2003 and 2007.

²⁶ Scottish Elections 2007: The Independent review of the Scottish Parliamentary and local government elections

4. The Representation of the People Act 1983 requires that Scottish Local Government elections are held on the first Thursday in May.
5. These two pieces of legislation synchronise the timing of the Scottish Parliamentary and local government elections. Decoupling would therefore require a change to primary legislation.

Prior studies/current thinking

COSLA

6. COSLA, in a recent press release, recommended that the local government and the Scottish Parliamentary elections should be decoupled, with the time between them being a year or more. Whilst recognising the disadvantages to decoupling, including the additional strain on political parties caused by running separate campaigns and the possibility of a lower turnout, COSLA believed the advantages to decoupling centred on more focus on local issues, and the high rate of rejected votes caused by the confusion of the list, first past the post and STV votes being used at the same time.²⁷

Arbuthnott Commission Report: Putting Citizens First: Boundaries, Voting and Representation in Scotland

7. The Arbuthnott Report (2006) consulted widely on a range of elections issues, including whether the Scottish Parliamentary and local government elections should be decoupled. The Commission suggested that the elections should be held on separate days, arguing that it is not desirable to use a completely new electoral system (STV for local government elections) on the same day as voters will also be using a relatively new system (mixed member) to elect the Scottish Parliament. Local government elections also need to be given separate attention.²⁸

McIntosh Report

8. The McIntosh Commission Report: Moving forward – Local Government and the Scottish Parliament (1999) concluded that the Scottish Parliamentary and local government elections should not be held on the same day. The McIntosh Report stated:

'...although [combined elections] might produce a higher turnout, it does also mean that the local elections would tend always to be held under the shadow, as it were, of the parliamentary election and that national issues will dominate local elections even more than they tend to do whenever those elections are held. The result is to weaken the democratic mandate of local government'.²⁹

Kerley Commission

9. The Kerley Commission, the Renewing Local Democracy Working Group set up in 1999 to consider electoral systems for local government concluded that the higher turnout that combined elections brings does not increase the democratic mandate of local government as it does not bring extra voters to the polls on the strength of local issues. The Kerley Commission went on to say that the combined elections reduce the

²⁷ <http://www.cosla.gov.uk/attachments/leaders/2007/1070831item09.pdf>

²⁸ Arbuthnott Commission Report: putting citizens first: Boundaries, voting and representation in Scotland, 2006

²⁹ The Report of the Commission on Local Government and the Scottish Parliament, 1999

electorates focus on local issues and decoupling the elections would ensure that local government issues are at the heart of local government elections.³⁰

Decoupling elections – Issues for consideration

Cost and administration

10. It is widely accepted that a combined poll is more expensive and more complicated to administrate. However, the economies of scale gained probably mean that the costs are smaller than would be for two separate elections (in terms of venue hire, staff time and cost of administrative tasks, for example procuring forms, issue of postal votes). Responses to earlier consultations on this issue however suggested the difference was marginal. In terms of administration arguably there is more potential for confusion in a combined count with different electoral systems, indeed the Arbuthnott Commission concluded that decoupling would reduce administrative complexity in the planning, management and counting of the elections and enhance the transparency of the electoral process.³¹

Voter confusion

11. It is argued that when national and local elections are held simultaneously the voters will vote on the same set of issues in both (i.e. national issues). The Electoral Commission, in its Official Report on the Scottish Parliament and Local Government Elections 1 May 2003 found that the Scottish national and local media gave almost no coverage of either local election issues or the actual election itself.³²

Figure 1 – Voter turnout

Election	Turnout (% of total electors)
1974 (District)	51.4
1974 (Regional)	50.6
1977 (District)	47.8
1978 (Region)	44.7
1980 (District)	45.7
1982 (Region)	42.9
1984 (District)	44.4
1986 (Region)	45.6
1988 (District)	45.5
1990 (Region)	45.9
1992 (District)	41.4
1994 (Region)	45.6
1995 (Unitary)	44.9
1999 (Unitary – combined)	58.0
2003 (Unitary – combined)	49.8
2007 (Unitary – combined)	52.1*

* Turnout figures for SP election

30 The Report of the Renewing Local Democracy Working Group, 2000

31 Arbuthnott Commission Report 2006

32 The Electoral Commission, Scottish Elections 2003, The Official Report on the Scottish Parliament and local government elections 1 May 2003.

12. Turnout at parliamentary elections is normally higher than for local elections. When the two coincide most voters in the Scottish Parliamentary elections use their local government vote as well.
13. Figure 1 suggests an average turnout figure of 45.9 in non-combined elections held between 1974 and 1995 and an average of 53.3 for the three combined elections held since 1999. This supports the theory that combined elections lead to a higher turnout figure for Local Government elections.
14. However, turnout is affected by a number of other variables – not just the combination or otherwise of elections. The Scottish Government recognises that moving the local government elections will mean more needs to be invested in improving turnout, and there are a range of options to explore which could have a positive affect, including for example increased voter awareness campaigns and examining alternative methods of voting.

Timing issues

15. The second issue is the timing of the next local government elections.
16. The timing and cycle of local government elections was discussed as part of the McIntosh Commission's consideration of the relationship between local government, the Scottish Parliament and the Scottish Executive and the responsiveness and accountability of councils to their communities. The Commission considered and took public views on the length of the councils' electoral cycle and also whether these elections should coincide with or remain separate from elections for the Scottish Parliament. The Commission's report recommended that the electoral cycle for local government be moved from 3 to 4 years to allow for more effective, longer-term planning and delivery of policy priorities. It also recommended, whilst recognising that coincident elections might produce a higher turnout of electors, that local government elections should be timed to take place at the mid-point of the Scottish Parliament term to avoid the possible domination of local elections by national issues.
17. The (then) Scottish Executive's response to the McIntosh Report recognised the arguments for the move to a 4-year term and invited views on the timing of elections. Responses to this consultation showed a strong consensus for four-year terms and a small majority in favour of combined rather than separate elections. Ministers announced in November 2000 that legislation would be brought forward to introduce a four-year term for councils and to provide for local government elections to be held on the same day as those for the Scottish Parliament. The argument for combining the elections was based on the increased turnout that had been demonstrated at the combined elections in May 1999 and the view that increased turnout reinforced the democratic mandate of councils.

Options for alternative timings

- 18.** There are four options for moving to a different cycle of elections:
- *Option 1:* continue to hold the local government elections in the same year as those for the Scottish Parliament but move them to another date, for example the first Thursday in November rather than the current date of the first Thursday in May;
 - *Option 2:* hold the local government elections halfway through the term of the Scottish Parliament;
 - *Option 3:* hold the local government elections one year after the date of the Scottish Parliament elections.
 - *Option 4:* hold the local government elections one year prior to the date of the Scottish Parliament elections.
- 19.** Each of these options has some advantages and disadvantages:
- *Option 1* would, on the face of it, seem the least disruptive as it would only involve extending the council term by 6 months. However, the prospect of running two major elections at different times in the same year is likely to present substantial logistical problems for Returning Officers and their staff, and would run a high risk of voter fatigue and low turnout at the second election.
 - *Option 2* is the option recommended by the McIntosh Commission and the Gould Report.³³ It has the advantage of pointing up local government elections as being distinct and separate from those of the Scottish Parliament and, in theory, would not be overshadowed by events at Holyrood. In practice, it could trigger a mid-term protest vote by voters or result in a drop in turnout. To achieve this option would require either reducing or extending current council term by two years (i.e. holding local government elections in either 2009 or 2013) or by holding two 5 year or two three year terms.
 - *Option 3* has the advantages and disadvantages offered by the second option but runs a lesser risk of the mid-term protest effect and requires a one year extension to the current council term. This would result in the next set of local government elections being held in 2012.
 - *Option 4* has a similar effect to option 3 with the term length being the variable factor. In order to hold the local government elections one year before the Scottish Parliament elections the current term would need to be shortened to 3 years. This option would present a challenging timetable to implement all the necessary legislative changes.
- 20.** For the basis of options 2, 3 and 4 it is assumed that the election would continue to be held on the first Thursday in May. However, consideration could be given to an alternative date should it be deemed appropriate.

³³ The Report of the Commission on Local Government and the Scottish Parliament, 1999; Gould Report, page 115

21. The Scottish Government is in favour of moving the local government elections to a position midway through the Parliamentary term. This would be facilitated by extending the present council term and the next council term by 1 year, thus holding local government elections in 2012 and 2017, after which returning to a 4-year term. Although this is the preferred option, the Scottish Government remains open to views from respondents to this consultation on the range of issues raised in this consultation paper.

Questions for consideration

Do you agree that the elections should be decoupled?

When should the next set of local government elections be held?

What issues or problems do you envisage encountering by moving the elections to any of the options outlined and what solutions would you suggest?

Please submit consultation responses by Thursday, 12 June 2008 to:

Andrew Sinclair
Constitutional and Parliamentary Secretariat
Scottish Government
Area G-A North
Victoria Quay
Edinburgh
EH6 6QQ
andrew.sinclair@scotland.gsi.gov.uk

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses.²⁶ Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

References

1. Scottish Elections 2007: The Independent review of the Scottish Parliamentary and local government elections (Gould Report)
2. The Report of the Commission on Local Government and the Scottish Parliament, 1999 (McIntosh Commission)
3. The Report of the renewing local democracy working group, 2000 (Kerley Commission)
4. <http://www.cosla.gov.uk/attachments/leaders/2007/l070831item09.pdf>
5. Arbutnott Commission Report: putting citizens first: Boundaries, voting and representation in Scotland, 2006