

**SINGLE TRANSFERABLE VOTE WORKING GROUP**  
**INTERIM REPORT**

**STV Working Group Secretariat**  
**January 2004**

## **INTRODUCTION**

### **Remit of the Group**

**The Single Transferable Vote Working Group was set up by the Scottish Executive in September last year to examine the procedures necessary to facilitate council elections being held using the Single Transferable Vote, how multi-member wards will operate in practice, and will commission research and other information as required. In particular, the Group will need to consider the practical implications of the introduction of STV across Scotland taking into account the geography of rural and urban areas and the need to retain the councillor-ward link.**

### **Membership**

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

David Green, former Convener, Highland Council, (Chairperson)  
Leslie Evans, Scottish Executive  
Jeff Hawkins, Society of Local Authority Lawyers and Administrators  
Councillor Jim McCabe, Convention of Scottish Local Authorities  
Dr Vicki Nash, Society of Local Authority Chief Executives  
Billy Pollock, Association of Electoral Administrators  
Dr Ken Ritchie, Electoral Reform Society  
Bob Smith, Local Government Boundary Commission for Scotland

Arthur McCourt, the Chief Executive of Highland Council, also attends Group meetings as an adviser to David Green.

### **Timetable**

The expected lifetime of the Group is about one year and it will report its findings in full to Scottish Ministers at the end of that period. As some aspects of the implementation of STV may affect the content of the Local Governance (Scotland) Bill, the Group has decided to submit an interim report to Ministers at this stage in order to inform Parliamentary consideration of the Bill and take account of Stage 1 discussions at the Local Government and Transport Committee.

## **ISSUES FOR CONSIDERATION BY THE GROUP**

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

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

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

The Group has also considered issues arising from consultation on the draft Local Governance (Scotland) Bill and is considering the need for possible research on the practical implementation of STV.

The Group has met four times so far, the last meeting included informal discussion sessions with councillors and other interested groups concentrating on the practical implementation of STV. A further four meetings are planned; three of these are to be held outside Edinburgh in Inverness, the Borders and Glasgow to include more informal discussion sessions. The Group’s work programme is based on a number of main themes: ward parity and geography; access to councillors, the allocation of ward business and multi-member wards in practice; and the practicalities of conducting elections. Priority has so far been given to the first two of these themes. The Group is also looking at a range of existing research material on these issues, and is seeking views from a cross-section of interested parties as well as meeting councils and organisations with a direct interest in electoral systems and how they operate.

## WARD PARITY AND GEOGRAPHY

### Numbers of members per ward

A range of evidence on the appropriate number of members per ward has been provided in both the responses to consultation on the draft Bill and the evidence provided to the Local Government and Transport Committee by a number of groups and individuals. Some have argued that the proposed range of 3 to 4 members per ward would provide the least proportional form of STV in operation and the number should be increased to at least 5 to achieve proportionality. There are also arguments for having 2 members where exceptional local circumstances of remoteness and sparsity of population dictate. The requirement for greater flexibility in the range of number of members per ward has also been strongly argued by the Local Government Boundary Commission for Scotland (LGBCS) to allow for geographical variation.

The Group considers there is a strong argument for greater flexibility of numbers of members per ward on the grounds that a wider range would provide more options for a better fit of wards in terms of focus and sustainability for natural communities, geography and parity. This approach meets the concerns expressed in recent consultation on the draft Local Governance (Scotland) Bill, the criteria in the Kerley Report (proportionality, the councillor-ward link, fair provision for independents, allowance for geographical diversity and a close fit between council wards and natural communities), it already works in Northern Ireland and the Republic of Ireland, and is in line with the criteria which the Executive set out in its White Paper “Renewing Local Democracy: the Next Steps”.

Whilst we recognise that this does not tie in with the Partnership Agreement commitment of 3 to 4 members per ward and the provisions of the Bill, the Group is minded to recommend, in line with the majority view of its members, *that the number of members per ward should be 3 to 5 in most cases with 2 members where exceptional local circumstances (remoteness and sparsity of population) dictated.* These exceptional circumstances will need to be clearly defined.

### Ward boundary review

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

Supporters for the “bolting-together” approach underlined the speed and simplicity with which the process could be completed and pointed to the example of Northern Ireland where this approach had been adopted. It was felt that any anomalies caused by this process could be ironed out as part of the on-going review process. However improvements in mapping technology have shown that there would be little advantage in time or practicality in the bolting together of wards as opposed to starting from scratch and that in some cases the problems caused by some existing boundaries would be exacerbated. It was possible to come up with a stable and durable system at the outset rather than have to revisit it in the near future. Technology would allow the combination of various levels of information (postcode,

geographical (road, settlement and river patterns), community council/civil parish boundaries or school catchment areas) to provide reasonably accurate estimates of numbers of electors in an area. From this, it was possible to draw up multiple options to determine sensible boundaries with a focus on communities.

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

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

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

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

### **Repeal or replacement of Schedule 6**

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

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

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

## **ACCESS TO COUNCILLORS, THE ALLOCATION OF WARD BUSINESS AND MULTI-MEMBER WARDS IN PRACTICE**

Three issues were identified for the Group's consideration under this theme:

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

The information the Group has received on current multi-member working in practice (both under STV (Northern Ireland and the Republic of Ireland) and First Past the Post (England and Wales) has revealed no evidence of formal protocols between councillors in multi-member wards. The only example of anything similar is the protocol included in the MSPs' Code of Conduct. Working practices in multi-member wards appeared to be agreed on an informal basis and divided up on either a geographic or subject basis. A summary of current research on multi-member working and STV in general is under preparation at the Group's request and the Group is considering commissioning specific research on how multi-member wards operate in practice.

The Group has doubts about the extent to which formal protocols would work and experience elsewhere suggests that there is no real need for this in practice. The Group has therefore agreed *that draft broad principles should be drawn up in a protocol which councils could adapt for their own use. These principles would also cover the issue of duplication of work and roles as well as relationships with council staff. The Working Group Secretariat has produced an initial draft of these principles which the Group is currently considering (a copy is attached at Annex A).*

The Group recommends *that the final draft of the protocol be issued for consultation to local authorities and other interested parties and that careful thought be given to how the protocol might relate to the Councillors' Code of Conduct.*

## **THE PRACTICALITIES OF CONDUCTING ELECTIONS**

The Group has concentrated so far on those issues of implementation such as ward parity and geography which might have implications for the Bill. There are however a number of practical implementation issues raised in responses to consultation on the Bill and in evidence given to the Local Government and Transport Committee which the Group has discussed briefly but will need to consider in more detail at its future meetings.

These issues are ones around the administration of an election using STV and include the following

- The complexity and length of the STV count
- Timing of the count
- Scope for voter confusion
- Importance of voter education
- Staffing resources for polling stations and the count
- Whether e-voting and/or counting should be introduced
- Cost of implementing STV elections

Whilst the Group has not examined these issues extensively, it has discussed to some extent the timing of elections and recognises the additional pressures faced by returning officers and their staff by the introduction of STV and is therefore keen to have further discussions on this matter but, notwithstanding, agreed that comprehensive pre-planning and awareness-raising and training would be essential in the lead-up to the elections.

## CONCLUSION AND SUMMARY OF RECOMMENDATIONS

The recommendations of the Group following its deliberations so far are

- *that the number of members per ward should be 3 to 5 in most cases with 2 members where exceptional local circumstances (remoteness and sparsity of population) dictated*
- *that schemes for new wards should be created starting afresh rather than by merging existing wards*
- *that responsibility for drawing up new schemes for ward boundaries should lie with the Local Government Boundary Commission*
- *that initial ward boundary proposals should be issued for consultation for a 3 month period, with any revised proposals being issued for consultation for a further month*
- *that the existing Schedule 6 should be amended to address the concerns that had been expressed about the current rules, their implementation in relation to parity and community ties and the need for them to be prescribed in primary rather than secondary legislation*
- *that draft broad principles should be drawn up in a protocol which councils could adapt for their own use. These principles would also cover the issue of duplication of work and roles as well as relationships with council staff*
- *that the final draft of the protocol be issued for consultation to local authorities and other interested parties and that careful thought be given to how the protocol might relate to the Councillors' Code of Conduct*

## **DRAFT GUIDANCE ON PROTOCOL FOR RELATIONSHIPS BETWEEN WARD MEMBERS**

### **Introduction**

1. This note offers guidance to councillors on the principles of working in multi-member wards and the development of constructive working relationships between members. How these principles are put into practice can best be decided by individual councils and councillors taking into account the differing circumstances of the ward and the council area.

### **Key principles**

2. Members may find the following principles useful in representing a multi-member ward:

- All members have equal status as representatives of a multi-member ward.
- All ward members have a duty to be accessible to all the people of the area they have been elected to serve and to represent their interests to the best of their ability.
- Constituents may choose to approach any or all of the ward members about issues that affect them. The wishes and the interests of constituents are of paramount importance.
- Any ward member can take an interest in or take up a matter affecting the ward for which they are elected. Members are likely to have a greater impact where they work collectively for a common cause. All ward members should seek to work in an atmosphere of mutual trust and respect.
- Any division of duties amongst members should be made clear to constituents as far as possible.

### **Putting principles into practice**

3. Members will wish to consider how the work of the ward is to be allocated and conducted. Practice in multi-member wards elsewhere in the UK suggests that this might be on a geographical or subject basis but there is no hard and fast rule on multi-member working and it is expected that councils and members will adapt existing working practices and conventions or develop new patterns of working over time.

4. Constituents should be advised how the work of the ward is handled and information on this made publicly available through, for example, the Council's website and press advertisements.