SCOTTISH LOCAL GOVERNMENT (ELECTIONS) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Scottish Local Government (Elections) Bill introduced in the Scottish Parliament on 4 October 2001. It has been prepared by the Scottish Administration to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 38–EN.

POLICY OBJECTIVES OF THE BILL

2. The objectives of this Bill are to provide for the terms of local authorities to be extended from 3 to 4 years; for local government elections to coincide with those for the Scottish Parliament; for the local government elections scheduled for 2002 to be postponed to 2003 and for the introduction of a provision to allow local authorities to run pilot schemes aimed at improving local democracy and making the administration of elections more efficient.

3. A four-year term will help councils to plan ahead and deliver policy priorities more effectively. It complements other initiatives, such as the new finance settlement, and will assist councils in taking a longer-term strategic view. Increased turnout at local government elections reinforces their democratic mandate: coincident elections will assist in achieving an increased turnout. Introducing coincident elections is part of the process of renewing local democracy and complements other initiatives such as the proposed power of community initiative and community planning designed to revitalise interest in local issues. The experience of the combined elections in May 1999 demonstrates the success of the combined poll. From the voter’s perspective, combining Parliamentary and local government elections will result in being asked to vote less frequently and therefore will have a positive impact on voter attitudes.

4. The introduction of the facility to run pilot schemes will allow local authorities to try new systems to help increase voter turnout and ease the administration of local government elections.

ALTERNATIVE APPROACHES

5. Two options were considered in respect of the length of the term of local authorities: either to retain the current three-year cycle or introduce a four-year term. The option of the four-
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year term was chosen as this will help councils to plan ahead and deliver policy priorities more effectively. In addition it also complements other initiatives, such as the new finance settlement, and will assist councils in taking a longer-term strategic view.

6. Two options were considered in respect of the timing of local government elections: to hold elections to coincide with Scottish Parliamentary elections or to hold local government elections mid-term. The Executive recognises that there are arguments for each of these options. The main consideration in the timing of local government elections is to provide councils with a strong democratic mandate. That would be achieved both by a high turnout and by the electorate voting on clearly understood local issues.

7. Dealing first with turnout, the 1999 election demonstrated the impact of a combined election on turnout - turnout in 1999 was 59%, against a backdrop of turnout between 41% and 48% from 1976 to 1995. The heightened publicity and media attention for combined elections clearly has an impact on voter turnout.

8. Anecdotal evidence suggests that, in a combined poll, national issues will dominate. But separate elections alone offer little guarantee that national issues will not influence voting at local government elections. Improving the focus on local issues will not be achieved simply by going to the polls on a separate day: other aspects of the Executive’s policy on renewing local democracy need to be successful to lead to a greater connection between local authorities and their voters.

9. The Executive has also considered the practical issues relating to the delivery of a combined election. It recognises the demands that dealing with different ballot papers and, possibly, different electoral systems, on a single occasion present for the electorate. The 1999 experience of combining elections involving a first past the post (FPTP) electoral system and an additional member system (AMS) suggests that the electorate did cope satisfactorily with the mechanics of voting and this has been underlined by a number of responses to the consultation on the Executive’s response to the McIntosh Report on Local Government and the Scottish Parliament. The other issue is the successful administration of joint elections. The 1999 elections were generally considered to demonstrate that the two elections could be combined successfully. The Executive recognises from the experience of returning officers for those elections that combined polls place significant pressure on returning officers and their staff, particularly in respect of the timing of the two counts. There will clearly need to be in place a well-functioning administrative process to allow for effective counting of votes for both elections and the Executive will be discussing the arrangements for this process with all those who have an interest in ensuring that this happens.

10. The Executive has concluded that the balance of the arguments was in favour of a combined election which would provide for higher turnout; reduce the demands on voters; and potentially provide savings. This is seen as part of the process of the Executive’s policy of renewing local democracy and complements other initiatives, such as the proposed power of community initiative and community planning, which should help revitalise interest in local issues.

CONSULTATION

11. The Executive initially consulted on the term and timing of elections in its response to the McIntosh Report and set out its subsequent position in a paper outlining the outcome of that consultation. That paper was sent to the Local Government Committee in June 2000. It stated the Executive’s position as follows:

“Ministers note the advantages of a 4 year term for the successful delivery of councils’ priorities. They also note the finely balanced arguments regarding mid-term and same-day elections, and the increasing (but far from conclusive) support for the latter option. Final decisions on these matters will need to await the forthcoming recommendations of the Renewing Local Democracy Group, which will impinge on the timing of elections.”

12. The McIntosh Report recommended that local government elections should be moved to a four-year term. It argued that this would assist councils to take a longer-term view in planning and implementing policies. The Executive’s response to the McIntosh Report recognised the arguments for a four-year term and sought views on the timing of local elections. Many respondents commented on the length of term, with a strong consensus in favour of extending the term from 3 to 4 years, to allow councils to plan ahead and to deliver more effectively their policy priorities.

13. The McIntosh Report argued that while coincident elections would increase the turnout for local elections, the local government election would be over-shadowed by the national election with the result that voters might be overly influenced by national issues when casting their local vote. On that basis, it recommended separate, mid-term elections which, it was argued, would strengthen the democratic mandate of local government. The Executive’s response to the Report invited views on the timing of elections. Responses to this were fairly evenly balanced, although with more in favour of coincident elections than the Report had found. Much of that increased support for coincident elections appears to have resulted from respondents’ favourable experience of the combined elections in 1999.

14. On 23 November, the Minister for Finance and Local Government announced 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 Executive consulted again from 30 March to 21 June this year on the content of a draft of the Bill. Responses to the consultation indicated that whilst views on the combining of elections are still divided, the majority of respondents favoured combined elections. The Executive recognises the concerns expressed by those in favour of mid-term elections, that local government issues will be overshadowed by national issues and will ensure that the publicity produced for the elections in 2003 highlights equally the Parliamentary and local government polls.

15. The consultation proposed combining local government elections with extraordinary Parliamentary elections. Respondents were unanimously against this provision, arguing that it would be an infringement of local democracy to shorten the term of local elections because of national circumstances. This provision has therefore been amended so that this would only be an option during a limited time period. Clearly there could be occasions when elections would be
so close to each other as to make it desirable to combine them. Responses to the consultation suggested that the statutory date by which councils must set the council tax (11 March) was a key date. The option of combining elections, should an extraordinary Scottish Parliament election become necessary between 11th March and the normal due date of the first Thursday in May (or as extended by the Presiding Officer using his powers to marginally vary the date of Parliament elections), has been retained.

16. As indicated in paragraph 9, the Executive recognises the pressures placed on returning officers and their staff at combined elections. It has therefore decided, following representations from councils during the consultation on a draft of the Bill to give councils the opportunity to try innovative systems with the objective of easing the administrative burden and improving voter turnout. Provisions are now included in the Bill for this purpose and reflect those introduced in respect of local government in England and Wales in sections 10 and 11 of the Representation of the People Act 2000. Councils will be able to submit for Ministers’ approval proposals for pilot schemes on the administration of when and where voting can take place, the method used to cast votes, how votes are to be counted and the sending of candidates’ election communications free of postal charge. Ministers may also consult interested parties before approving any schemes. An assessment of each such pilot scheme will be required. The provisions also give Ministers powers to extend successful schemes to the remainder of the authorities in Scotland should they so wish.

17. A copy of the responses to the consultation will be placed both in the library of the Scottish Executive and in the Parliament’s reference centre.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT, ETC.

18. The impact of the Bill on local authorities is dealt with in the body of this Policy Memorandum. There is no impact on human rights or sustainable development. In terms of impact on equal opportunities and island communities, pilot schemes to introduce innovative voting procedures offer potential benefits for all sectors of the community.

19. The introduction of the ability to run pilot schemes may involve councils in additional expenditure but the extent of this will depend on the nature of the pilot scheme. Councils will be required to report to Scottish Ministers their assessment of the relative merits of individual pilot schemes. These assessments may be made on the basis of, for example, enhanced turnout, or cost savings resulting from administrative efficiencies. The move to a four-year cycle of local government elections will result in one election fewer being held over a period of twelve years. This together with coincident elections may offer local authorities some potential savings in administration costs.
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