

## [Local Governance \(Scotland\) Bill](#)

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Bill Number:	SP Bill 14
Introduced on:	21 November 2003
Introduced by:	Andy Kerr (Executive Bill)
Passed:	23 June 2004
Royal Assent:	29 July 2004

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### **Passage of the Bill**

The [Local Governance \(Scotland\) Bill](#) [SP Bill 14] was introduced in the Parliament on the 21 November 2003. Stage 1 commenced on 2 December 2003 with the Local Government and Transport Committee acting as the lead committee and the Equal Opportunities, Finance and Subordinate Legislation Committees acting as secondary committees. The Stage 1 debate took place on [24 March 2004](#) and the [Bill was passed](#) following the Stage 3 parliamentary debate on [23 June 2004](#).

### **Purpose and objectives of the Bill**

The policy intention of the Bill is to augment the Scottish Executive's wider local government modernisation agenda. The Bill makes changes to the way in which councillors are elected, reduces the age qualification for candidates standing for election, changes the way councillors are remunerated and introduces a one-off severance scheme. The Bill follows on from the McIntosh Commission report and the report of the [Kerley working group](#). The Executive has established three working groups to assist in the process of implementing the provisions of the Bill covering: the single transferable vote; councillor's remuneration; and widening access to council membership.

### **Provisions of the Bill**

The Bill contains a wide range of provisions including the following:

- The introduction of the Single Transferable Vote (STV) for council elections based on wards consisting of either three or four wards
- Changing the minimum age for standing as a councillor from 21 to 18
- The repeal of legislation establishing a salary threshold for politically restricted posts within local authorities
- The amendment of legislation so that council employees have to resign on election as a councillor to their employing council, rather than on nomination as a candidate

- The reduction to three months of the period during which most former councillors are unable to take up employment with the council after their period of service as a councillor comes to an end
- The introduction of a new system of remuneration
- Provisions to allow for the creation of a Scottish Local Authorities Remuneration Committee which will recommend to Ministers on the details of the future remuneration scheme for councillors
- A one-off severance payment to councillors who decide not to stand at the next local government election
- Powers to introduce a pension scheme for councillors to allow future service to count for pension purposes.

### **Parliamentary consideration**

A wide range of issues was raised during the Stage 1 scrutiny of the Bill, notably concerning the introduction of the single transferable vote for local government elections. In particular, the issue of whether the district magnitude of three to four members per ward should be increased to at least three to five members per ward (with two in exceptional cases) in order to provide a greater degree of proportionality whilst also taking account of specific conditions in some rural areas. Some witnesses argued that the introduction of STV would lead to a diminution of the councillor-ward link.

The de-coupling of local government elections from Scottish Parliament elections was considered, although subsequent amendments at Stages 2 and 3 to decouple the elections were ruled outwith the scope of the Bill. The Committee recommended that e-counting be adopted at the earliest possible opportunity and recommended the use of the 'weighted inclusive Gregory' method of counting once e-counting had been introduced. The Scottish Executive amended the Bill during its passage, on the Committee's recommendation, in order to place the detail of the STV counting process into secondary legislation so that any future changes in the counting method could be introduced without the need for further primary legislation.

The Committee also considered that severance payments should vary according to councillors' length of service, that the severance payments should include councillors who stand for election but are defeated and that an on-going resettlement scheme should be established for councillors. However amendments aiming to achieve these changes were not agreed during the passage of the Bill.