Passage of the

Scottish Local Government (Elections) Bill 2009

SPPB 135
Passage of the
Scottish Local Government (Elections) Bill 2009
SP Bill 21 (Session 3), subsequently 2009 asp 10

SPPB 134

EDINBURGH: APS GROUP SCOTLAND
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Foreword

Purpose of the series

The aim of this series is to bring together in a single place all the official Parliamentary documents relating to the passage of the Bill that becomes an Act of the Scottish Parliament (ASP). The list of documents included in any particular volume will depend on the nature of the Bill and the circumstances of its passage, but a typical volume will include:

- every print of the Bill (usually three – “As Introduced”, “As Amended at Stage 2” and “As Passed”);
- the accompanying documents published with the “As Introduced” print of the Bill (and any revised versions published at later Stages);
- every Marshalled List of amendments from Stages 2 and 3;
- every Groupings list from Stages 2 and 3;
- the lead Committee’s “Stage 1 report” (which itself includes reports of other committees involved in the Stage 1 process, relevant committee Minutes and extracts from the Official Report of Stage 1 proceedings);
- the Official Report of the Stage 1 and Stage 3 debates in the Parliament;
- the Official Report of Stage 2 committee consideration;
- the Minutes (or relevant extracts) of relevant Committee meetings and of the Parliament for Stages 1 and 3.

All documents included are re-printed in the original layout and format, but with minor typographical and layout errors corrected.

Where documents in the volume include web-links to external sources or to documents not incorporated in this volume, these links have been checked and, wherever the linked material remains available, are correct at the time of publishing this volume. The Scottish Parliament is not responsible for the content of external Internet sites. The links in this volume will not be monitored after publication, and no guarantee can be given that all links will continue to be effective.

Documents in each volume are arranged in the order in which they relate to the passage of the Bill through its various stages, from introduction to passing. The Act itself is not included on the grounds that it is already generally available and is, in any case, not a Parliamentary publication.

Outline of the legislative process

Bills in the Scottish Parliament follow a three-stage process. The fundamentals of the process are laid down by section 36(1) of the Scotland Act 1998, and amplified by Chapter 9 of the Parliament’s Standing Orders. In outline, the process is as follows:

- Introduction, followed by publication of the Bill and its accompanying documents;
- Stage 1: the Bill is first referred to a relevant committee, which produces a report informed by evidence from interested parties, then the Parliament debates the Bill and decides whether to agree to its general principles;
• Stage 2: the Bill returns to a committee for detailed consideration of amendments;
• Stage 3: the Bill is considered by the Parliament, with consideration of further amendments followed by a debate and a decision on whether to pass the Bill.

After a Bill is passed, three law officers and the Secretary of State have a period of four weeks within which they may challenge the Bill under sections 33 and 35 of the Scotland Act respectively. The Bill may then be submitted for Royal Assent, at which point it becomes an Act.

Standing Orders allow for some variations from the above pattern in some cases. For example, Bills may be referred back to a committee during Stage 3 for further Stage 2 consideration. In addition, the procedures vary for certain categories of Bills, such as Committee Bills or Emergency Bills. For some volumes in the series, relevant proceedings prior to introduction (such as pre-legislative scrutiny of a draft Bill) may be included.

The reader who is unfamiliar with Bill procedures, or with the terminology of legislation more generally, is advised to consult in the first instance the Guidance on Public Bills published by the Parliament. That Guidance, and the Standing Orders, are available for sale from Stationery Office bookshops or free of charge on the Parliament’s website (www.scottish.parliament.uk).

The series is produced by the Legislation Team within the Parliament’s Chamber Office. Comments on this volume or on the series as a whole may be sent to the Legislation Team at the Scottish Parliament, Edinburgh EH99 1SP.

Notes on this volume

The Bill to which this volume relates followed the standard 3 stage process described above.

Reports from the Subordinate Legislation and Finance committees are included in the lead committee’s Stage 1 report.

The written evidence received by the Finance Committee and the Official Report of the oral evidence taken by the Finance Committee were not included in the lead committee’s Stage 1 report. The written evidence, the relevant extracts from the Official Report and from the Committee’s minutes are, therefore, included in this volume after the Stage 1 report.

No amendments were lodged at Stages 2 and 3, so the Bill was not reprinted As Amended or As Passed.
Scottish Local Government (Elections) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision as respects the year in which local government elections fall to be held; and to make provision in relation to the publication of information about votes cast at local government elections.

1 Year of local government elections

(1) In section 5 of the Local Government etc. (Scotland) Act 1994 (c.39) (elections etc. of councillors), after subsection (1) insert—

“(1A) Following the ordinary election of councillors held in 2007 the next ordinary election of councillors shall take place in 2012.

(1B) After the ordinary election of councillors in 2012 the next ordinary election shall take place in 2017, and ordinary elections shall take place every fourth year after that.”.

(2) The schedule to this Act, which contains consequential modifications and the repeal of certain enactments already obsolete or unnecessary, has effect.

2 Voting information from local government elections

(1) In the Local Governance (Scotland) Act 2004 (asp 9), after section 3 insert—

“3A Voting information from local government elections

(1) The Scottish Ministers may by order make provision as to the publication of information about votes cast at elections of councillors.

(2) Such an order may, in particular—

(a) specify information to which the provisions shall apply,

(b) make provision about access to information to facilitate publication,

(c) specify limitations on the publication of information,

(d) make provision relating to votes cast in part of an electoral ward.

(3) Nothing may be done by virtue of an order under this section which would make it possible to ascertain whether or not a particular elector voted.
(4) An order under this section may make provision which applies to any voting information held by virtue of this Act in relation to the local government elections held in 2007.”.

(2) In section 16 of that Act (orders and regulations)—
(a) in subsection (3) after “3(1)” insert “, 3A”,
(b) in subsection (5), at the end of paragraph (a) insert—
“(aa) order containing provisions made under section 3A,”.

3 Short title and commencement
(1) This Act may be cited as the Scottish Local Government (Elections) Act 2009.
(2) This section comes into force on Royal Assent.
(3) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
SCHEDULE
(introduced by section 1(2))

CONSEQUENTIAL MODIFICATIONS

Representation of the People Act 1983 (c.2)

1 (1) Section 43 of the Representation of the People Act 1983 (day of ordinary local elections in Scotland, and other timing provisions) is amended in accordance with this paragraph.

(2) In subsection (1B)—
   (a) paragraph (a) and the word “or” immediately following are repealed,
   (b) in paragraph (b) for “that Act” substitute “the Scotland Act 1998 (c.46) (“the 1998 Act”)”.

(3) In subsection (1C)—
   (a) the definition “ordinary general election” is repealed,
   (b) for “5(3)” substitute “5(1A) or (1B)”.

Local Government etc. (Scotland) Act 1994 (c.39)

2 In section 5 of the Local Government etc. (Scotland) Act 1994, subsections (2) and (3) are repealed.

Scottish Local Government (Elections) Act 2002 (asp 1)

3 Section 1 of the Scottish Local Government (Elections) Act 2002 is repealed.
Scottish Local Government (Elections) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision as respects the year in which local government elections fall to be held; and to make provision in relation to the publication of information about votes cast at local government elections.

Introduced by: Alex Salmond
On: 3 February 2009
Supported by: Bruce Crawford
Bill type: Executive Bill
SCOTTISH LOCAL GOVERNMENT (ELECTIONS) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Scottish Local Government (Elections) Bill introduced in the Scottish Parliament on 3 February 2009:

- Explanatory Notes;
- a Financial Memorandum;
- a Scottish Government Statement on legislative competence; and
- the Presiding Officer’s Statement on legislative competence.

A Policy Memorandum is printed separately as SP Bill 21–PM.
INTRODUCTION

2. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

BACKGROUND TO THE BILL

4. In May 2007 the Electoral Commission appointed Ron Gould, former Assistant Chief Electoral Officer of Canada and international elections expert to carry out an independent review of the problems that had arisen during the 2007 Scottish local government elections and elections to the Scottish Parliament. The Gould Report was published in October 2007. One of the key recommendations in the Report was that local government elections in Scotland should be decoupled from elections to the Scottish Parliament. Separating the elections would prevent national issues from dominating local government campaigns and would give greater prominence to local issues. Separation would also minimise the potential for voter confusion caused by two elections being held at the same time for different institutions and using different voting systems. The Bill implements this Gould recommendation.

THE BILL: OVERVIEW

5. The Bill changes the date of the local government elections in Scotland so that they are no longer held in the same year as elections to the Scottish Parliament. The Bill also gives the Scottish Ministers powers to make secondary legislation relating to the publication of information about votes cast at local government elections.

COMMENTARY ON SECTIONS

Section 1 – Year of local government elections

6. Under the Bill the next two ordinary local government elections will be held in 2012 and 2017. After 2017, ordinary local government elections will revert to taking place every fourth year. The effect of this will be that the local government elections will take place halfway through the term of the Scottish Parliament. Section 1 of the Bill does this by amending section 5 of the Local Government etc. (Scotland) Act 1994 which contains provision about the timing of local government elections. The Bill inserts two new subsections into section 5 of the 1994 Act.

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These documents relate to the Scottish Local Government (Elections) Bill (SP Bill 21) as introduced in the Scottish Parliament on 3 February 2009

Act and repeals subsections (2) and (3) of that section (subsection (2) contains a historical date for local government elections and subsection (3) is the provision that links the date of local government elections to that of the Scottish Parliament elections).

7. Subsection (2) introduces the schedule which contains consequential amendments and repeals.

Section 2 – Voting information from local government elections

8. This section inserts a new section 3A (Voting information from local government elections) into the Local Governance (Scotland) Act 2004. Subsection (1) of the new section confers power on the Scottish Ministers to make orders about the publication of information about votes cast at elections of councillors. Any order under new section 3A would attract the affirmative procedure in terms of Parliamentary scrutiny.

9. An order under new section 3A may specify the information to which the order is to apply, the limits to be placed on the publication of the information and the parts of an electoral ward which may be identified in the order. The order may also make provision about granting access to the information for the purposes of publication (see subsection (2) of the new section 3A).

10. This order making power could be used to authorise the publication of voting information at polling station level (subject to certain limitations). The Scottish Local Government Elections Order 2007, made under section 3(1) of the Local Governance (Scotland) Act 2004, sets out the rules governing the conduct of Scottish local government elections. Rule 55 requires the returning officer to publish at ward level the following information upon declaration of the result:

- the name(s) of the candidate(s) elected;
- the number of first and subsequent preference votes for each candidate;
- the number of ballot papers transferred and transfer values (under the STV process) at each stage of the count;
- the number of votes credited to each candidate at each stage of the count; and
- the number of non-transferable ballot papers at each stage of the count.

11. An order under new section 3A could be used to authorise the publication at polling station level of information similar to that detailed in paragraph 10 above. In circumstances where the number of voters using a particular polling station was small enough to run the risk of an individual elector’s vote being identified, or at least assumed with some degree of accuracy, the order could specify that the data from a number of polling stations could be amalgamated until the combined number of voters reached a minimum threshold. Such an amalgamation might be required, for example, in remote rural locations.

12. Nothing may be done under an order made under new section 3A which would identify whether a particular person has voted. Given that nothing may be done to identify if a person has voted it follows that an order under new section 3A cannot authorise anything which would
These documents relate to the Scottish Local Government (Elections) Bill (SP Bill 21) as introduced in the Scottish Parliament on 3 February 2009

disclose how a particular person voted (see subsection (3) of the new section 3A). This prohibition on disclosure of whether a person has voted does not prejudice other enactments where certain specific and confidential information can be accessed in certain circumstances and subject to certain safeguards. Sections 5, 6 and 7 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 provide that registered political parties and candidates in an election may have access to a marked copy of the electoral register, the postal voters list, the list of proxies and the proxy postal voters list. Access is given under specified restrictions. The information released in this way does not allow parties or candidates to identify how individuals voted.

13. An order under new section 3A may specify that the terms of the order may apply to information relating to the local government elections of 2007 (see subsection (4) of the new section 3A).

Section 3 – Short title and commencement

14. This section provides that the Scottish Ministers may by order appoint a day (or days) on which the provisions of the Bill are to come into force.

Schedule

15. The schedule contains a number of consequential amendments and repeals.

FINANCIAL MEMORANDUM

INTRODUCTION

16. This document relates to the Scottish Local Government (Elections) Bill introduced to the Scottish Parliament on 3 February 2009. It has been prepared by the Scottish Government to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

17. The Bill provides that the next two ordinary (general) local government elections in Scotland will be held in 2012 and 2017. Thereafter, ordinary local government elections will return to being held every four years. This means that in future local government elections in Scotland will not be held on the same day as elections to the Scottish Parliament as they were in 2003 and 2007. The Bill also provides that in future information about voting patterns in local government elections will be collated and published at polling station level rather than at ward level as at present. There will be costs arising from the move to decouple local government elections from elections to the Scottish Parliament and these are estimated below.

COSTS ON THE SCOTTISH GOVERNMENT

18. The cost of running local government elections in Scotland is met by local authorities from the funding which they receive from the Scottish Government. In addition the Scottish
Government funds public information campaigns (about the electoral process) itself in the run up to the election. The separation of local government elections from elections to the Scottish Parliament will not have an effect on the costs incurred by the Scottish Government. No additional local government elections will be held as a result of the Bill’s provisions. Instead of funding information campaigns for local government elections in 2011 and 2015 the Government will fund campaigns in 2012 and 2017.

COSTS ON LOCAL AUTHORITIES

Decoupling elections

19. Local authority returning officers are currently responsible for the administration of local government elections, which are funded by local authorities themselves. The Bill does not seek to change these administrative or financial arrangements, but it does change the timing of future local government elections. The Scottish Government recognises that the additional costs arising from the section of the Bill which separates the date of future local government elections from elections to the Scottish Parliament will fall upon Scottish local authorities. The Scottish Government consultation on the proposal to decouple the two sets of elections received overwhelming support from respondents. A number of responses to the consultation noted that decoupling would result in additional costs, although no estimate of the national cost was offered during the consultation. Local authorities meet the costs associated with the running of local government elections from their existing budget allocations. However, at present these allocations reflect the fact that local government and Scottish Parliamentary elections have previously been combined. The combined elections in 2003 and 2007 resulted in economies of scale achieved by using largely the same staff, resources and facilities on election day for both sets of elections.

20. The cost of decoupling local government and Scottish Parliamentary elections will differ across each local authority in Scotland depending largely on the size of the electorate in each area. Generally speaking, areas with higher electorates will incur greater costs although transport links and geography will also play a part. In 2007 the number of registered voters in mainland local authority areas ranged from 427,582 in Glasgow (with 505 polling stations) to 44,646 in Inverclyde (with 46 polling stations). The Orkney and Shetland Islands have 16,195 registered voters (24 polling stations) and 17,108 voters (36 polling stations) respectively.

21. The costs incurred by local authorities in the 2007 elections have been used to estimate the cost of decoupling the elections (i.e. how much extra will it cost local authorities to run local government elections in a different year to elections to the Scottish Parliament). Broadly speaking, the overall costs can be broken down into staff costs and facilitation (or other) costs. Staff costs include fees paid to presiding officers, clerks and information officers. Staff training and travelling expenses have also been included. Facilitation costs include the renting of polling stations, adaptation of polling stations, voting compartments, conveyance (or transport) costs, election stationery (ballot papers and explanatory information material) and security costs. The 2007 costs also take into account the preparation, revision and issue of poll cards; the issue and receipt of postal ballots and the use of count staff to scan and verify all ballot papers. Economies of scale were achieved in 2007 by holding combined elections because some of these costs were incurred only once for the two sets of elections. So, for example, ballot papers for both sets of elections were transported together.
22. The total cost to local authorities of the combined 2007 local government elections was approximately £6.6m. This does not include the cost of the electronic counting system which was used in the local government and Scottish Parliament elections. The cost of e-counting was shared between the Scottish Government and the Scotland Office (see paragraphs 27 and 28 below). The cost to local authorities of the 2007 elections was broken down as follows:

- i) Fees (information officers, clerks etc.) £2.1m
- ii) Staff training and travelling expenses £0.8m
- iii) Renting and adapting of polling stations etc. £1.5m
- iv) Transport, stationery and security costs £0.9m
- v) Preparation and issue of poll cards and postal ballot papers etc. £1.3m

**TOTAL** £6.6m

23. The estimated costs associated with conducting future elections separately assume there will not be any drastic fluctuation in the size of the electorate in any area and that population and electoral registration levels remain constant throughout the country. A proportion of the £6.6m cost to local authorities in 2007 was re-imbursed by the Scotland Office because the costs covered both sets of elections and the Scotland Office is responsible for meeting the cost of Scottish Parliamentary elections. In most areas of expenditure the split was 50/50 or 60/40 with the Scotland Office paying 60%, the split in expenditure in various areas being historic and by agreement. The Scotland Office met the full cost of staff training, voter compartments and item (v) above. In total the Scotland Office paid around £4.7m towards the cost of the combined elections. The remaining £1.9m was met by individual local authorities from the allocation they received from the Scottish Government and is therefore within their baseline for future elections whenever they are held.

24. To estimate a range for the additional cost of decoupling we have considered two options. The first option assumes that most, if not all, of the costs of the 2007 combined elections (summarised in paragraph 22 above) will be incurred by local authorities when they hold the next set of (separate) local government elections. Fees, staff training and travel, renting and adapting polling stations etc. and transport, stationery and security costs will all need to be met for stand alone local government elections. The cost of separate local government elections will not differ greatly from the cost of the 2007 combined elections. We have estimated that the cost to local authorities of running decoupled local government elections will be the same as the cost to them of running combined elections in 2007 (i.e. £6.6m) plus a sum of £300,000 to take account of the potential additional cost caused by the introduction of absent vote identifiers (AVIs). In order to increase the security of postal and other absent voting, AVIs will be introduced whereby a voter wishing to register for a postal vote will be required to provide a signature and date of birth. The “identifiers” will be checked when the vote is cast. The additional cost to local authorities will therefore be around £5m (because local authorities already have £1.9m in their allocation for elections).

25. The second option assumes that de-coupling the elections will bring some reduced costs compared to the estimated costs of decoupled elections set out in the previous paragraph. In 2007, in the vast majority of cases, returning officers employed two polling clerks (i.e. one for each election). Only one polling clerk would be required for a single election. The fees paid to polling clerks in 2007 amounted to £660,000 - £260,000 of this came from local authorities’ budgets. If half the number of polling clerks are employed this would suggest the need for
£330,000 in fees. The additional cost to local authorities would therefore be £70,000 rather than £400,000 if they were required to employ the same number of polling clerks as in 2007 – a saving of £330,000. It is also possible that the de-coupling could lead to a reduction in the number of polling stations required. This would reduce the cost of renting and adapting the buildings used. In 2007 the cost of renting and adapting polling stations was approximately £1,210,000. A 15% reduction in the number of polling stations used would lead to a saving of £180,000. Fewer polling clerks and polling stations could therefore reduce the additional cost of decoupled elections by approximately £500,000 to £4.5m.

26. We have discussed these estimates and our methodology with the Convention of Scottish Local Authorities (COSLA) and the Society of Local Authority Chief Executives and Senior Managers in Scotland (SOLACE) representatives. Combining the figures available for the cost to each local authority in Scotland of the 2007 elections and then interpreting the information in accordance with the assumptions above we estimate that the additional costs incurred by local authorities across Scotland will be in the region of between £4.5m and £5m at 2007 prices. Taking the higher figure, the average additional cost per local authority will therefore be £156,000. Within this average figure the cost for individual local authorities will obviously vary considerably from the larger authorities such as Glasgow and Edinburgh to the smaller authorities such as Orkney and Shetland Islands. The average figure is therefore for illustrative purposes only. Assuming that the next local government elections are held in May 2012 these costs will be incurred predominantly in financial year 2012/2013.

Costs of additional voter information

27. Any additional costs to local authorities associated with the provision in the Bill relating to the publication of additional election data at polling station level will be incorporated into the contract for e-counting which will need to be let before the 2012 local government elections. The Local Governance (Scotland) Act 2004 introduced the single transferable vote (STV) system of proportional representation for local government elections in Scotland. Local government elections in 2007 were counted electronically and, subject to the development, testing and introduction of a reliable system of electronic counting it is likely that the 2012 elections will also be counted electronically. The cost of an e-counting system for 2012 will fall in the next spending review period. The bulk of the costs – for the delivery of the count itself – will fall in 2012-2013. Development and testing costs will fall in 2011-2012.

28. The contract for e-counting of the 2012 elections will specify that the additional information about voting patterns in particular polling stations, as provided for under the terms of this Bill, must be made available to the Returning Officer on completion of the count. Given that the costs of electronic counting for the 2012 elections do not arise as the direct result of provisions of this Bill, they are not included in this financial memorandum. The cost of the e-counting system for the 2007 elections was met jointly by the Scottish Government and the Scotland Office because the system covered both local government elections and elections to the Scottish Parliament. The Scotland Office is responsible for meeting costs associated with the Scottish Parliamentary elections. Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m. £1.25m of this was to meet the cost of developing and testing the system and associated training costs. The invitation to tender and statement of requirement sent to bidders prior to the 2007 elections asked them to provide a system “to support the introduction of STV with facilities which will allow the rapid production of accurate and verifiable election results”. Among other
things, the system was required to comply with all relevant legislation. The requirements placed on the returning officer (by Rule 55 of the 2007 Elections Order) to publish information meant that the successful e-counting contractor had to produce a system capable of producing specific information at ward level. This involved combining the information from individual polling stations so that it could be published at ward level. The Scotland Office has said that they do not intend to use e-counting for the 2011 Scottish Parliamentary elections. The Scottish Government will work in partnership with local authority returning officers to put in place an e-counting system for 2012. The costs for a new system for 2012 will depend on technological developments and the outcome of a competitive procurement process. Funding of the system will be a matter for discussion between the Scottish Government and COSLA in the context of the next spending review. Any additional cost of providing information at polling station level (rather than at ward level as in 2007) is likely to be marginal to the overall cost of the contract, not least because polling station level information was already in the system used in 2007 and had to be amalgamated to provide ward level data. The initial specification will be different (to reflect the level of information required in the legislation) but the data being collected will be the same. The difference will be in how the data is presented and it is unlikely that this will result in significant additional cost.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

29. The Scottish Government does not consider that the measures in the Bill will create additional costs for other bodies, individuals or businesses.

SCOTTISH GOVERNMENT STATEMENT ON LEGISLATIVE COMPETENCE

30. On 3 February 2009, the First Minister (Rt Hon Alex Salmond MSP) made the following statement:

“In my view, the provisions of the Local Government Elections Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

31. On 28 January 2009, the Presiding Officer (Alex Fergusson MSP) made the following statement:

“In my view, the provisions of the Local Government Elections Bill would be within the legislative competence of the Scottish Parliament.”
INTRODUCTION

1. This document relates to the Scottish Local Government (Elections) Bill (“the Bill”) introduced in the Scottish Parliament on 3 February 2009. It has been prepared by the Scottish Government to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 21–EN.

2. The Bill will separate local government elections from elections to the Scottish Parliament and allow for the publication of, and access to, a greater level of information about votes cast in local government elections.

POLICY OBJECTIVES OF THE BILL

Decoupling

3. Following the 2007 Scottish elections Ron Gould, former Assistant Chief Electoral Officer of Canada and electoral administration expert, was appointed to carry out an independent review of the problems that had arisen during the elections. One of the key recommendations of his subsequent report¹ was that the Scottish Parliament elections should be decoupled from local government elections. In March 2008 the Scottish Government issued a consultation paper on whether to decouple elections to the Scottish Parliament from local government elections in Scotland and, if so, how to achieve separation. Responses showed overwhelming support for the Government’s plan to separate the elections. Of those who responded only the Liberal Democrat Party were opposed to the concept of decoupling. As for the second question (i.e. how to separate assuming that the move is made to decouple the elections), all of those who responded, including the Liberal Democrat Party, favoured the Government’s preferred option of moving the local government elections to the mid point in the Scottish Parliament term.

Post-election information

4. The introduction of the single transferable vote (STV) system and the use of electronic counting has resulted in a considerable amount of voting information being available which was

not available under the previous system. At present the Returning Officer in Scottish local government elections is required, once the result has been declared, to publish certain information at ward level. This includes the number of votes cast and transferred between candidates at various stages. The Bill allows for a greater level of detail to be made available by moving down to polling station level. Candidates and parties can use this data to analyse the way in which their total vote is compiled. This can be important in planning future electoral strategy. This level of information and aggregation ensures that the secrecy of the ballot is maintained. The provision of additional data could be beneficial in increasing levels of confidence in both the electoral system itself and the method of counting. Regardless of the proposed information being disclosed the underlying principle must remain the secrecy of the ballot.

5. It is vital that any electoral process enjoys the confidence of the electorate and the candidates. An important factor in this confidence is trust that the system has produced a correct and accurate result based on the application of the election rules. This trust is easier to achieve in first past the post contests with a manual count where the counting process can be closely observed. In an electronic count of an STV election the process is significantly different and, while the returning officer will talk candidates through the process at each stage, the availability of good quality information post election should provide candidates with confidence that the system has carried out the count in accordance with the election rules.

Effect of the Bill

6. The Bill will give effect to the policy intentions outlined above by extending the current and subsequent local government term of office to five years. This will mean the next two local government elections in Scotland will take place in 2012 and 2017. Thereafter, local government terms of office will revert to four years. The Bill will also give Scottish Ministers the power to make election regulations to authorise the publication of voting information at polling station level.

Existing legislative framework


8. The Bill will give Ministers a general enabling power to make regulations about the availability of post election information. The new power will be subject to a protective measure that Scottish Ministers cannot do anything which could disclose how an individual has voted.

ALTERNATIVE APPROACHES

9. Decoupling was a key recommendation of the Gould Report. The Scottish Government accepted the recommendation on the grounds that it would reduce the potential for voter confusion and give due prominence to local issues in local government elections. The recommendation also has the approval of the Scottish Parliament which passed a motion on 10 January 2008 calling, among other things, for “the decoupling of future elections to this
Parliament and Scotland’s councils”. A Scottish Act of Parliament cannot be used to change the date of elections to the Scottish Parliament because this is an area which is reserved to Westminster under the Scotland Act 1998. The Scottish Government consultation paper therefore set out four options for moving to a different cycle of elections by moving the date of local government elections:

(a) 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;
(b) option 2: hold the local government elections half way through the term of the Scottish Parliament;
(c) option 3: hold the local government elections one year after the date of the Scottish Parliament elections;
(d) option 4: hold the local government elections one year prior to the date of the Scottish Parliament elections.

10. The Scottish Government favoured option 2 (as did the Gould Report). The Government considered that moving the local government elections to the mid point of the Scottish Parliamentary term had the advantage of pointing up local government elections as being distinct and separate from those of the Scottish Parliament. The consultation paper made it clear that although option 2 was its preferred option, the Scottish Government remained open to views from respondents to the consultation. In the event 33 individuals or organisations responded to the consultation. 32 out of 33 supported decoupling. 29 favoured option 2. 4 favoured option 3.

11. The possibility of extending the release of post-election information has been considered for some time. The views expressed have ranged from the full, anonymised, disclosure of every ballot paper through to the support of the status quo. The Scottish Government has considered these competing views and the implications each would have before opting for an approach which will lead to the release of more information than is available at present while recognising the need to safeguard the secrecy of the ballot.

CONSULTATION

12. The Labour Party, Green Party and SNP responded positively to the decoupling consultation document and supported the Government’s position. The Liberal Democrats opposed the idea of decoupling due to “the combined factors of a lower turnout for both split elections and the possibility of interference with other elections such as Westminster and the European Parliament”. Although they did not support the idea of decoupling they recognised that if the process is to go ahead they would favour option 2 with local government elections evenly spaced between Holyrood elections. The Conservatives did not respond to the consultation but supported the Scottish Parliament motion in October 2007 which welcomed the decoupling of future elections to Parliament and Scotland’s councils.

13. The following organisations supported the proposal to decouple the elections and to move local government elections to the midpoint in the Scottish Parliamentary term:

- the Association of Electoral Administrators (AEA),
This document relates to the Scottish Local Government (Elections) Bill (SP Bill 21) as introduced in the Scottish Parliament on 3 February 2009

- the Electoral Commission,
- the Society of Local Authority Chief Executives and Senior Managers in Scotland (SOLACE),
- the Society of Local Authority Lawyers and Administrators in Scotland (SOLAR),
- the Convention of Scottish Local Authorities (COSLA).

14. In 2007 the Scottish Government sought public views on the extension of the release of post election information. As reported in paragraph 11 above, responses to the consultation expressed views ranging from support for the status quo (i.e. specific information at ward level about the first and subsequent preferences of voters and how they were transferred during the STV process) to the full anonymised disclosure of every ballot paper. The majority of respondents favoured a move to release more information than was available at present, while recognising the need to maintain the secrecy of the ballot. The Government concluded that it should opt for a solution based on release of voting information at polling station level subject to some level of numeric or other threshold to maintain the secrecy of the ballot.

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

Equal opportunities

15. The provisions of this Bill are not discriminatory on the basis of age, gender, race, disability, marital status, religion or sexual orientation.

16. An assessment has been carried out on the policies in the Bill and the potential implications for equal opportunities. As a result it has been concluded that the Bill will have no detrimental impact on equal opportunities.

Human rights

17. The Bill does not give rise to any issues under the European Convention on Human Rights. Article 3 of Protocol 1 of the Convention gives the right to a secret ballot in the choice of the legislature. The Bill contains a provision to the effect that Scottish Ministers may do nothing under the provisions on the publication of election information which would make it possible to ascertain whether or how a particular elector voted. This provision specifically maintains the secrecy of the ballot.

Island communities

18. The Bill has no disproportionate effect on island communities.
Local government

19. The Bill requires local government returning officers to run separate elections. The Arbuthnott Commission Report\(^2\) in 2006 concluded that decoupling would reduce administrative complexity in the planning, management and counting of the elections and enhance the transparency of the electoral process. All of those local authorities who responded to the consultation supported decoupling. Separate elections were also supported by COSLA, AEA, SOLACE, SOLAR, the Electoral Commission and UNISON. The financial implications for local authorities are discussed in the Financial Memorandum.

Effects on sustainable development

20. The Bill has no implications for sustainable development.

Regulatory impact

21. The proposed Bill will not increase the costs on businesses, charities or voluntary bodies and therefore does not require a Regulatory Impact Assessment.

\(^2\) Putting Citizens First: Boundaries, Voting and Representation in Scotland, January 2006, Sir John Arbuthnott
SCOTTISH LOCAL GOVERNMENT (ELECTIONS) BILL

DELEGATED POWERS MEMORANDUM

PURPOSE

1. This memorandum has been prepared by the Scottish Government in accordance with Rule 9.4A of the Parliament’s Standing Orders, in relation to the Scottish Local Government (Elections) Bill. It describes the purpose of the subordinate legislation provisions in the Bill and outlines the reasons for seeking the proposed powers. This memorandum should be read in conjunction with the Explanatory Notes and Policy Memorandum for the Bill.

2. The contents of this memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Scottish Parliament.

Outline of Bill provisions

3. The Bill changes the year in which local government elections fall to be held. It also provides for a power to enable information to be published about votes cast at local government elections to a sub-ward level.

4. The Bill has three sections:
   - Section 1 Year of local government elections, changes the year in which local government elections fall to be held.
   - Section 2 Voting information from local government elections, amends the Local Governance (Scotland) Act 2004 (“the 2004 Act”) to give the Scottish Ministers the power to make an Order allowing for the publication of information about votes cast at local government elections in certain circumstances.
   - Section 3 Short Title and Commencement.

5. Further information about the Bill’s provisions is contained in the Explanatory Notes (containing the Financial Memorandum) and the Policy Memorandum.

Rationale for subordinate legislation

6. The Bill contains two delegated powers provisions (one of which is a commencement power), which are explained in more detail below. In deciding whether these provisions should
be specified on the face of the Bill or left to subordinate legislation, the Scottish Government has carefully considered the importance of each matter against the need to ensure that there is flexibility in achieving policy, where provisions can be introduced and amended without the need for primary legislation. Given the sensitivity of elections legislation, it was considered important to ensure that the powers could only be exercised within certain parameters, which are set out in the primary legislation.

7. The two delegated powers provisions in this Bill are listed in this memorandum, with a short explanation of what each power allows, why the power has been taken in the Bill and why the form of Parliamentary procedure selected is considered appropriate.

8. Sections 2 and 3 of the Bill contain powers to make subordinate legislation (including commencement powers).

DELEGATED POWERS

Section 2 – Voting information from local government elections

Power conferred on: Scottish Ministers
Power exercisable by: order made by statutory instrument
Parliamentary procedure: affirmative resolution of the Scottish Parliament

Provision

9. Section 2 of the Bill inserts an order making power into the 2004 Act (new section 3A). This allows the Scottish Ministers to make provision as to the publication of information about votes cast at elections of councillors. Such an order can: specify the particular information that can be published; how the information can be accessed to facilitate the publication; any limitations on publication and make provision relating to votes cast in part of an electoral ward (sub-ward level).

10. The power is subject to subsection (3), which prevents anything being done which would make it possible to ascertain whether or not a particular elector has voted. This ensures that the secrecy of the ballot is maintained at all times.

11. The new order making power will link into the established provisions in the 2004 Act that govern subordinate legislation. Section 16 of the 2004 Act (orders and regulations) contains those provisions. Section 16(1) provides that any power conferred on the Scottish Ministers to make orders or regulations is exercisable by statutory instrument. Subsection (2) allows different provision to be made for different purposes and permits the powers to be used to make such incidental, supplemental, transitional, transitory or saving provision as is necessary or expedient. Subsection (3) enables secondary legislation made under new section 3A to modify any enactment. The Bill amends subsection (5) to provide that the procedure applicable to the making of secondary legislation under new section 3A is affirmative resolution procedure.
Reason for taking power

12. The order making power allows for a greater level of voting information to be made available at polling station level. The introduction of the Single Transferable Vote (STV) system and the use of electronic counting has resulted in a considerable amount of voting information being available which was not available under the previous system. At present the Returning Officer in Scottish local government elections is required, once the result has been declared, to publish certain information at ward level. The Scottish Local Government Elections Order 2007, made under section 3(1) of the Local Governance (Scotland) Act 2004, sets out the rules governing the conduct of Scottish local government elections. Rule 55 sets out the specific information which the returning officer is required to publish at ward level. This includes the number of votes cast and transferred between candidates at various stages. The Bill allows for a greater level of detail to be made available by moving down to polling station level. In an electronic count of an STV election the process is significantly different from the traditional first past the post system and, while the returning officer will talk candidates through the process at each stage, the availability of good quality information post election should provide candidates with the information to demonstrate that the system has carried out the count in accordance with the election rules.

13. While the Bill itself sets out the important overall limits for the new power (including importantly, the secrecy of the ballot being maintained), it is considered that the actual matters of detail can be best addressed and fleshed out through subordinate legislation, and can be dovetailed with the other details of elections currently contained in subordinate legislation.

Choice of procedure

14. Given the sensitivity of election information, the greater degree of Parliamentary scrutiny provided by the affirmative resolution procedure is considered appropriate.

Section 3 – Commencement

Power conferred on: Scottish Ministers
Power exercisable by: order made by statutory instrument
Parliamentary procedure: None

Provision

15. This section provides that the provisions of the Bill come into force on a day or days set by the Scottish Ministers by order. The exception to this is section 3 itself, which comes into force on Royal Assent.

Reason for taking power

16. This section addresses the administrative requirements necessary for commencing the Bill.
Choice of procedure

17. The decision on commencement is a matter for the Scottish Ministers, and as is usual, the Scottish Government considers that the commencement powers should not be subject to any Parliamentary procedure.
Local Government and Communities Committee

8th Report, 2009 (Session 3)

Stage 1 Report on the Scottish Local Government (Elections) Bill

Published by the Scottish Parliament on 30 April 2009
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Local Government and Communities Committee

Remit and membership

**Remit:**

To consider and report on (a) the financing and delivery of local government and local services and planning; and (b) housing, regeneration, anti-poverty measures and other matters falling within the responsibility of the Minister for Housing and Communities.

**Membership:**

Alasdair Allan (Deputy Convener)
Bob Doris
Patricia Ferguson
David McLetchie
Duncan McNeil (Convener)
Mary Mulligan
Jim Tolson
John Wilson

**Committee Clerking Team:**

Clerk to the Committee
Susan Duffy

Senior Assistant Clerk
David McLaren

Assistant Clerk
Ian Cowan

Committee Assistant
Fiona Sinclair
The Committee reports to the Parliament as follows—

INTRODUCTION

1. The Scottish Local Government (Elections) Bill (the “Bill”) was introduced to the Parliament by Alex Salmond MSP on 3 February 2009, supported by Bruce Crawford MSP. At its meeting on 10 February 2009, the Parliamentary Bureau agreed that the Local Government and Communities Committee should be designated as the lead committee to scrutinise the Bill.

2. The Committee issued an open call for written evidence on 13 February 2009 and received responses from five organisations. The Committee took oral evidence on the Bill at its meetings on 25 March 2009 and 1 April 2009.

3. On 25 March 2009 the Committee took oral evidence from:
   - Tom Aitchison, Society of Local Authority Chief Executives and Senior Managers (SOLACE);
   - Gordon Blair, Society of Local Authority Lawyers and Administrators in Scotland (SOLAR);
   - Andy O’Neill, Electoral Commission;
   - William Pollock, Association of Electoral Administrators; and
   - Dave Watson, UNISON.

4. On 1 April 2009 the Committee took oral evidence from Bruce Crawford MSP, Minister for Parliamentary Business.

5. The Committee would like to record its thanks to all those who provided written or oral evidence.
6. The relevant extracts from the minutes of these meetings are attached as Annexe A; the official reports of the oral evidence sessions, together with any associated written evidence provided by witnesses, are attached as Annexe B. All other written submissions received comprise Annexe C.

7. The Subordinate Legislation Committee considered the Delegated Powers Memorandum and the Finance Committee considered the Financial Memorandum and reported to the Local Government and Communities Committee. The reports from these committees are attached as Annexe D.

BACKGROUND

Gould report

8. Prior to 2007, the relationship between local government and Scottish Parliament elections was examined in a number of reports. These were: The Commission on Local Government and the Scottish Parliament ‘Moving Forward’: Local Government and the Scottish Parliament (‘the McIntosh Report) published in June 1999; the report of the Renewing Local Democracy Working Group (‘the Kerley Report’) published in 2000 and the report of the Arbuthnott Commission published in January 2006. More information on these reports is available at:


9. The combined Scottish Parliament and local government elections in 2007 involved three different types of voting system – the first past the post system and Additional Member System (AMS) for the Scottish Parliament election and the Single Transferable Vote (STV) for the local government elections. Following these elections and the subsequent events during the counts, when particularly high levels of rejected ballots and apparent voter confusion were evident, the Electoral Commission asked Mr Ron Gould, an international expert in electoral administration, to conduct an independent review of the electoral processes and problems experienced in 2007. The Electoral Commission published the Gould report on 23 October 2007. The report recommended that the Scottish Parliament elections should be decoupled from local government elections, stating that:

“If local issues and the visibility of local government candidates are viewed as a primary objective, then separating the Scottish parliamentary from the local government elections is necessary in order to avoid the dominance of campaigns conducted for the Scottish parliamentary contests. In addition, separating the two elections would result in minimising the potential for voter confusion. Yet combining the elections is not without benefits. Such an approach is less costly in terms of financial and human resources as electoral administrators, political parties and candidates and the voters are required to participate in one not two electoral processes. In addition, statistics suggest that a higher turnout can be achieved when local government elections are held at the same time as those for the Scottish Parliament.”
This recommendation does not mean that concerns about voter turnout should be set aside. Institutions that are concerned about voter turnout, including the Electoral Commission, political parties and other organisations, should continue with their efforts to encourage voters to exercise their right to vote. We recommend that initiatives in other countries – where there have been significant increases in advance voting while turnout at polling stations has diminished – are explored.”

**Local Government and Communities Committee inquiry**

10. Given the significance of the Gould report and the importance of the recommendations made on issues within the remit of the Local Government and Communities Committee, the Committee agreed on 7 November 2007 to undertake an inquiry into the issues raised by the 2007 Elections. The Committee published its report on 10 June 2008. The Committee endorsed the view that Scottish Parliament and local government elections should be decoupled and that if decoupling were to take place, the date of the next local elections should be determined by extending the current local government electoral term and the next term to five years each until the local elections were approximately equidistant from the Scottish Parliament elections. Thereafter, local elections should revert to a four year cycle.

**POLICY MEMORANDUM**

**Aims of the Bill**

11. In response to the difficulties experienced in the 2007 elections and to the Gould and Local Government and Communities Committee reports, the Scottish Government set out its intention to introduce the Scottish Local Government (Elections) Bill. The policy objectives of the Bill are twofold. The first objective is to decouple the Scottish Parliament and local government elections by moving local government elections to the mid point of the Scottish parliamentary sessions. The second objective is to make post election voter information available in greater detail.

**Effect of the Bill**

12. The Bill will initially extend the current and subsequent local government term of office to five years so that the next two local government elections in Scotland will take place in 2012 and 2017. After 2017 the local government term of office will revert to four years. The Bill will also give Scottish Ministers the power to make regulations to authorise the publication of polling information at polling station level: polling information is currently only made available down to ward level. The policy memorandum states that the secrecy of the ballot will not be compromised as the new power will be subject to a safeguard to ensure that Scottish Ministers cannot do anything which could disclose how an individual has voted.

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Consultation

Decoupling

13. The Scottish Government carried out a consultation exercise in which its stated preference was to hold the local government elections half way through the term of the Scottish Parliament. The Scottish Government considered that moving the local government elections to the mid point of the Scottish Parliamentary term had the advantage of emphasising that local government elections are distinct and separate from those of the Scottish Parliament. The consultation paper made it clear that although holding the local government elections half way through the term of the Scottish Parliament was its preferred option, the Scottish Government remained open to other views from respondents to the consultation.

14. A total of 33 individuals or organisations responded to the consultation. Of those, 32 supported decoupling; 29 favoured holding the local government elections half way through the term of the Scottish Parliament; and 4 favoured holding the local government elections one year after the date of the Scottish Parliament elections.

Release of information

15. In 2007 the Scottish Government sought views on the extension of the release of post election information. Responses to the consultation ranged from support for the status quo (i.e. specific information at ward level about the first and subsequent preferences of voters and how they were transferred during the Single Transferable Vote process) to the full anonymised disclosure of every ballot paper.

16. The majority of respondents favoured a move to release more information than was available at present, while recognising the need to maintain the secrecy of the ballot. The Scottish Government concluded that it should propose the release of voting information at polling station level subject to the introduction of measures designed to ensure the secrecy of the ballot.

17. The Committee notes the Policy Memorandum and is satisfied with both its content and the consultation carried out by the Scottish Government.

ISSUES CONSIDERED BY THE COMMITTEE

Principle of decoupling elections

18. Following the 2007 combined Scottish parliamentary Elections and local government elections the level of rejected ballot papers was considered to be unacceptably high and there was evidence of apparent voter confusion. In part this may have been contributed to by the combination of two elections on one day, utilising three different electoral systems of which one was entirely new to the electorate. The Gould report commented that the decoupling of elections would be a means of minimising the potential for voter confusion. In broader terms, Gould also considered that decoupling the elections would have wider democratic benefits, commenting that—

“We are convinced that combined elections are not only a disservice to local councils and candidates but also to the electorate as well. In essence, the
Local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper. Therefore, we recommend separating the Scottish parliamentary and local government elections, preferably by a period of about two years.\(^2\)

19. As is evident from the consultation responses to the Scottish Government, there is a high level of support for decoupling local government and Scottish Parliament elections to address voter confusion. An additional potential benefit of decoupling is seen to be an increased focus on local government issues as important local issues can be often be lost in consideration of wider national and parliamentary issues when combined elections are held. Dave Watson from Unison stated—

"We have long supported decoupling because we believe that local government requires greater focus. We reached the view that local government was losing out as a consequence of the Scottish Parliament and local government elections being held on the same day. That was our primary reason for supporting previous efforts to change the system. We welcome the bill in its current form."\(^3\)

20. The Minister for Parliamentary Business stated that—

"decoupling will also give local government its rightful place. The view that we should do more to recognise the democratic role of locally elected leaders and put local government at the centre of governance in Scotland is widely supported…Running the two elections at the same time inevitably means that less attention is given to the local government elections. The media and the public invariably focus on national issues rather than on local candidates and local concerns."

21. While there is broad support for the principle, some concerns were raised about potential disadvantages of decoupling elections – these related primarily to turnout at local government elections and the capacity of political parties and indeed, administrators to deal with a number of successive elections.

**Turnout**

22. Tom Aitchison from SOLACE remarked that pre 2007, returning officers and chief executives were “split right down the middle” as to whether elections should be decoupled. Some officers believed that decoupling would allow a focus on local issues while others believed that decoupling could lead to a low turnout and that there could still be a risk that there would be a focus on Scotland or UK-wide issues. He stated that in light of what happened in the 2007 elections that—

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"the weight of the argument is now in favour of moving to a mid-term point. However there is still a risk that there will be a low turnout and a concern that there might not be a genuine focus on local government issues because the election is captured by Scottish or UK issues if, for example, people want to register a protest vote against the incumbent Government." ⁴

23. There was however, recognition that voter turnout was influenced by a number of factors and that it was a much wider and more fundamental issue that had to be seen beyond the context of decoupled elections. Dave Watson from Unison stated—

“Low turnouts do not help...we accept that all the evidence suggests that turnout would be lower. However, a higher turnout that is due to the parliamentary elections, frankly, just masks the problem. All of us – civic society, politicians, political parties and local authorities – need to focus on the reasons for low turnout by doing much more work to make people want to turn out in local elections.”⁵

24. In its report on the 2007 Elections, this Committee examined the issue of voter turnout and signalled that it would like to discuss with the Scottish Government effective ways of increasing voter participation in the electoral process, including examining how local elections are carried out in other countries. The Minister for Parliamentary Business indicated that he would happy to engage in such a discussion with the Committee and that “we should discuss any ideas that we put in the pot that are robust enough to stand examination. I am more than happy for officials to talk to one another in the first instance and to come back to give further evidence on this issue.”⁶

25. **The Committee looks forward to working with the Scottish Government on examining ways in which voter turnout can be increased.**

26. The Committee also raised the issue of the number of people who are registered to vote. While the Committee appreciates that registration is a reserved matter, it believes that increasing the number of people who are registered to vote is an important issue. The Committee notes the Cabinet Secretary’s comment that “through the electoral management board, we will try to put in our tuppenceworth about registration to ensure that we get as many as possible registered.”⁷

27. **The Committee therefore calls on the Scottish Government to continue to work with the UK Government to improve levels of voter registration.**

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Frequency of elections

28. Concerns were also raised about the frequency of elections which could have the potential of further reducing turnout (although it was recognised that the notion of ‘voter fatigue’ might at times be overplayed) and additionally, could put a strain on the resources of political parties and administrators. It was noted that while it can be predicted when most elections will take place, the timing of UK elections cannot be predicted with any certainty.

29. The main reasons given for decoupling local government elections were to alleviate voter confusion and to focus on local government issues. Therefore, there was a concern that should another election coincide with local government elections, then the same confusion and lack of focus on local issues could arise (whether the elections are on the same day or even a couple of weeks apart).

30. However, Andy O’Neill of the Electoral Commission stated—

“Obviously, we do not know when the UK election will take place—we never know—but we have studied the dates of the fixed-term elections. The first occasion on which we will have two elections in one year is 2019, when we will have the European and Scottish parliamentary elections, and the next time is 2024, when the European and local government elections will be on the same day.”

31. However, it was noted that the issue of the unpredictability of the timing of a UK election would be an issue, regardless of the proposal to decouple local government and Scottish Parliament elections.

32. Witnesses were asked whether the potential for having a series of elections, as a result of decoupling, would place undue strain on the system. Dave Watson of Unison which represents staff in local government stated—

“At the moment we have a year in which there are no elections. Decoupling does not spread out the workload to the extent that it will be reduced…Decoupling means more work, but I am in no way suggesting that that is a reason for the committee not to support the bill. In our view, it is a price well worth paying to strengthen the focus on local government.”

Voter information and awareness-raising

33. The issue of voter information was raised in connection not only with increasing levels of turnout but also to alleviate voter confusion. Following the 2007 elections it was considered that the unusually high level of rejected or spoiled ballot papers was an indicator of confusion amongst voters on the mechanics of voting, given that different systems were in use at the joint elections.

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34. In a written submission, Fairshare acknowledged that the potential for voter confusion was likely to be greater when different voting systems were used in elections held on the same day. However, they also stated in their view the introduction of the Single Transferable Vote (STV) had not caused voter confusion and instead, the problems resulted from the Scottish parliamentary vote.\footnote{Fairshare Voting Reform. Written submission to the Local Government and Communities Committee}

35. In evidence, the Minister for Parliamentary Business acknowledged that the number of rejected ballots was significantly higher for the STV election than for previous first-past-the-post elections.

36. In its report on the 2007 Elections, this Committee stated that the high level of rejected ballots in the Scottish parliamentary election “should not eclipse the issue of the high level of rejected ballots in the local government elections.” The report also raised a concern that the lower level of rejected ballots in the local elections compared with the Scottish Parliament elections might have been due, in part, to voters believing that they only had one vote and so marking their local election ballot papers with an “X” or with a “1”. These votes would be counted as valid ballot papers, but it may have been that some voters did not realise that they were able to vote for more than one candidate.\footnote{Scottish Parliament Local Government and Communities Committee. 8\textsuperscript{th} Report, 2008 (Session 3), Elections 2007}

37. There is clearly a consensus that an information campaign is required to raise awareness of the importance of local government elections and help to increase turnout and to further educate voters on the STV system.

38. Under the Political Parties, Elections and Referendums Act 2000, the Electoral Commission has a statutory requirement to undertake public information campaigns for all parliamentary elections in Scotland, but there is no similar duty in relation to Scottish local government elections (as responsibility for these elections is devolved to the Scottish Government). Scottish Ministers can however ask the Electoral Commission to carry out functions on an agreement basis and the Act does allow for Scottish Ministers to extend the Electoral Commission’s responsibilities to local government in Scotland.

39. The Minister for Parliamentary Business was asked about the role of the Electoral Commission and he stated that—

“I am happy to examine the issue and to consider whether we should give the Electoral Commission a formal basis in statute in Scotland...However, we should not legislate just for the sake of it if the arrangements can be made informally, as it has been, or through a contract with the commission.”\footnote{Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1892}

40. While acknowledging the potential role for the Electoral Commission, Gordon Blair of SOLAR noted that returning officers should also work to promote
Local Government and Communities Committee, 8th Report, 2009 (Session 3)

awareness and councils “have a duty to provide resources in that regard.” He added that—

“The net result of that is that each council has to have a promotion campaign….those campaigns will start with the approaching European elections. In 2012, we will all have local campaigns that can dovetail into any national campaign that is run by the Electoral Commission… We are moving towards a situation wherein returning officers and councils promote awareness, encourage voters to vote and inform them about the mechanics of how to cast their votes.”

41. While the Committee noted the intention for local campaigns to dovetail into any national campaign, the Committee questioned the need for 32 separate information campaigns, given the commonality of local authority services and functions. In response Andy O’Neill of the Electoral Commission said that—

“It is important that councils and returning officers undertake things locally because they are involved with their local areas and we are not. We can easily do the national stuff, but it is crucial that we use all the avenues that are available, and councils are well placed to do that locally.”

42. Tom Aitchison from SOLACE supported this view—

“I believe that there is still a local dimension whereby it is important to allow a returning officer at least some discretion to use a set of messages or techniques that are commensurate with the locality in which they live and work.”

43. The issue of how information campaigns should be handled was raised with the Minister for Parliamentary Business. He was asked whether it would be better to give the responsibility for a national information campaign on how to vote in local government elections, using STV, to a body such as the Electoral Commission and to co-ordinate local efforts through that body.

44. The Minister responded that one of the key proposals made by the Gould report was the establishment of a chief returning officer who would have powers to direct returning officers throughout Scotland and who would be involved in awareness-raising campaigns and in the structure and delivery of elections. An interim election management board for Scotland has been established which involves electoral management experts and the Electoral Commission and the Minister stated that the board would be the driving force to ensure a consistent

message and “processes more consistent in relation to not only awareness raising and education, but the detail of the delivery of elections.” 17

45. The Minister was also questioned over the funding of any information campaigns. In evidence, Tom Aitchison from SOLACE commented that the City of Edinburgh Council was allocated in the region of £15,000 to promote public awareness for the 2007 elections and the question was raised as to whether such sums would be adequate for a detailed information campaign. Tom Aitchison added that he would “strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout.” 18

46. The Minister was asked to respond to concerns that, following decoupling, there would be insufficient funding for the running of local government elections and specifically for information campaigns. The Minister responded that—

“The Scottish Parliament elections are, of course, the responsibility of the Scotland Office, and the expenditure that would be committed for that purpose would come from there. I am saying that the £1.25 million that was spent on the local government and Scottish Parliament elections last time round came from the Executive specifically for that purpose. I am not saying that we will spend to that level – indeed, I am not saying what amount we will spend on the election campaigns – but there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012.” 19

47. The Minister went on to say—

“We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections. The Government will certainly make a commitment to expenditure on public information, but I cannot say at this stage what the expenditure level will be, because it will be subject to the next spending review.” 20

48. The Committee believes that public information campaigns are vital to ensure voter engagement with the process and to educate voters about the STV voting system and that such campaigns should be adequately funded and co-ordinated. The Committee recommends that the Scottish Government give further consideration to the role of the Electoral Commission in such campaigns and further recommends that there should be meaningful discussion with local authorities over the funding required and that this funding should be reflected in the next spending review.

17 Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1895


19 Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1894

E-counting

49. The counting method used for STV elections to local government in Scotland, known as the ‘Weighted Inclusive Gregory’ method, requires e-counting. Moreover in order to provide electoral data to polling station level, as set out in Section 2 of the Bill, and discussed later in this report, it will be necessary to use e-counting. In 2007, e-counting was used to determine both the Scottish Parliament and local government election results. The cost of procuring the e-counting system was shared between the then Scottish Executive and the Scotland Office. The Financial Memorandum to the Bill summarises the cost of e-counting upon the Scottish Government as follows:

“The cost of an e-counting system for 2012 will fall in the next spending review period. The bulk of the costs – for the delivery of the count itself – will fall in 2012-2013. Development and testing costs will fall in 2011-2012. ….

The cost of the e-counting system for the 2007 elections was met jointly by the Scottish Government and the Scotland Office because the system covered both local government elections and elections to the Scottish Parliament. The Scotland Office is responsible for meeting costs associated with the Scottish Parliamentary elections. Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m. £1.25m of this was to meet the cost of developing and testing the system and associated training costs.”

50. The Scotland Office has stated that it does not intend to use e-counting for the Scottish Parliament elections in 2011. Therefore the costs of procuring an e-counting system will fall solely upon the Scottish Government and local authorities at the next local government elections. The Financial Memorandum notes that the costs of the e-counting system cannot be determined at this stage as they will result from a ‘competitive tendering process’. As voting information to polling station level was provided in 2007, the Financial Memorandum considers that this provision will be ‘marginal’ to the cost of the e-counting system.

51. The issue of how the costs of de-coupling will be apportioned given that the Scotland Office will not be contributing to the cost of the system was raised in evidence by witnesses. For instance William Pollock, of the Association of Electoral Administrators, commented—

“It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.”

52. In response to further questioning on the cost of de-coupling Tom Aitchison, from SOLACE, stated—

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“There are two issues...there will be an additional cost from decoupling because we will lose some economies of scale...the cost of an e-counting election is substantial compared with that of a traditional election ...a big decision will have to be made about who will pay the bill. Will it be paid by Scottish Government colleagues, or will local councils be expected to pay it? ...there is recognition at professional civil service level that there will have to be at least some sharing of costs in the future. The exact composition of the division has not yet been determined.”

53. Tom Aitchison added—

“Those costs [e-counting] are substantial for Scotland as a whole and for individual councils. We should seek early clarification on that. Our view is the same as Billy Pollock’s [Association of Electoral Administrators] view: there will be additional costs.”

54. The Committee sought assurances from the Minister on how the e-counting system will be financed whilst recognising that specific funding figures would not be known until the tendering process had been completed. The Minister for Parliamentary Business commented—

“...the Government is committed to ensuring that the e-counting system works. We will need to await the outcome of the tendering process before we know the final cost. We will then enter into discussion with the local authorities on what element Government and local government will pay. Given my knowledge of the discussions so far, I see no reason why the process will be anything other than constructive...What I am saying clearly is that the Government is committed to funding e-counting. We then need to have a discussion with the local authorities on what that means for them, including on the amount in their baseline budgets for the delivery of the elections. That discussion needs to be had. We will not know the specifics of the costs until we have gone through the tender process and the final tender price is in front of us. It is difficult for me to say more than that. We are committed to delivering the elections and to ensuring that they are properly resourced.”

55. However, the Minister went on to say—

“I can probably go a bit further with e-counting and say that, once we have the tender information, I will try to ensure that we nail down as soon as possible the costs that will be allocated to Government and to local government and try to pre-commit the money before we get into the next

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spending review. I understand the necessity for assurance in this area, and I hope that those comments help.” 26

56. **The Committee welcomes the Minister’s stated commitment to the funding of e-counting. The Committee also welcomes the commitment to ‘nail down’ costs as soon as possible. The Committee would therefore expect the Scottish Government to provide information on how the costs will be apportioned between the Scottish Government and local authorities, at the earliest possible date.**

57. **The Committee also raised issues regarding the tendering process, given the experience of its inquiry into the 2007 elections and, while it appreciates that procurement rules must be adhered to, it would ask the Scottish Government to include in the specification and criteria that the successful company must be prepared to appear before a parliamentary committee, should that be deemed necessary.**

**Voting information**

58. Section 2 of the Bill proposes the insertion of a new section into the Local Governance (Scotland) Act 2004 on the level of voting information which will be made publicly available following a local government election. At present, a returning officer must publish a range of electoral information to ward level. The Bill would permit Scottish Ministers, via a Scottish Statutory Instrument (affirmative procedure), to allow returning officers to publish information to polling station level. The Scotland Office published electoral data, from the 2007 Scottish Parliament elections, to polling station level in April 2008.

59. As noted previously in this report, the Scottish Government consulted on the proposal to release more detailed voting information during 2007 and following the consultation, the Scottish Government concluded that voting information should be released to polling station level, whilst ensuring the secrecy of the ballot.

60. In evidence to the Committee, Andy O’Neill commented—

“**The Electoral Commission supports the release of post-election data—we understand that the parties find it helpful and that it oils the wheels of democracy—but we would be concerned about the loss of the secrecy of the ballot and about any personal information being released. Votes for the Scottish Parliament have to be parcelled up to 200 votes. It seems appropriate to use the same figure for local government elections.” 27**

He went on to say, in relation to a point that there can be ballot boxes with one or two votes that—

“In the recent Glenrothes by-election, I saw a ballot box with one vote. The secrecy of that person’s vote could be endangered if that information was released, because someone could go to the marked register and discover...

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whose vote it was. It is crucial that votes are parcelled to a level at which there is anonymity.”

61. As noted by Andy O’Neill ensuring the secrecy of the ballot was an issue raised with the Minister. In evidence, he described the approach of the Scottish Government on this issue as follows—

“The bill will provide for the release of more detailed information, including the number of preferences cast and votes transferred between candidates at each stage. As I said earlier, having that information at a local level should allow our political parties to be much more involved in voter turnout activity.

One of the points that were made last week was about whether a voter could be identified. When we draw up the regulations and guidance, providing for a threshold of around 200 votes will be the appropriate way to deal with the matter. That will ensure that, in rural communities where there are fewer than 200 ballot papers in a box, the information cannot be made available and the rights of the individual and the secrecy of the ballot are protected. Otherwise, we might find ourselves in some difficulty …This is a balancing act, which we must get right. We need to provide as much information as we can. We will be able to do that to a level that has never been achieved in Scotland before. On the other hand, there are the rights of the individual and the secrecy of the ballot. As far as I am concerned, the one thing that people want to be absolutely assured of regarding the democratic process—when politicians knock on their doors or at any other stage—is that their vote will be secret, and that that secrecy will be maintained. If we get below the level of 200, it starts to put that secrecy in jeopardy. That is why the Electoral Commission has pegged that level—it is to ensure that people are protected.”

62. The Committee also raised the issue of whether voting information to polling station level would be made available for by-elections prior to, and post, the next local government election. The Committee received evidence that electronic counting at by-elections would be required in order to provide voter information at polling station level. Gordon Blair from SOLAR commented on this issue as follows—

“I want to emphasise that it is only through an e-count that the information can be distilled down to the level of each individual polling place— that cannot be done through a manual count. It is currently at the discretion of the returning officer whether there is an e-count or a manual count, but you are saying that, if the bill is passed and requires that we drill down the information to that level, even the by-elections will need to be e-counted. That is the reality in practical terms, which we have perhaps not fully realised until now.”

63. The Minister for Parliamentary Business commented that—

“Polling-station level information could still be produced without e-counting, but it might be difficult. At its previous evidence session, the committee heard from one witness that it would not be possible, but we are trying to get to the bottom of how accurate that evidence was.

The STV system will certainly require the advent of e-counting. The system is complicated, and e-counting will be an absolute prerequisite if we are to continue with it.”\(^{31}\)

64. **The Committee seeks urgent clarification from the Scottish Government on whether polling station level voter information from by-elections will be available both prior to and following the next set of local government elections.**

65. In terms of the implications upon local government staff dealing with elections of providing more detailed information, Dave Watson of UNISON commented—

“Staff in the area might be tempted to see producing additional voter information, for example, as a burden on registration staff, requiring them to churn out another pile of statistics, but that was not their response. Unison members told me to be sure to point out the additional cost and effort of producing the information. However, we recognise that political parties are a key part of the process and that they are made up mostly of volunteers, who do most of the work. If the provision of additional information stimulates greater activity and more campaigning and work on the doorstep, it will raise the profile and improve the functioning of local government, which is good. As others have indicated, provided that voter secrecy is maintained, our members should provide the political parties with the maximum amount of information, to help them to do their work.”\(^{32}\)

66. **The Committee concludes from the evidence taken that the proposal to publish voter information at polling station level is welcome, provided that adequate measures to ensure the secrecy of the ballot are maintained.**

**OVERALL COSTS**

67. Earlier in this report, the Committee examined funding issues related to public information campaigns and to the potential costs associated with e-counting. This section of the report looks at the other financial implications arising from the Bill.


68. In assessing the costs of the Bill, the Committee took into account the report produced by the Finance Committee on the Financial Memorandum. This report is attached in Annexe D.

**Costs of decoupling elections**

69. The Financial Memorandum outlines two options to estimate the additional costs to local authorities of decoupling as between £4.5m and £5m. This estimate is based on the cost of the combined Scottish Parliament and local government elections in 2007 which was £6.6m. It should be noted that this figure covers staff costs and ‘facilitation’ costs, such as the renting of polling stations and transport costs. It does not include the cost of e-counting systems.

70. The Scotland Office is responsible for meeting the costs of the Scottish Parliament elections and therefore, paid £4.7m towards the total cost of the 2007 elections. The remaining £1.9m was met by local authorities from the allocation for elections they received from the Scottish Government. Following decoupling, the total cost of the elections in 2012 and 2017 will be met by local authorities.

71. In addition, the Financial Memorandum estimates that £0.3m should be added to the cost of decoupled local government elections to take account of the potential additional cost from the introduction of absent voter identifiers.

72. The Finance Committee’s report notes that while £1.9m – the total amount paid by local authorities for the 2007 elections – has been allocated to local authorities in this spending review, officials stated that discussions on the future allocation of money will take place at the right time in the context of the next spending review.

73. The Finance Committee’s report makes clear the concern from local authorities over the level of funding that will be made available to them to fund the decoupled elections. Moreover, the Finance Committee is concerned about what funding will be made available in the next spending review period.

74. As mentioned earlier in relation to the funding of information campaigns, the Minister for Parliamentary Business made it clear that no final decisions have been taken on the funding split between the Scottish Government and local government. In addition, apart from the Minister’s commitment to ‘nail down’ costs for e-counting and to attempt to pre-commit that money before the next spending review, the funding issues for all other aspects of decoupling will not be resolved until the next spending review.

75. The Committee notes the concerns raised in evidence that the decoupling of elections and election management generally should be adequately funded and recommends that the Scottish Government takes account of these concerns in determining local government funding requirements for the next spending review.

**Potential savings from decoupling elections**

76. The Finance Committee raised concerns about the validity of assumptions that savings could be derived from reducing the number of polling clerks and the
number of polling stations (which are rooms within a polling place, rather than the polling place itself). Concern was raised about whether such savings could cause practical difficulties for the management of the election process in 2012.

77. **The Committee recommends that the Scottish Government respond to these concerns raised by the Finance Committee.**

**DELEGATED POWERS MEMORANDUM**

78. There are provisions in the Bill which will confer delegated powers to make regulations and as with all Bills containing such powers the Subordinate legislation Committee considered these provisions.

79. The Subordinate Legislation Committee considered the powers to be delegated to Scottish Ministers as proposed in the Delegated Powers Memorandum that accompanied the Bill and reported that it approved without comment, the delegated powers. This report is attached in Annexe D.

**Conclusion**

80. **There have been various concerns raised over issues such as voter turnout, information campaigns and the level of funding that will be made available to local authorities and the Committee has made recommendations and requests for clarification in those areas.**

81. **However, there is broad agreement over the aim of the Bill to decouple local government and Scottish Parliament elections and to publish voting information to polling station level and on that basis the Committee recommends to the Parliament that the general principles of the Bill be approved.**
ANNEXE A: Extracts from the minutes of the Local Government and Communities Committee

5th Meeting, 2009 (Session 3), Wednesday 11 February 2009

1. **Decision on taking business in private**: The Committee agreed to take item 4 in private.

4. **Scottish Local Government (Elections) Bill (in private)**: The Committee considered a potential approach to the Scottish Local Government (Elections) Bill.

9th Meeting, 2009 (Session 3), Wednesday 25 March 2009

**Scottish Local Government (Elections) Bill**: The Committee took evidence on the Bill at Stage 1 from—

- Tom Aitchison, Chief Executive of City of Edinburgh Council, Society of Local Authority Chief Executives;
- Andy O’Neill, Head of Office, The Electoral Commission;
- William Pollock, Chairman, Association of Electoral Administrators;
- Gordon Blair, Chief Legal Officer, West Lothian Council, Society of Local Authority Lawyers and Administrators Scotland;
- Dave Watson, Scottish Organiser (Policy), UNISON.

10th Meeting, 2009 (Session 3), Wednesday 1 April 2009

**Scottish Local Government (Elections) Bill**: The Committee took evidence on the Bill at Stage 1 from—

- Bruce Crawford MSP, Minister for Parliamentary Business, Stephen Sadler, Head of Elections and Local Governance Team, and Andy Sinclair, Senior Policy Officer, Referendum and Elections Division, Scottish Government.

**Decision on taking business in private**: The Committee agreed that its consideration of a draft report on the Scottish Local Government (Elections) Bill at future meetings should be taken in private.

11th Meeting, 2009 (Session 3), Wednesday 22 April 2009

**Scottish Local Government (Elections) Bill (in private)**: The Committee considered a draft Stage 1 report and agreed the report subject to specified changes being made.
ANNEXE B: Oral evidence and associated written evidence

SUBMISSION FROM THE ELECTORAL COMMISSION

Introduction
1. The Electoral Commission welcomes the opportunity to provide written evidence on the Scottish Local Government (Elections) Bill to the Local Government and Communities Committee of the Scottish Parliament.

2. The Electoral Commission was established in 2000 with the enactment of the Political Parties, Elections and Referendums Act 2000 (PPERA) and is an independent UK wide public body. As the Committee may be aware, the Commission’s remit in Scotland under PPERA only extends to Scottish Parliamentary, UK Parliamentary and European Parliamentary elections. Local government elections are a devolved matter to the Scottish Parliament. Section 10 of PPERA, however, allows the Commission to provide advice and assistance to relevant bodies, including the Scottish Parliament, on any matter in which it has skill and expertise. It is in this spirit that we offer our evidence to the Committee.

3. The bill seeks changes to the date of the local government elections in Scotland so they are no longer held in the same year as the Scottish Parliament elections. It also allows Scottish Ministers to make regulations relating to the publication of information concerning votes at local government elections.

Background
4. On 3 May 2007 combined elections were held in Scotland, a general election to the Scottish Parliament and full elections to all 32 of Scotland’s councils. The election date was fixed in law and the conduct of the elections was fully combined under electoral law.

5. During the election itself, and during the counting process on 3-4 May, several issues relating to the administration of the election were of concern to the Commission, political parties and observers. These were covered extensively by Scottish, UK and international media. Following internal discussion, the Commission announced on 4 May that it would expand its planned statutory report to include a full, independent review of the elections in Scotland.


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1 www.electoralcommission.org.uk/templates/search/document.cfm/20316
2 www.electoralcommission.org.uk/templates/search/document.cfm/20468
7. With respect to combined elections, the review recommended ‘separating the Scottish parliamentary and local government elections, preferably by a period of about two years’, although no supporting analysis was provided for favouring the two year break.

Decoupling the elections
8. The Electoral Commission agreed with the decoupling of the Scottish Parliamentary and local government elections and in November 2007 said ‘in the Scottish context, early consideration should be given to the timing of the next Scottish Parliamentary and local government elections, with a view to decoupling them.’

9. We also urged governments across the UK to consider the interests of the electorate when proposing to combine different elections, or referendums with elections, and to re-examine the legislative rules for combination. This would still apply in Scotland after these elections are separated, as a UK Parliamentary election or European Parliamentary election could be combined with local government elections, as could a referendum.

Identifying a suitable term of office for Scottish councils
10. The normal term of office for local councillors across the UK is four years and, in Scotland the whole council has been elected once every four years since local government reorganisation in 1974. The Commission believes that terms of office should not be changed during the term of a particular council or set of councils, but we do recognise the need to make transitional arrangements when election cycles are reordered or when boundary arrangements change. Once the desired cycle is achieved, we expect to see Scottish local authorities elected for four year terms.

Section 1 - Year of local government elections
11. The Commission on the Scottish Parliament and Local Government, chaired by Sir Neil McIntosh, recommended that local government elections be held halfway through a session of the Scottish Parliament. This would reflect the electoral arrangements in place in Scotland for the regional and district councils between 1974 and 1996. At the time the McIntosh report was written, local authorities were elected for three-year terms which was a departure from the established four-year terms of the regional and district councils. This arrangement did not enjoy the support of those within Scottish local government. It was envisaged by the McIntosh Commission that local government elections would have been held in 2002 and 2005 with legislation to extend the term of office to four years being in place from 2005.

12. The review of the 2007 elections by Ron Gould also concluded that Scottish Parliamentary and local government elections should be separated preferably by two years. The report also said that ‘the degree of chronological separation would be a matter for further debate’.

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13. Holding Scotland’s local government elections two years apart from the Scottish Parliamentary elections would provide a suitable amount of time for the administration of the elections to be successfully planned and delivered. This time will be required in order to educate the electorate about the different voting system used at each election.

14. In addition to planning and pre-election activities, it is equally important that sufficient time is given to reviewing each election, learning the lessons and implementing changes for the future. In some instances, this would require legislative changes that may also be necessary for other elections. Separation of Scottish Parliamentary and local government elections by two years would give governments sufficient time to reflect on the lessons learnt, identify an appropriate solution and pass any necessary legislation before a six month cut-off point proposed by the Gould report.

15. The Commission considered carefully the four options proposed in the earlier Scottish Government consultation paper. Whilst we saw no overiding evidence to support any of the options over the others proposed we felt that the preferred transitional arrangements should both provide clarity for electors and for those involved in local government, and should do so within a relatively short period of time. The Commission therefore supported the decoupling of the local government and Scottish Parliamentary elections by the use of two five-year terms, with local government elections taking place in 2012, 2017 and every four years thereafter ie. the proposals which are now detailed in the bill.

Transitional arrangements to achieve the desired cycle
16. Any transitional period needs to be carefully designed. The Scottish Government has chosen to make amendments to the term of existing councils by extending the current term of Scottish local councils elected in 2007 to five years, and holding council elections in 2012 and 2017 and then reverting to a 4 year term in 2021. There has, of course, been change to the cycle of local elections in Scotland before. The first elections to regional and district council elections were held in 1974, and regional councils were thereafter elected at four-year intervals. The district councils were elected for a three-year term to 1977, then a further three-year term to 1980. From then on the district councils were also elected for four year terms.

17. These arrangements were laid down in advance of the 1974 elections, and candidates and councils were clear about the process. The current councils were elected for four years in 2007, which has become the accepted norm in Scottish local government, and they will have developed programmes to be delivered in that timeframe.

18. Whilst the Commission is not aware of any precedent for a five-year term of office for local government in Scotland it was used successfully as a transitional measure when moving the electoral cycle for Welsh local government away from that of the National Assembly for Wales. In addition, other elections in Scotland operate on a five year cycle. European Parliamentary elections are held every five years during a prescribed period.
UK Parliamentary elections must be held at least every five years but may be held earlier.

19. Extending the term of office of councillors elected in 2007 by one year would be a relatively straightforward legislative task, and would be straightforward to explain to electors. In our view if the Scottish Parliament approves such a change it would provide certainty for electors and all others involved.

20. To conclude, the Commission supports the use of two five year terms to achieve a mid-point 4 year cycle between the Scottish Parliament electoral cycle as it would enact the recommendation of the McIntosh Commission, and reflects a pattern of electoral cycle familiar in Scotland under the former structure of regional and district councils. It also has advantages in that it allows candidates and political parties more time to prepare their resources for an election campaign than would be the case if the campaigns were separated by a single year.

21. Additionally, any lessons learnt from either a Scottish Parliamentary or local government election could then be identified, reported upon and given due consideration with any necessary legislative changes enacted prior to a six-month cut-off point as recommended by the Gould report. This will enable a more considered approach than would be possible if both sets of elections took place within a year of each other.

22. A transition by means of two five-year terms allows the Scottish Government adequate time to introduce the necessary legislation. It would also allow Electoral Registration Officers, Returning Officers and political parties to plan effectively their approach to the first rescheduled elections in 2012 and take account of any processes they need to implement due to the changes in legislation.

23. The midpoint option provides the most distance between the Scottish Parliamentary and local government elections. This separation would allow for the clear demarcation of election campaigns and enable candidates and political parties to concentrate on communicating their policies for each level of government to the electorate. Public information campaigns will also be able to focus on explaining a single voting system in respect of either Scottish Parliamentary or local government elections.

Conclusion
24. The Commission supports the decoupling of the local government and Scottish Parliamentary elections being achieved by the use of two five-year terms, with local government elections taking place in 2012, 2017 and every four years thereafter.

Section 2 - Voting information from local government elections
25. This section allows Scottish Ministers to make orders concerning the publication of information about votes cast at the election of councillors.
26. The Commission understands that parties and candidates find non-personal additional information released post election useful for future campaigning. We further recognise that facilitating the work of parties is vital if our democracy is to be vibrant and effective. However, we would stress that whatever electoral purpose it serves the availability of such information must be provided in the context of ensuring the paramount principles of ballot secrecy and voter confidence in the process.

27. The Commission has recognised the Scottish government’s intention to change primary legislation to allow the release of post election voter information. Release of this type of information is allowed at other elections, namely the 2008 GLA election rules, and the Commission is content therefore to support such a release under legislation. We would expect any orders made under this section to ensure that the secrecy of the ballot is maintained at all times and welcome the provision that requires an affirmative procedure in terms of Parliamentary scrutiny.

The Electoral Commission
March 2009
Introduction

1. UNISON Scotland welcomes the opportunity to respond to the call for views from the Scottish Parliament’s Local Government and Communities Committee regarding the above legislation.

2. UNISON is the main local government trade union in Scotland and we also represent the staff involved in administering elections.

Decoupling the Scottish Parliament and Council Elections

3. UNISON Scotland has a long standing position in favour of decoupling parliamentary and local government elections and we supported a previous Non-Executive Bill tabled by David Mundell MSP and then taken up by Brian Monteith MSP on this issue. Having the local government elections on the same day as the parliamentary elections means that the focus of the elections, both in the media and with political parties, is on the national rather that the local. In the long run this can only damage local government with less scrutiny exercised.

4. Although supporters of combined elections argue that keeping local government together with higher profile elections a higher turnout can be maintained, this is only hiding the problem of a disengaged local electorate, not solving it. The real solution lies in local politicians that respond to local issues, delivering specific solutions to the specific problems in their community.

5. Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people, like housing, planning, licensing, local transport, road and pavement maintenance, litter, and refuse collection.

6. More empowered, democratic and accountable councils will deliver a more focused local governance, one geared towards local solutions for local problems.

Four Year Cycle for Council Elections

7. UNISON Scotland supports the position that local government elections should be held on a four year cycle at the mid point of the Scottish Parliament.

8. We have no general concerns with the process reached to achieve this, i.e. two five year terms until the elections fall into the mid point of the Scottish Parliament. From then on a four year cycle for local government elections would be held.
Post-Election Information

9. UNISON Scotland supports the proposals for post-election information. We believe they represent a reasonable balance between the legitimate needs of the political parties and administrative effort as well as maintaining voter confidence in the process. However, we would support the further disclosure of information that can readily be provided consistent with voter secrecy and greater consistency across local authorities.

Staffing and Funding Implications

10. In decoupling local government elections from the Scottish Parliamentary election, UNISON Scotland is aware that this will increase the total costs of each election as set out in the financial memorandum. In addition to the one off costs for each election there will be additional workload placed on the permanent staff. However, as mentioned above, it would provide greater scrutiny on local government issues and we believe this is a price worth paying.

11. UNISON Scotland would seek assurances that these extra costs come from the Scottish Government and are not taken from local government’s budgets. Local government is under considerable financial strain at present and this is unlikely to get better in the coming years.

Reducing the Voting Age

12. UNISON Scotland also believes that the age limit for voting and candidates in local government elections should be reduced to 16 years. This Bill would be a good opportunity to introduce this change. However, we understand that this is covered by the franchise exemption in Schedule 5 of the Scotland Act 1998.

Summary

13. UNISON Scotland generally supports the provisions within this bill to decouple local government elections from the Scottish Parliamentary elections. We support the local government elections being held on a four year cycle at the mid-point of the Scottish Parliamentary term. UNISON Scotland would like some clarification on the increased costs of separate elections and that this would not come from local government budgets.

UNISON Scotland
18 March 2009
Scottish Parliament
Local Government and Communities Committee
Wednesday 25 March 2009

[THE CONVENER opened the meeting at 10:00]

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the ninth meeting in 2009 of the Local Government and Communities Committee. I ask members and the public to turn off all mobile phones and BlackBerrys.

Under item 1, I welcome our first panel: Tom Aitchison, chief executive of the City of Edinburgh Council, of the Society of Local Authority Chief Executives and Senior Managers; Andy O’Neill, head of office at the Electoral Commission; William Pollock, chairman of the Association of Electoral Administrators; and Gordon Blair, chief legal officer of West Lothian Council, of the Society of Local Authority Lawyers and Administrators in Scotland.

I propose to go directly to questions, but if anyone wishes to make a short introductory statement I will allow that.

Tom Aitchison (Society of Local Authority Chief Executives and Senior Managers): We are content to go straight to questions, convener.

The Convener: Great. Thank you.

Alasdair Allan (Western Isles) (SNP): David McLetchie and I have been muscling each other out of the way to ask this first question. I realise that Fairshare is not represented on the panel, but we were all intrigued to see from its submission that there was an election under the single transferable vote system in Scotland in 1928. Anyone who could enlighten us on that would gain a lot of brownie points.

Tom Aitchison: Was that a rhetorical question?

Andy O’Neill (Electoral Commission): It was the Scottish Education Board elections.

Alasdair Allan: That is interesting to know.

My real question is about the release of information. In the written submissions that we have received, there is an on-going debate about the size of locality on which electoral information should be released after elections. In other words, should the electoral data be released at ward level or a level below that? Do the witnesses have any views on that?

Tom Aitchison: We discussed that downstairs while we were waiting to join you. We all understand the importance of the secrecy of the ballot, so there has to be an accumulation of votes to avoid any individual being identified. This might sound like a slightly random comment, but we were thinking of using the figure of 1,000 voters. If you allow for a turnout of around 40 per cent, you would be talking about fewer than 500 voters. In rural parts of Scotland in particular, the numbers of voters going through individual polling places are relatively small.

I do not think that we can give you a definitive answer to the question this morning, but we can certainly get back to you with additional evidence if that is helpful. I presume that, in due course, all the detail on that will go into the regulations that support the bill. We acknowledge that the question is perfectly proper and valid and that the level that is set has to be assessed against the experience in different parts of Scotland.

Alasdair Allan: Am I right in thinking that, when information was released after the Scottish Parliament elections, a smaller threshold was used? What level did districts have to be merged to before information could be released?

Andy O’Neill: The figure is 200 votes. It seems appropriate to use the same figure for local government elections.

The Convener: Is a different number used for local government elections as against the Scottish Parliament elections?

Andy O’Neill: One assumes that that will be set out in the regulations supporting the bill. Tom Aitchison makes the point that there are ballot boxes, particularly in rural areas, with only one or two votes. In the recent Glenrothes by-election, I saw a ballot box with one vote. The secrecy of that person’s vote could be endangered if that information was released, because someone could go to the marked register and discover whose vote it was. It is crucial that votes are parcelled to a level at which there is anonymity.

Jim Tolson (Dunfermline West) (LD): A lot of the discussion this morning will focus on decoupling. I do not want to go into the details of
that, but there seems to be broad consensus in both the written evidence and the political representation in the Parliament that we should go ahead with decoupling. We will later take evidence from Unison, which has raised an interesting point on which I would like to hear your views. The bill does not contain an option for reducing the minimum voting age to 16, although many of us think that it would be beneficial to add such a provision to the bill. What are your views on including a provision in the bill to reduce the minimum voting age to 16?

**Tom Aitchison:** The various professional associations in local government have tried to stay away from the rights and wrongs of giving people the vote at 16. If the Parliament is determined to reduce the voting age to 16, it is our job to ensure that the policy is administered properly.

We are aware that the health board election pilots will take the voting age down to 16, which is perhaps the start of a trend. For us, it is a matter of ensuring that, both from an electoral registration point of view and a returning officer’s point of view, the elections are administered properly, efficiently and effectively. If the Parliament decides to reduce the voting age, we will do our level best to make it work for you.

**William Pollock (Association of Electoral Administrators):** We have supported the reduction of the voting age to 16, but we are concerned that, if parliamentary general elections were held on the same day as local government elections, 16 and 17-year-olds would be eligible to vote in one election but not the other. That would lead to confusion and bewilderment for the electors, which is something that we have been striving to avoid over the past few years. There is a danger that, unless the voting age is 16 for all the elections, people could get muddled up if local authority elections are held on the same day as parliamentary elections.

**Tom Aitchison:** There is also a mathematical point to be made. If those aged between 16 and 18 do not vote in the same numbers as the rest of the population, the overall turnout percentage will be reduced even if more people vote. That is a matter for you parliamentarians, rather than us professionals, to consider.

**Andy O'Neill:** The Electoral Commission considers that the franchise age of voting is a matter for politicians and legislatures, not us, to comment on. Nonetheless, if you reduced the voting age, we would be able to comment on how the policy was implemented.

**Jim Tolson:** I appreciate those comments and return briefly to Mr Pollock’s point about the need to reduce the voting age across the board. We have systems that cause confusion and, rightly or wrongly, there are differences in the electoral systems—we do not use the same one across the board in Scotland, and there are also the United Kingdom and European elections to throw into the pot. Therefore, I appreciate your point although I might not agree with it. I think that we should reduce the voting age. Mr Aitchison mentioned the trials that are being run for health board elections, and it will be interesting to see how useful they are.

**The Convener:** Is anyone of the view that we can amend the bill to reduce the voting age to 16? That was part of Mr Tolson’s question.

**Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland):** The voting age takes us back to the issue of who is on the electoral register, which is part of the franchise. From memory, I think that the matter is reserved to Westminster. Health board elections are a different matter, as health is a devolved issue and the elections are not covered by the franchise. However, the power to reduce the voting age to 16 for local authority or, indeed, Westminster elections is reserved. To minimise confusion, it would be better to have the same franchise for the same type of elections across the board.

**Tom Aitchison:** I was going to make that point. The four professional associations have argued long and hard for consistency in elections in the UK and in Scotland, and I have heard the same point through the Scottish Parliament political parties panel. We have quite a diverse system at present.

I hope that, the more we can make changes that are consistent with one direction of travel, the closer we will get to the point at which there is less confusion and ambiguity, and a broadly similar set of principles and practicalities for local government, the Scottish Parliament, the UK elections and any other elections—for example to health boards. It is a complex landscape, and it causes difficulties for our staff if they have to adjust to different times for different elections, particularly when there is the possibility of two different types of election on the same day. This is just a plea for consistency in future.

**The Convener:** I do not know whether anyone wants to comment about the capacity of political parties and perpetual elections. Elections are, in the main, a voluntary pastime and rely on voluntary contributions. Has any thought been given to how the political parties can sustain that?

**Tom Aitchison:** Exactly that point has emerged in my discussions both in Edinburgh and around Scotland. I suppose that it depends on the prospects of the political parties at different times in the electoral cycle, but by and large they are...
dependent on volunteers. If there is a heavy programme of one, two or three elections in a one or two-year period, it puts a lot of strain on the party’s volunteers and, I guess, on its finances. With the exception of Westminster, the timing of most elections is predictable. It is the Westminster election that can come at fairly short notice and raise issues for political parties throughout the UK.

**The Convener:** I introduced the issue of capacity because I think that the minister’s view is that it is the responsibility of the parties to engage on turnout. I would have thought that it is not just a concern for the political parties as capacity is linked. Does anyone else have a comment on capacity?

**Gordon Blair:** Turnout is primarily an issue for the political parties and candidates. The rest of us can assist, but the major responsibility for turnout rests with the democratic process and political engagement. If you are asking whether decoupling will affect the capacity of administrators, I can say that it is probably better from a logistics point of view if there is an election once a year that people can gear up for. The combined elections in 2007 resulted in confusion in Mount Everest terms as opposed to just Mont Blanc or Ben Nevis terms. The logistics are more manageable with decoupled elections, and I would say that capacity is not an issue for administrators.

**Andy O’Neill:** From the Electoral Commission’s perspective, we accept that it is for politicians to drive the turnout and make themselves interesting so that people come out and vote. We spend a lot of time on public awareness campaigns and ensuring that people are on the register and know the date of the election and how to fill in the ballot paper. That assists the political parties in getting people out on the day.

It is interesting that you are talking about the capacity of political parties. I would turn it around and talk about putting the voter first, in that decoupling the Scottish Parliament and local government elections will allow us and others—much more than was the case in 2007—to increase awareness of how to fill in the ballot paper and to explain more simply how to vote under the additional member system for the Scottish Parliament and STV for local government. From the voter’s perspective, decoupling the Scottish Parliament and local government elections would be a good thing.

**The Convener:** But we have the European election this year, followed by the UK election, the Scottish Parliament election and the local government election—all virtually year after year after year. Is turnout for those elections not a concern because political parties will sort that out?

**Andy O’Neill:** Obviously, we do not know when the UK election will take place—we never know—but we have studied the dates of the fixed-term elections. The first occasion on which we will have two elections in one year is 2019, when we will have the European and Scottish parliamentary elections, and the next time is 2024, when the European and local government elections will be on the same day.

**The Convener:** You have such faith in politicians and political parties. We will sort it out: Gordon Brown phoned me last night, and we were chatting about the issue as he knew about this morning’s committee. [Laughter.]

10:15

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I return to the data that will be available after the election. If you bring the data down to polling station level, depending on numbers, will it be necessary to have an e-counting system?

**William Pollock:** Yes.

**Gordon Blair:** Yes.

**Tom Aitchison:** The working assumption for future local government elections under STV is that they will be e-counted. If I may digress from the question slightly, the next local government elections—in three years’ time—will coincide with the Greater London Authority elections. The capacity of e-counting suppliers across the UK to deal with both elections may be an issue, so the sooner we start planning the Scottish local government elections, the better.

We have already started to do preliminary work, and the working assumption for the future is that the elections will be e-counted. Decoupling helps with that in many respects, because it means that we will not have to grapple with Scottish Parliament and local government elections on the same day or night. Members have already taken decisions nationally about the future design of the ballot paper, and the announcements that have been made to date should help the conduct of the local government elections in three years’ time.

**Patricia Ferguson:** Presumably, an additional cost is associated with e-counting. Is work being done to calculate that cost?

**Tom Aitchison:** There are two issues. First, I cannot give you a precise figure, but there will be an additional cost from decoupling because we will lose some economies of scale. Some work has been done on that, and the cost of an e-counting election is substantial compared with that of a traditional election. Secondly, in due course a big decision will have to be made about who will pay the bill. Will it be paid by Scottish Government colleagues, or will local councils be expected to
pay it? We have had a preliminary discussion on the matter with civil servants. No decision has been made, but there is recognition at professional civil service level that there will have to be at least some sharing of costs in the future. The exact composition of the division has not yet been determined.

Patricia Ferguson: By the time of the elections, it will be five years since people last voted in a local government election. At the previous elections in 2007, the system was new and there was confusion. I realise that it is early days for planning, but at the previous elections information officers were provided at polling stations, which was understandable. The measure was of mixed benefit—in some areas it seemed to work well but in others it did not—and much depended on the amount of time that was available for preparation and the number of things that happened on the day. Given the changes and how much time will have passed between elections, will you consider providing information officers at the next local government elections?

Tom Aitchison: I will make a couple of observations before handing over to colleagues. We are discussing with colleagues across Scotland whether information officers will be provided at the European elections. There may be some at the busiest stations in certain parts of the country, but it is unlikely that there will be many. At the previous elections information officers were provided at polling stations, which was confusion. I realise that it is early days for planning, but at the previous elections information officers were provided at polling stations, which was understandable. The measure was of mixed benefit—in some areas it seemed to work well but in others it did not—and much depended on the amount of time that was available for preparation and the number of things that happened on the day. Given the changes and how much time will have passed between elections, will you consider providing information officers at the next local government elections?

That takes me back to the issue of cost. I have made this argument locally and nationally for a number of years, so I may as well make it again: we believe that there is a high degree of cross-subsidisation on elections. I did some work on the issue in Edinburgh two or three years ago, and we reckoned that the local authority was spending a couple of hundred thousand pounds to support parliamentary elections. You may say that that is fine, but we need to be open and transparent about it whenever we can.

I ask members to cast their minds back to 2007. Who could forget 2007? I have scars on my back from those elections. The public found it easier to deal with the local government ballot paper than with the parliamentary ballot paper. A number of by-elections have taken place since then, including one here in Edinburgh, which went smoothly. A combination of measures is required: as one or two members have suggested, we need to raise public awareness as much as possible in advance to help voters understand how the system works; and, as you indicated in your question, we must provide assistance at the polling place via information officers. If we get all of that right, the elections should be fairly smooth and well conducted.

Patricia Ferguson: But that takes us back to the issue of cost. It is fairly obvious that e-counting will be needed. Presumably, any by-election that is held in the period between the bill being passed and the next local government elections will be manually counted, so information at polling station level will not be available.

Tom Aitchison: I cannot recall the number of by-elections that have taken place since 2007—Andy O’Neill, sitting on my left, tells me that it is about 15. About two thirds of those were conducted electronically, and one third manually, so there has been a mixed pattern to date.

You make an interesting point about the information that will be released between now and when the legislation kicks in. The election that I conducted in Edinburgh last autumn was intensively scrutinised, and all those present felt that they had sufficient information from observing the election on the day in addition to post-election information. We can take that issue away and give it some more thought.

The Convener: We will pause at that point—the induction loop is being checked.

That seems to have helped with the sound. I ask Patricia Ferguson to continue.

Patricia Ferguson: I will continue unless the witnesses want to add anything else—I was only going to thank them for their contribution.

Gordon Blair: I want to emphasise that it is only through an e-count that the information can be distilled down to the level of each individual polling place—that cannot be done through a manual count. It is currently at the discretion of the returning officer whether there is an e-count or a manual count, but you are saying that, if the bill is passed and requires that we drill down the information to that level, even the by-elections will need to be e-counted. That is the reality in practical terms, which we have perhaps not fully realised until now.

Patricia Ferguson: That is what I was checking.

The Convener: It is worth pointing out that the committee had some questions about how smooth the local government voting system was. We attempted to get further information on that, but we could not get it. We were concerned that in certain areas of Scotland there was a big difference in participation between the Scottish parliamentary elections and the local elections.

David McLetchie (Edinburgh Pentlands) (Con): It is interesting to observe how opinions change on decoupling. Mr Tolson spoke earlier about the political consensus in favour of
decoupling, which has existed only post-2007, following the publication of the Gould report and the experience of the joint elections.

For the eight years prior to that, the idea of decoupling was fiercely resisted by the previous Scottish Executive and was a matter of political controversy, despite the fact that it had been recommended by the three independent commissions that were chaired by Mr Kerley, Sir Neil McIntosh and Sir John Arbuthnott. Did any of the bodies that you represent have a stated public opinion on the decoupling issue pre-2007?

**Tom Aitchison:** It is fair to say that returning officers and chief executives were split right down the middle. Half of us thought that a local government election halfway through the Scottish Parliament’s session would enable a focus on local government issues. Others feared that that might lead to a low turnout, which might create a concern over the validity of local government elections, and argued that having the elections on the same day as the Scottish Parliament elections would encourage turnout. That would also allow a focus on local government issues, but there would still be a risk that the focus was on Scotland-wide or UK-wide issues. Between the mid-1990s and 2007, SOLACE debated the issue and, every time that we had a show of hands, the split was roughly 50:50.

**David McLetchie:** Has the position of SOLACE changed as a result of the Gould experience?

**Tom Aitchison:** Oh, yes.

**David McLetchie:** Does that mean that you are no longer as concerned about turnout as previously?

**Tom Aitchison:** It is a question of balance. From the way that I read the tea leaves in Parliament, I can see that nobody wants to go through the situation that occurred in 2007 ever again. As a result of a risk assessment, the weight of the argument is now in favour of moving to a mid-term point. However, there is still a risk that there will be a low turnout and a concern that there might not be a genuine focus on local government issues because the election might be captured by Scottish or UK issues if, for example, people want to register a protest vote against the incumbent Government.

**David McLetchie:** I am all in favour of protest votes against incumbent Governments, of course.

**Tom Aitchison:** I thought that you might say that.

**Andy O’Neill:** Prior to May 2007, the Electoral Commission did not have a position on whether the elections should be decoupled—we were working in the reality that existed at that time. In the period following the elections, we accepted Gould’s recommendation in November 2007 that the local government and Scottish parliamentary elections should be decoupled.

We do not accept decoupling for all elections as a principle. We have called on Governments throughout the UK to carry out major research on the effects on the voter of coupling elections—and there are dozens of variants of coupling across the UK. That research has not yet been undertaken, but we are still pushing for it.

Mr McLetchie pointed out that McIntosh, Arbuthnott and Kerley all supported decoupling in various forms. The commission used to have an electoral commissioner called Sir Neil McIntosh, so we can possibly claim some credit in that sense.

**Gordon Blair:** SOLAR has been in favour of decoupling for a long time, even before the 2007 elections. I think that, given what the voter faced in those elections, decoupling is now even more supportable.

The question of turnout is not best addressed simply by combining the elections as turnout is influenced by many other factors. Personally, and speaking on behalf of SOLAR, I do not think that voter fatigue has much substance in reality.

**David McLetchie:** I agree that the issue of voter fatigue is overstated. However, I think that there is a genuine concern about turnout.

That brings me to the issue of information, with regard to informing people about what councils do and the important role that councils play, as well as informing them about how to vote in an STV election.

Who do you think should have the responsibility for communicating information about how to vote and raising awareness of the importance of councils and council elections? Looking ahead to 2012, should the public information campaigns around those areas be taken forward?

**William Pollock:** The local authority can publicise its own elections and highlight the areas of responsibility for which it is accountable. As has been mentioned elsewhere, that element sometimes got lost when the local government elections were combined with the Scottish Parliament elections. I realise that I might not have a sympathetic audience for this point, but I think that, often, the Parliament’s issues superseded those of the local authorities in those elections. It is much easier to concentrate on what the local authority does, how important it is to take part in the elections and how the voting process works if there is a stand-alone election.
Andy O'Neill: With regard to the Scottish Parliament elections, the Electoral Commission has a duty to undertake public awareness information campaigns. The situation is not quite the same with regard to Scottish local government elections, as we do not formally exist in that context. That said, under the Political Parties, Elections and Referendums Act 2000—the act that set up the Electoral Commission—the Scottish Government is allowed to seek our assistance in that context, which it has done in relation to the previous two elections. Also, as Billy Pollock said, local authorities have a power to promote participation in elections, which we assist them with.

The European elections that are coming up this June are a good parallel. We will run a national campaign that will encourage people to register and will be targeted at underregistered groups. Later stages of the campaign will focus on how to fill in the ballot paper, which is a particularly important element, given what happened in 2007. At a level below that, we are working with the councils to run campaigns in local media. I think that we can build on that model for the 2012 elections.

Gordon Blair: Nationally, the responsibility lies with the Electoral Commission.

Andy O'Neill: But not for local government elections.

Gordon Blair: Not for local government elections, but that is easily cured.

Andy O'Neill: Yes.

Gordon Blair: The jurisdiction can be extended informally to cover council elections in Scotland. However, returning officers should also work to promote awareness, and councils have a duty to provide resources in that regard. The net result of that is that each council has to have a promotion campaign. As Mr O'Neill said, those campaigns will start with the approaching European elections. In 2012, we will all have local campaigns that can dovetail into any national campaign that is run by the Electoral Commission. That is enforced—actually, I will not use that word, as Mr O'Neill does not agree with its use. Performance standards rest with returning officers, and one such standard involves public awareness. That will be audited and reported on by the Electoral Commission after the elections.

We are moving towards a situation wherein returning officers and councils promote awareness, encourage voters to vote and inform them about the mechanics of how to cast their votes.

David McLetchie: I must admit that I am slightly concerned to hear that there will be 32 different promotional campaigns, although I note what you said about those dovetailing into the national campaign and so on. Most successful public campaigns in Scotland have a common brand and theme across the country, which involves a common message, common television commercials and radio advertisements and common promotional material in local newspapers. Rather than having 32 local promotional campaigns, would it not be better to have a Scotland-wide promotional campaign that says what the councils do—as far as I am aware, all councils have the same functions—and how the local government voting system works? Would it not be better if the Scottish Government and the Electoral Commission—or whoever—could take charge of the matter and lay out a plan of action leading up to 2012? Why do we need 32 campaigns?

Andy O'Neill: You make a valid point. If you look at what we did in 2007 around the vote Scotland campaign, much of what you are talking about was achieved. Along with the Scottish Government, we ran the national campaign and the local authorities bought into that campaign and could download the branding and so on from closed parts of the Electoral Commission’s website. That ensured that there was a commonality between the national television adverts and local events that were held in supermarkets and so on.

It is important that councils and returning officers undertake things locally because they are involved with their local areas and we are not. We can easily do the national stuff, but it is crucial that we use all the avenues that are available, and councils are well placed to do that locally.

Tom Aitchison: If we are promoting belief in local democracy at local government level, why would the Scottish Government have the main responsibility for driving the programme forward? That seems slightly odd to me. Each council should be left to work on the programme through the Convention of Scottish Local Authorities or the Electoral Commission. I take Mr McLetchie’s point about the commonality of some of the messages, but what my council may want to say in Orkney, the Western Isles or Dumfries and Galloway, for example.

David McLetchie: Why would it be different? Can you give an example of what the City of Edinburgh Council would say to encourage people in Edinburgh to vote as opposed to what Shetland Islands Council would say in that regard to people in Shetland?
Tom Aitchison: If you go back a half-step, you will acknowledge that there has been a lot of discussion over many years, much of it academic, about the underrepresentation of certain parts of the community because people will not register to vote. Generally, there is a correlation between that and the extent of poverty in a community. We can get into interesting areas of debate here. For example, how legitimate is it to target resources at getting more people in underrepresented areas to register as opposed to encouraging the general franchise? Step one is being on the voting register in the first place, and step two is the commonality of all councils having, by and large, the same range of functions. However, beyond that, I believe that there is still a local dimension whereby it is important to allow a returning officer at least some discretion to use a set of messages or techniques that are commensurate with the locality in which they live and work.

David McLetchie: I have no problem with having a localised approach to encouraging registration in areas in which registration rates are relatively low. However, I come back to my point that all councils exercise the same functions and are elected on the same day. It is an election day for Scotland’s councils—plural. It strikes me that, because we have a common voting system and councils have common functions, we should promote that.

I want to move on from that issue, but you might not think that my idea is a good one. Bearing in mind what has been said about resource implications and the potential cost to local authorities of the bill, and assuming that it would be competent for the bill to do this—we can check that—would it be helpful if the bill placed some duty or responsibility on the Scottish Government to provide information for campaigns, such as we have discussed? That would mean that there was a clear line of responsibility for co-ordinating efforts to provide information about voting and the functions of councils—it would perhaps be more helpful if that was done from the standpoint of councils—and therefore a national budget for doing that kind of work.

Tom Aitchison: Certainly, as I said earlier, there has been concern for a long time about the resources that are available for election administration in Scotland. From memory, I think that, when the new provisions were introduced in 2007, the allocation for me to promote public awareness in Edinburgh was £15,000. We do not need a long discussion about whether that sum will go far in a city with a population of half a million.

I would strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout. We are all aware of the choppy waters that we are now in—and heading further into day by day—regarding the future of local government finance or public finance generally in Scotland. However, the public awareness issue is important because it is about democracy and getting people out to use their vote. If you can use your good offices to encourage more resources to be made available, that would undoubtedly be welcomed by the professional associations in Scotland.

Gordon Blair: On the bill’s technicalities, it would be worth considering widening the Electoral Commission’s role to include dealing with council elections in Scotland. That would close the gap and enable the commission to have authority over, and use its resources for, council elections in Scotland as well, rather than the Scottish Government having a duty in that respect. Such a duty is not placed on the Westminster Government. If the Electoral Commission covered council elections in Scotland, we would then have consistency and an authoritative national message on council elections from the commission. Each local council area could lend support to the message and disperse it, as appropriate to local needs.

Andy O’Neill: Gordon Blair is right that the Political Parties, Elections and Referendums Act 2000, which set us up, requires us to undertake public information campaigns for all parliamentary elections in Scotland, but that we do not have a similar duty in relation to Scottish local government elections. However, the 2000 act makes provision for Scottish ministers to make an order to make us the Electoral Commission for Scottish local government. If that happened, we would undertake an independent public information campaign.

David McLetchie: But that power has not been exercised.

Andy O’Neill: To date, it has not been exercised.

William Pollock: The AEA identified that anomaly and asked for it to be resolved so that the Electoral Commission can have a proper remit for Scottish local government elections rather than having that as an add-on responsibility, which is what it is at present.

David McLetchie: When you talk about an order, you are saying that the Scottish ministers—or would it have to be UK ministers?—could lay an order before the UK Parliament.

Andy O’Neill: Scottish ministers could make an order and lay it before the Scottish Parliament.
David McLetchie: And that would give you that responsibility for public information.

Andy O’Neill: Yes.

The Convener: That would do on an all-of-Scotland basis, but how would we address the pick-and-mix approach among local authorities? One local authority might take the issue seriously but another might take it less seriously, and councils might not have the money to spend. Is there a minimum standard?

Andy O’Neill: I think that local authority colleagues have a responsibility to undertake promotional work under the Local Electoral Administration and Registration Services (Scotland) Act 2006. Nationally, we have produced a suite of options; we have also produced activities that they can undertake in the coming weeks. That includes things such as, believe it or not, a very large map of Europe and an 8ft blow-up X, which can be used for local media activities. They will know what to do with those things—we could not possibly know that.

The vote Scotland campaign in 2007 cost approximately £2 million. Local authorities are never going to have that amount of money to pump into a public awareness campaign. Nevertheless, we would be reluctant to see public information being run solely from the centre. It is important that people in the locality are involved in that.

The Convener: I am not suggesting that it should be run from the centre; I am trying to establish the baseline for local authorities. They have a power to engage in that, but they do not have an obligation to carry out any of that work. I am thinking of the information that we have available to us now. In my constituency, 11 per cent of ballot forms were spoiled. It is an issue for you, for the local authority and for us all to engage those people in the political process and in elections. What will your work and the work of the local authorities do to target that sort of problem? How will the money flow? How will the Government ensure that there are additional funds to target that significant problem? Indeed, how will it recognise it as a significant problem and ensure that local government uses the powers that it has? What is there to ensure that all that happens?

Gordon Blair: The council has a duty to support the returning officer in carrying out their duty to encourage participation in the electoral process. That duty is wide enough to cover the points that you have made. In the first two years after the Electoral Administration Act 2006, which was passed at Westminster, came into force, funding was ring fenced for precisely that area, and that funding is now built into the local government settlement. Therefore, money is made available to councils to deal with the issue.

On the question of consistency in what is happening on the ground across Scotland, there are two points to make about how effectively that money is spent and what it is spent on. First, one of the seven statutory performance standards that the Electoral Commission will now report on covers that area. Secondly, in preparation for elections, the interim electoral management board will, no doubt, pending any parliamentary decision on a chief returning officer for Scotland, develop an informal role in encouraging all local authorities to promote key messages and in co-ordinating that work. Tom Aitchison will be able to say more about that.

The Convener: Who monitors and evaluates that work? Who measures its outcomes? Who can push best practice?

Andy O’Neill: The Electoral Commission does that, under the performance standards regime. Gordon Blair is correct in saying that public information is covered in one of the standards. However, I should point out that the performance standards are only for parliamentary elections in Scotland. Local government elections are not covered by the performance standards regime. The local government work would have to be brought into the orbit of the current standards.

10:45

The Convener: Do you have an audit of all the best-performing and worst-performing areas, and information about where best practice takes place and where you would encourage better practice?

Andy O’Neill: The performance standards were published 10 days ago, so we are at the very beginning of the process. Our first report on the activities of the returning officers will be included in the statutory report on this June’s European elections, which will be published in October this year.

The Convener: Okay. We may want to consider that information before we speak to the minister.

Mary Mulligan (Linlithgow) (Lab): We have talked about the costs of democracy and of promoting people’s participation in the process, but I want to look at the other side of the costs—the administrative costs. I think that Mr Aitchison referred to the burdens on local authorities. I want to be clear about whether costs will increase or decrease as a result of decoupling the elections and where the burdens might fall, whatever the arrangement is.

William Pollock: It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be
achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.

**Mary Mulligan:** What does that additional burden mean in real terms? How much are we talking about?

**Tom Aitchison:** I mentioned the biggest single cost in response to Patricia Ferguson’s question about meeting the costs of e-counting. Those costs are substantial for Scotland as a whole and for individual councils. We should seek early clarification on that. Our view is the same as Billy Pollock’s view: there will be additional costs. I cannot give a precise figure at this point, but we could certainly try to do further research on the matter and supply that to the committee if that would help.

**Gordon Blair:** I think that costs will vary from council to council—the figures will depend on the costs of hiring premises. Some councils have to use large premises because their electorate is large. If the elections are decoupled, large premises are hired for the occasion and there is e-counting, the whole lot will fall on the council.

**Tom Aitchison:** I return to what has been said. Two or three different factors are in play, such as the costs arising from the decoupling itself and the issue of who will meet the costs of e-counting. Andy O’Neill has reminded me about absent voter identifiers, which have a technological dimension and a cost. Perhaps we need to do some more research on the matter, but we have a figure.

**Andy O’Neill:** The figure is from the financial memorandum to the bill.

**Tom Aitchison:** There is the possibility of an additional cost of £5 million.

**Gordon Blair:** I understand that the £5 million excludes the cost of e-counting.

**Mary Mulligan:** What was the figure for e-counting in 2007? Can we get it at some stage?

**Tom Aitchison:** It is on the record, but I do not have it in my head.

**Mary Mulligan:** I am not trying to trip anyone up. If we are to proceed with the bill as it currently stands, we need to do so with our eyes open and ensure that if we choose to decouple the elections, the process is fully resourced. It is clear that if there is an additional burden, it will need to fall somewhere, and we will need to ensure that money is provided to facilitate the change. This is your opportunity to tell us what the costs might be. We can then consider those as we examine the bill further.

**Tom Aitchison:** We can certainly send the clerk a note within days on the factual position from the 2007 elections if that would help the committee.

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**The Convener:** The explanatory notes to the bill state:

“Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m.”

I do not know whether that was the total cost, a contribution or additional money.

**Andy O’Neill:** That was not the total cost. From memory, the total cost was around £10 million.

**Gordon Blair:** From memory, I think that you will find that the Scottish Government and the Scotland Office shared the cost of e-counting, so, in effect, that doubles the figure that the convener just mentioned.

**Mary Mulligan:** We have a note on that, but it is also useful to have your take on it. Any further information with which you can provide the committee would be useful.

The bill is about decoupling the Scottish Parliament and local government elections. However, you have acknowledged that there is a risk that those elections will run into other elections, which can have an impact on turnout. Within living memory, there were occasions when Westminster held two elections in a year and in the 1990s, there were occasions when it held elections quite close to local authority elections. Have you assessed the risks presented by that and how they would be managed, given that we would be using two different electoral systems, or do you think that we will just approach such situations as they arise?

**Tom Aitchison:** In the past—and certainly in the post-2007 era—returning officers and electoral administrators have tried hard to carry out risk assessments. I rather scared my colleagues in Scotland recently by saying that we cannot entirely rule out the possibility of a Westminster election in June this year. The Prime Minister might phone the convener tomorrow to confirm the date of the election. I have said to colleagues in the past few months that we must think about the implications of that in making our project plans at individual local authority level and for Scotland as a whole. For example, the boundaries are different and we must think about how we will do the European elections quite close to local authority elections. The issues of postal voting, additional voter identifiers and public awareness all kick in.

The Westminster situation is always the hardest to deal with, because things could happen almost overnight. Something dramatic could happen in Parliament, and the PM could go to the Queen and Parliament would be dissolved. All we can do is ensure that our colleagues are aware of that, think about it in advance and carry out some contingency and risk planning. If that happens, the
might arise in such a situation. Planning, as opposed to the specific issues that would have to be addressed nearer the time. From the point of view of the elector. However, that happened. That would not be a desirable situation but would overlap. A lot of work would have to be done weeks after it. The elections would not be in sync with the general election two weeks before that date or two weeks after the Prime Minister of the day might decide to hold the designated local authority elections day, but the Westminster election and local authority elections might be run on the same day, but, in fact, it would be equally difficult if one election was held two weeks before the other.

**William Pollock:** Yes. A Government could lose a vote of confidence unexpectedly and a Prime Minister could suddenly go to the country. The dates for the two elections might not gel as we would hope.

**Mary Mulligan:** I was suggesting that a Westminster election and local authority elections might be run on the same day, but, in fact, it would be equally difficult if one election was held two weeks before the other.

**William Pollock:** Yes. A Government could lose a vote of confidence unexpectedly and a Prime Minister could suddenly go to the country. The dates for the two elections might not gel as we would hope.

**Mary Mulligan:** You are giving that some consideration.

**William Pollock:** Yes.

**John Wilson (Central Scotland) (SNP):** I want to follow up the questions on the costs of decoupling. One of the reports that we have shows the fees for the 2007 elections as £2.1 million. That is broken down to give us a figure of £660,000 for clerks. However, there is no further breakdown of the figures to show the cost of information officers. In previous discussions in this committee and elsewhere, we have discussed the role and use of information officers during the 2007 election and whether there were too many or too few at the polling stations. It would be useful to know whether the panel members think that we would need as many information officers—or, indeed, any information officers—if we decoupled the elections.

In the May 2007 elections, it was clear that people understood the local government ballot papers. It was only when they came to the Scottish Parliament ballot papers that there was a great deal of confusion, which led to 11 per cent of the papers being spoiled, as the convener said.

**Andy O’Neill:** From the Electoral Commission’s point of view, the role of information officers is an interesting one that the electoral management board will have to consider between now and the next election, which we assume will be in 2012. Mr Wilson mentioned the local government ballot papers, which had a lower invalid rate, if we can call it that. We all saw the ballot papers at the count centre. A number of them contained single Xs. They were never totalled up, but we in the profession were left thinking that a job remained to be done in explaining to people how to fill in the papers. We think that information officers will still be necessary, because in some areas people struggle with the idea of using preferentialism as opposed to a single X.

Mr Wilson is right about information officers. I was out and about in Edinburgh, Glasgow and other places on election day, and I saw some wonderful information officers. However, I also saw some who were less wonderful. Selection and training are important, and the Electoral Commission will want to work with returning officers to improve training in particular.

**William Pollock:** I think that my colleagues would wish the retention of the opportunity to consider having information officers. On the issue that Andy O’Neill has just touched on, I think that it was inevitable that the first-time venture in 2007 was not going to be perfect. We acknowledge that, but it worked much better than might have been expected, given the short time that we had to appoint and train information officers. Where the system worked well, it was well received; where it did not work well, there was negative feedback. We can work on that. However, in larger polling stations, there is still a place for information officers. We would like to have a system built in to ensure that that is possible in 2012.

**Gordon Blair:** There is a role for an information officer in all polling stations, but the question whether you can have separate information officers is a question of logistics. As Billy Pollock suggested, the bigger stations will need information officers in 2012. Andy O’Neill is absolutely right: the most important issues will be how well we train those officers and, on the day, how well they do the job, depending on whether they have listened to the training and taken it on board. We will be working on that between now and 2012. For any election, we have to improve the information that is given to voters.

We have to minimise the number of rejected votes. There are some interesting rejected ballot papers from council by-elections; they are being considered as part of an effort to create clear advice for returning officers and their staff as to
what is a good paper and what is a bad paper. That advice could be used in turn to train information officers or polling staff on how papers should be filled in. For example, the officers might say, “Don’t put a 5 in column 5 for a candidate, and nothing else, because your vote may not be counted. If you don’t want to vote for anyone else, make sure you put a 1 in and nothing else.” That is the kind of advice that people need, and there will be ways and means of providing it.

Tom Aitchison: It seems to me to be a simple truism that, if we take the Gould principle of putting the voter at the heart of all that we do, ergo, we will try to provide an information officer with as much information as possible to help the voter. Resources and money will be required; there will be the cost of employing and training people. I encourage committee members to acknowledge the financial underpinning of the bill and of election management generally.

11:00

John Wilson: In May 2007, we presented the electorate with three different voting systems on the same day. If we decouple the elections, people will be presented with at most two different ballot papers—unless there is a Westminster election on the same day as the Scottish Parliament election. I hope that we have all learned from what happened in 2007, and that we will know how to get the message over to the electorate before they go to the polling station, so that people are clear about how to cast their vote.

I want to go back to the point that was made earlier about people refusing to register to vote. My understanding was that every resident in an area has to go on the electoral register, and I am quite surprised to hear not only that people are refusing to register but that the percentage of those people is increasing. How can we resolve the problem? Percentage turnouts are based on the number of people who are registered to vote, but the 3, 4 or 5 per cent of people who have not even registered will simply not be counted at all. As a result, the low levels of turnout and therefore the number of people not participating in the electoral system might be greater than we first thought.

Tom Aitchison: Much of this tracks back to the time of the poll tax, when people were disinclined to put their names on official forms in case they were pursued for non-payment. At that time, the numbers on the electoral register certainly dipped from what they had been.

Although there has been a long, slow recovery since then, a section of society is still proving very difficult to reach and we are finding it hard to encourage those people to register year after year.

None of us is an electoral registration officer per se, but we work very closely with our ERO colleagues, who are very frustrated with the situation and have tried hard and used all kinds of different techniques to encourage people to register.

You are quite correct to say that the arithmetic for the turnout figure is based on the electoral register. The fact is that a section of people is being missed out. I remember the images from last year’s American presidential election of people queueing up to register to vote and then queueing up to vote. I would like to think that something like that or what happened in South Africa could happen in our country, with people taking a keen interest in being on the register and wanting to exercise their democratic right to vote.

William Pollock: There are two points to make in response to that question. First, under the current system of householder registration, a householder might well omit younger or more transient household members through neglect rather than through any intentional refusal to register. Secondly, the Westminster Government has announced its wish to move to the kind of individual registration system that Northern Ireland has, which means that registering will become an individual’s personal responsibility. Given that registration will be optional for the first five years until 2015, such a move will obviously not address the problem by 2012, but it will go some way to moving the focus on to the individual and making registration his or her own personal responsibility.

Gordon Blair: As a result of performance standards that are already in force, electoral registration officers have to consider best practice and take certain expected steps to maximise registration in their area. They will have target groups, such as young voters and ethnic minority groups, that they will be expected to reach and they will be reported on in that respect by the Electoral Commission.

In my area, there has been a drive to maximise registration among 18 to 25-year-olds. As Billy Pollock said, the figures, which have just come back, showed that 200 people who would have been eligible to vote on 4 June were not included in the householder return. However, because one of the services in my council and the ERO went round all the secondary schools, just over 200 people have been picked up who would not otherwise have been registered. That is just a snapshot, but it is that sort of approach that EROs and returning officers are beginning to take to maximise registration.

Andy O’Neill: There are two aspects to your question. As far as people who refuse to register are concerned, I point out that it is an offence not to provide information to electoral registration...
officers, so those people can be pursued through the courts.

However, providing public information on electoral registration is a reserved matter, so the Electoral Commission is involved in all elections in that regard. We have spent a lot of time on campaigns targeting the unregistered who, as Gordon Blair said, tend to be students, home movers, people in the private rented sector and soldiers. Indeed, we and electoral registration officers work with the Ministry of Defence and suchlike to target the underregistered, and that work will kick off again on 17 April for the European elections.

Bob Doris (Glasgow) (SNP): I have listened to the discussion with interest. The idea of individual registration, as opposed to household registration, has been suggested. I take on board the point that there may be omissions when household forms are returned to local offices. However, if we move to individual registration, is there not a danger that some of the people whom householders currently put on the electoral register may not bother to register? Has a scoping exercise been conducted to establish whether one approach is better than the other? Do we not need a combination of both?

Andy O'Neill: For some years, the Electoral Commission has argued for individual electoral registration. We believe that voting is a right and that people have a right to be registered. The current system of head of household registration belongs in the 19th century. Studies of the experience in Northern Ireland, which has individual electoral registration, indicate that there was a dip initially, but the system is considered to have worked. We can implement the lessons from Northern Ireland once the Political Parties and Elections Bill has been passed at Westminster. We are confident that individual electoral registration will work when it is introduced in six years’ time.

Bob Doris: Would it be duplication to give the householder the right to continue to register all those in the family household? I am thinking specifically of students, who may be registered in more than one location. If they do not register to vote when they go away from home to a university or college of further education or when they get their first job away from home, the householder can register them at their home address. Is it possible to knit together the two systems? Does it have to be either/or?

Andy O'Neill: It may be possible to knit the systems together. The Political Parties and Elections Bill is currently in the House of Lords, but we do not yet have the amendments that are to be tabled. The system may be set up as you suggest. There will certainly be a period during which individual registration will be voluntary and will be run in tandem with the current system. We can take up the matter outwith the meeting.

The Convener: Thank you for the helpful evidence that you have given this morning. We hope to take up some of your questions with others who may be able to help you with the financial issues that you have raised.

I welcome Dave Watson, the Scottish policy organiser for Unison, and invite him to make some brief introductory remarks before we move to questions.

Dave Watson (Unison): Our written submission to the committee makes clear that Unison is a long-standing supporter of decoupling—we supported the previous proposal for a non-Executive bill on the issue. We are the main local government trade union and represent the staff who are responsible for electoral administration. We have long supported decoupling because we believe that local government requires greater focus. We reached the view that local government was losing out as a consequence of the Scottish Parliament and local government elections being held on the same day. That was our primary reason for supporting previous efforts to change the system. We welcome the bill in its current form.

Alasdair Allan: Gould and many others have commented on what they see as the fragmented nature of the administration of aspects of elections in Scotland. Can you comment on that issue from the point of view of staff who have been involved in administering elections in the past?

Dave Watson: We conducted a fairly detailed survey of a range of members and their representatives who are involved in the administration of elections. Those who took part felt that there was no focus but, to be honest, the driver was policy. People felt that local government was squeezed out of the election process and that local issues were little debated. Local government staff felt that services did not have the focus that was needed. Election campaigns have become increasingly personalised and tend to have a more presidential style, which marginalises local government even more. That is why we strongly supported the earlier proposals to decouple the elections.

Alasdair Allan: Was that reason a stronger motive for decoupling than simply making life easier administratively?

Dave Watson: As we represent the staff who administer the system, we must take that into account. However, changing for that reason would be the tail wagging the dog. The view of our members who administer elections is not dissimilar to that of more senior colleagues who are responsible for that: it is their job to do what
the democratic structures require, and they will do that. If we can make that a little easier and spread out the work, that is welcome, but that is not the primary driver for decoupling.

**Patricia Ferguson:** One submission that we received suggests a problem with the date of elections. Legislation stipulates that elections must be held on the first Thursday in May, so the count and all the rest of the work often run into a bank holiday weekend. Have Unison members raised that problem? Are they concerned about the impact that counts—particularly if they are like the one that we had last time—have on their role? What do they think that problem is? Are they concerned about the holiday weekend. Have Unison members raised and all the rest of the work often run into a bank holiday weekend, but staff recognise that running an election sometimes involves working 24-hour days—it is a period of intense work. They recognise that that is part of the job of working in electoral administration.

**Dave Watson:** The issue has been raised. Staff who are involved in elections recognise that they are pretty disruptive. Elections do not happen every month. When I gave evidence on the issue to another body, it was suggested that working in electoral administration is a nice job, because those who do so must be twiddling their thumbs between elections, as not much is going on. My members' response to that suggestion would not be printable. An awful lot of things—not just electoral registration—go on between elections. People forget that the staff who work on electoral registration have other administrative functions in local authorities, which plug any gaps.

Anything that would spread the workload would be welcome. To be honest, we would all feel that it would be nice not to mess up the bank holiday weekend, but staff recognise that running an election sometimes involves working 24-hour days—it is a period of intense work. They recognise that that is part of the job of working in electoral administration.

**Patricia Ferguson:** We discussed the information officer's role at the previous election. Have Unison members—particularly those who worked in polling stations—given feedback on how they interacted with information officers? Do your members have a view on the information officer's role? Given the new system, it was important to have better training. Comments were made about training for officers, but it was certainly important for clerks to have more detailed training, particularly on the range of questions, as the system was being used for the first time. Many polling staff have worked on elections for years—members will all recognise some of the people who work on elections time and again. However, when systems change, detailed training is needed, as it is for new staff.

Not all election staff are from local government—they come from all sorts of backgrounds—so they might not have become familiar in the run-up to the elections with the training and the new systems that were being introduced. The feedback was that training should be better and that roles should be clear. Some clerks were not clear about how far they could go. The matter is delicate—people ask all sorts of questions, such as, "I want to vote for Mrs Smith—how do I do that?" Clerks tread a fine line in helping someone to vote and are concerned to avoid crossing that line.

**Patricia Ferguson:** Unison's written submission talks about the cost of elections and the implications of that cost having to be borne by local government. You will have heard the earlier witnesses agree to supply the committee with information about that. Has Unison done any work on the cost of elections? Would you like to add to what you say on that in your written submission?

**Dave Watson:** No, we have not done any number crunching on the additional costs. Certainly, there are additional costs and the financial memorandum sets out some ballpark figures for the costs that decoupling will incur. What has not been picked up in the financial memorandum or in the evidence that you have heard this morning is that there are other costs to the permanent staff who work in the area. We think that it is a good idea to spread the elections out, but you must recognise that that in itself will have a cost, as other things that might be done in electoral registration departments will not get done there and will have to go elsewhere. There is a workload issue that will have to be managed by staff in other departments. There will probably need to be some reorganisation of the functions of the electoral registration department, as electoral registration staff will spend more time, spread out over the years, working in those areas.

It is difficult to put a cost on that, as every local authority does things slightly differently. The additional functions that are carried out by electoral registration staff are not the same in every authority. Therefore, it is difficult to say which of those functions might move, where they might go and what the cost of that would be. The cost would not be great but, in the current financial climate in local government, which colleagues have talked about, any additional financial burden...
will be difficult to meet. We do not know the numbers, but we know that there are going to be cutbacks in local government over the coming years and we do not want additional burdens from central Government that are not funded.

Patricia Ferguson: I entirely accept that decoupling will help to spread the load over a longer timeframe. Nevertheless, although there will be a core of staff within the electoral registration department, their number is often augmented by staff from other departments in the weeks preceding the election and, possibly, even thereafter. Given that an election will now be held almost yearly, I wonder whether, as the burden changes and is spread out, those people in other departments, who will be called on more regularly, are going to be resourced or whether local authorities will need funding to establish electoral registration departments that can carry out their role without needing to be augmented by staff from other areas.

Dave Watson: In our view, the way to do it would be to ensure that electoral registration departments have the strength and function, which might be supplemented on that basis, and to plug any gaps when there is not a large amount of electoral registration work to be done with other projects and work that might not be so urgent.

As Billy Pollock hinted earlier, electoral registration staff are passionate about getting people registered, and that is the main function of an electoral registration department. Our members believe passionately in democracy and local government, which work only if people are registered. They would like to spend more time getting out into communities, talking to community groups and getting people registered, but some of that work inevitably gets put to one side when they have to concentrate on the essentials of organising for an election, undertaking training and understanding the new systems. In those circumstances, registration work is inevitably put on the back burner, although we think that that function needs to be strengthened.

Jim Tolson: I am grateful to Unison for submitting a written submission. I would like to pick up on a couple of points that are made on the final page of that submission. Patricia Ferguson has touched on the workload of the Unison staff. Your submission states that you believe that decoupling would increase their workload. However, we saw the increased workload that they had to deal with in the various election counts that we attended on 3 and 4 May 2007. I am sure that we all remember the images of people with their heads in their hands in the early hours of the morning, coping with the stress of the count. Surely decoupling would result in a lighter workload for each election rather than the increased workload that you talk about in your written submission.

Dave Watson: You are absolutely right—it was a stressful event for everyone concerned, but it was a concentrated workload at the time. We are not saying that decoupling should not happen because of that, but it is inevitable that if elections are going to be run every year, which is the way in which we are heading, there will be that workload. At the moment, we have a year in which there are no elections. Decoupling does not spread out the workload to the extent that it will be reduced. There are departments that might be unable to carry out registration work or other functions because they are having to organise the elections. Decoupling means more work, but I am in no way suggesting that that is a reason for the committee not to support the bill. In our view, it is a price well worth paying to strengthen the focus on local government—decoupling is good for that reason. We make the point that our members make about workload. We want the plans to be funded, but no one is suggesting that that would be the tail wagging the dog. Although we think that you should bear in mind the additional costs and the workload issues, it should not be a reason for not decoupling.

Jim Tolson: Thanks for that answer. Not surprisingly, the second point that I want to put to you is a point that I touched on earlier, on reducing the voting age to 16. Although I am in favour of that, according to the previous panel and colleagues, that may be a reserved issue. However, in your evidence, you point out a franchise exemption in schedule 5 to the Scotland Act 1998. I must admit that that act is not my bedtime reading. I would be grateful if you would clarify for the committee whether you feel that an exemption could still be in place or whether is it a reserved matter.

Dave Watson: Unfortunately, said lawyers such as me tend to have to pore over the Scotland Act 1998 and its schedules, particularly for the Calman commission. Our policy position is that we have always been in favour of extending the franchise to 16 and 17-year-olds. We sponsored Bill Butler’s earlier bill on health board elections. With his support, we built into the bill the issue of 16 and 17-year-olds. It was a great opportunity.

The franchise is an exemption under schedule 5 to the act. In about 2002, when we first asked the question, the answer from officials in the Scottish Executive was ambivalent. Later on, the law officers said to the minister—I forget which one—that in their view the voting age was a reserved matter because it is to do with the franchise and is covered by the Representation of the People Acts 1983 and 1985, which is another exemption in that part of schedule 5.
The issue is not black and white. I do not know whether the current law officers have reached a different view—you might want to ask them—but the last opinion that I received from the law officers was that, in their view, the voting age was a reserved matter and that therefore we could not change it, even for local government. It is one of the anomalies in the act—the Scottish Parliament runs local government elections, but there are bits of it that it cannot change. That does not seem very sensible to us. We made the point to the Calman commission that that is an area that is probably due for some reform.

Jim Tolson: That comprehensive answer was very helpful and has saved me some bedtime reading of schedule 5.

Mary Mulligan: On the issue of reducing the voting age, you will have had the opportunity to hear the earlier panel’s concerns about confusion. What would be your response to that?

Dave Watson: The confusion would be resolved if all elections were open to 16 and 17-year-olds. With the Health Boards (Membership and Elections) (Scotland) Bill, the Parliament has made a bold and correct move. We ought to consider every opportunity to change the voting age. Given the range of different elections, though, the reality is that it does not work that way—that Parliaments will work together and make the changes, nice though that might be. Our members always like consistency. They would like one set of rules for everything. That would be great, but life ain’t like that. You only have to look at the history of electoral reform in this country, which has always been incremental. Votes for 16 and 17-year-olds will be an incremental move. I think that we will get there, but it will take us a fair way to get there through different Parliaments.

Mary Mulligan: Do you foresee that the fact the process is incremental and there is uncertainty about the stage at which people are eligible to vote will cause confusion?

Dave Watson: Yes, there will be some confusion. Some of those points have been made in relation to the Health Boards (Membership and Elections) (Scotland) Bill, in evidence from electoral registration staff. There will be some difficulties when we have the two-stage process, particularly if elections are held on the same day, which is an obvious area of confusion.

To be honest, however, the confusion will not be that great. We currently have the star system on the electoral registers for those who are coming up to 18, and it seems perfectly reasonable that we could adapt that system to ensure that any confusion is minimised.

Alasdair Allan: You talked about how the franchise is reserved, and you are concerned to ensure that there is a level of consistency between council and Scottish Parliament elections. In your view, would that be aided if legislative competence for arranging parliamentary elections was devolved to this Parliament?

Dave Watson: Yes. I was asked that question in giving oral and written evidence to the Calman commission. Our view is that it should be devolved—Unison’s position on the devolution of a number of functions is well known. The principle of subsidiarity should be used: we should start from the assumption that this Parliament should deal with matters unless there is a very good reason for them to be dealt with at a higher level. The subsidiarity principle also works the other way, in that more functions should move from central Government to local government. We have argued that point consistently, and it runs all the way through our submission.

John Wilson: Based on some of the evidence that we have heard today, and the number crunching that I have done with regard to the years in which elections could be held, if the UK Government decides to hold an election in May 2010—the convener may have some inside information on that—an incoming Westminster Government could hold office until May 2015. That would bring UK elections into conflict with Scottish Parliament elections in 2015.

What is Unison’s, or your own, view on elections being decoupled completely? One issue that has come up this morning is that we are potentially at the mercy of the actions of a Westminster Government once we have decoupled local government and Scottish Parliament elections—another electoral system could kick in and upset the apple cart, causing confusion in relation to the issues that arose from the May 2007 elections.

Dave Watson: Even without decoupling, the same objection that we have to Scottish Parliament elections being held on the same day as local government elections would apply if there was a general election. The difficulty is that there is nothing that we can do about that unless Westminster moves towards fixed terms, for which there is not much political support—I do not think that will happen in practice. The reality is that we will just have to live with that situation—it may happen on the odd occasion. We can, however, do something about the Scottish Parliament and local government elections, and our view is that we should focus on what we can do.

That is why we were not too hung up about the timing of the elections, because we recognised that a number of circumstances might knock out that timing. We originally favoured option 3 on the timing issue, because it offered the one-year-after option. We were concerned about the mid-term protest vote argument, which could take the focus
away. After we reached that view, however, we had a third debate as a result of the Calman commission, and we received a lot of representations from our members who work in electoral administration. They said that it would be more sensible to go for the mid-point, because that would give more time to plan and to make the necessary changes.

The view was expressed that all the timescales could be knocked out by general elections or even extraordinary Scottish Parliament elections. Those events are unlikely, but there is always a what-if element, because they might happen. Our view is that we should tackle the issues on which we can do something. The Parliament can tackle those issues, and it should do so. If other places do something different, and the benefits that the bill aims to bring about do not materialise, there is nothing we can do about that—we will just have to live with it.

11:30

John Wilson: As a trade union that is actively involved in the local government arena and which has run campaigns on particular issues to coincide with elections, would Unison be of the mind that such decoupling would make it easier for the union and for other organisations to get over points of view about any dissatisfaction at either local government level or Scottish Parliament level?

Dave Watson: Clearly, as one of the relatively few organisations that are registered with the Electoral Commission as a third party in elections, we do a lot of campaigning around all elections. Our problem is that putting resources, effort and time into a local government campaign that will, frankly, just be swamped by the more presidential-style debate that happens in Scottish Parliament elections is possibly a waste of resources. Obviously, if we had separate local government elections, we could focus attention on the key local government issues that our members feel passionately about. Those issues would then feature in our campaigning and public information work.

The Convener: Those are what-if questions, as you say. We are sacrificing turnout for focus, but we have all acknowledged in today’s discussion that we cannot control that focus. In the new situation—in which local government sees itself as a partner of Government such that it has no control over the raising of any of its own finances—what is the point of all this?

Dave Watson: As you know, we are in favour of local government having control over much more of its finances. We are not in favour of ring fencing. Essentially, the council tax currently involves the ring fencing of money and leaves local authorities without that control. We are also in favour of returning business rates to local authorities and of giving local authorities the ability to raise even more of their income. In our view, more than 50 per cent should be raised at local level. We argue that that would be a good thing. However, such matters are a political decision rather than a constitutional issue—there is always a risk that people will mix up the two issues.

In essence, having separate elections would put a greater focus on local government. Clearly, other changes are needed too, but having separate elections would enable that debate to take place. We need a structure in place that would allow local government to make its case more clearly without being swamped by the Scottish Parliament elections or any other parliamentary elections.

The Convener: Do you agree that there should be parity of esteem between the different levels of government?

Dave Watson: We agree with parity of esteem and we believe in having a strengthened constitutional position for local government within the current constitutional arrangements. We have argued for that point for many years. We do not necessarily see local government as a broad partner with central Government, because we think that tension between the two can sometimes be a good thing. We are not hung up on that point either. Again, such tension can help to bring focus on the functions of local government.

The Convener: Are those functions and the standing of local government—its parity with central Government—helped or hindered by a 23 per cent turnout?

Dave Watson: Low turnouts do not help. In our submission, we accept that all the evidence suggests that turnout would be lower. However, a higher turnout that is due to the parliamentary elections, frankly, just masks the problem. All of us—civic society, politicians, political parties and local authorities—need to focus on the reasons for the low turnout by doing much more work to make people want to turn out in local elections. As the previous witnesses said, one could not fail to be impressed by the queues of people waiting to vote in the presidential election in America, which is a country that traditionally has low registration rates. We need to focus on raising people’s interest in local government—a big job, which will not be easy—but it should be possible to do that by focusing people’s minds on local government issues during the elections and over a longer period.

The Convener: Should we revisit the issue if the turnout is disastrous?

Dave Watson: No, I do not think that we can revisit the issue. Running both elections at the
same time might give us a higher turnout on paper but would not achieve the objective. Again, that would just mask the reality that people were not putting the right focus on local government. In essence, we would need to consider why people did not turn out and redouble our efforts to motivate the electorate to focus on local government issues.

The Convener: So we would just need someone to blame.

Dave Watson: It is not a matter of blaming people—we need to look at what works. Holding the elections on different days is not the reason for the failure of campaigns and other work to improve turnout. If turnout does not improve, it will be because all of us have not managed to motivate people to vote.

The Convener: So the issue is simply motivation.

Dave Watson: It is about motivation and relevance—people seeing the importance of local services to them. We conduct various information campaigns and are planning others to give people an understanding of what local government does for them. You will see some of those in the months to come. We have examined the interesting campaigning work that some of our colleagues in Australia, New Zealand, America and Canada have done to flag up the role of public services, especially local public services. We have spoken to them about how effective that work has been in their areas and will try to roll out some of it here. That can be done, and we will try it. Let us see whether it works.

The Convener: Is there a higher turnout among Unison members than among any other group?

Dave Watson: I have no idea. We hope so.

The Convener: You spend all that money on political campaigns, but you do not know whether turnout is higher among your members.

Dave Watson: We certainly do a lot of work on the issue. It is impossible for someone to open a Unison journal without being urged to vote and to play their role in the local government function. We do not know whether that works, as there is no marker for Unison members on the ballot paper; even with increased voter information, we will never know whether turnout is higher among our members. The academic work that has been done on the issue suggests that turnout is higher among those who work in local government, but that is only sampling—there are no hard data to back it up. The answer to your question is probably yes, but I cannot prove that.

The Convener: As you heard, we spoke earlier about the capacity of local government to administer elections. We have not spoken about voluntary activity, of which there is little mention. We are the privileged ones who are paid for our political involvement at this time, but we are all supported by people who do not get paid. We need to sustain them through the process. Do you agree that we need to consider what can be done to sustain the work of all political parties? It is not good enough for us to say to people that they need to do more. The voter may not get weary, but holding elections year after year places considerable demands on those who are involved in voluntary activity.

Dave Watson: Staff in the area might be tempted to see producing additional voter information, for example, as a burden on registration staff, requiring them to churn out another pile of statistics, but that was not their response. Unison members told me to be sure to point out the additional cost and effort of producing the information. However, we recognise that political parties are a key part of the process and that they are made up mostly of volunteers, who do most of the work. If the provision of additional information stimulates greater activity and more campaigning and work on the doorstep, it will raise the profile and improve the functioning of local government, which is good. As others have indicated, provided that voter secrecy is maintained, our members should provide the political parties with the maximum amount of information, to help them to do their work.

That position is consistent with the line that we have taken on freedom of information. We have argued consistently for freedom of information laws that are stronger even than the current Scottish legislation. We argue that freedom of information provisions should be better than those that are proposed in the Scottish Government’s current consultation on the issue. That reflects the view of our members, for whom freedom of information is a burden, as it requires them to do more work, but who regard it as a right and proper function in a democratic structure. If we believe in democracy for public services, rather than their being run in a market setting, we must support it. Democracy costs, but it is a price worth paying to ensure that there is a focus on local services.

The Convener: Thank you for your attendance and your helpful evidence.
**Cost of e-counting at 2007 Elections**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Funding to local authorities for electronic counting services</td>
<td>£7.12 million (SG share £3.56 million)</td>
</tr>
<tr>
<td>supplied by DRS</td>
<td></td>
</tr>
<tr>
<td>Payments to DRS Data &amp; Research Services for testing, development and training</td>
<td>£1.26 million</td>
</tr>
<tr>
<td>Electronic counting software verification</td>
<td>£13,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>£8.51 million</strong></td>
</tr>
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**Release of Information**

1. The secrecy of the ballot is paramount. Any information published must be done in such a way that there is no way in which individual electors could be identified. For example, where polling districts are small it is our view that they should be merged with neighbouring ones to enable anonymity to be assured. In the release of information, the Scotland Office has previously used a figure of 200/250 voters in this regard. It would therefore seem appropriate to use a similar number in future legislation.

2. Data at a polling district level can only be made available if a by-election is counted electronically. Such information is not otherwise available at that level.

3. It is the view of Returning Officers that legislation needs to be retrospective to allow the legal publication of election information from 2007 and indeed any subsequent by-elections where electronic counting has been used.

4. The professional associations have consistently argued for the central publication of data. This would ensure that all information would be available at the same time and in a consistent format across the country. It would also give parties easier access for their researchers; instead of having to refer to 32 separate web-sites, all set up differently there would be a single source. Again, this would make the transparency of the process paramount, contributing to upholding the basic Gould principle of putting the voters interests first.

**SOLACE**

23 April 2009
Scottish Parliament
Local Government and Communities Committee

Wednesday 1 April 2009

[THE CONVENER opened the meeting at 10:00]

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the 10th meeting in 2009 of the Local Government and Communities Committee. As usual, I ask members and the public to turn off their mobile phones and BlackBerrys.

Agenda item 1 is stage 1 of the Scottish Local Government (Elections) Bill. I welcome the Minister for Parliamentary Business, Bruce Crawford MSP; Stephen Sadler, who is head of the Scottish Government’s elections and local governance team; and Andy Sinclair, who is a senior policy officer in the referendum and elections division of the Scottish Government.

I invite the minister to make some opening remarks before we move to questions.

The Minister for Parliamentary Business (Bruce Crawford): Thank you very much, convener. I am grateful to be in front of the committee to discuss such an important issue.

The committee published its comprehensive report on the 2007 elections in June 2008. At that time, I was pleased to put on the record my thanks for its detailed consideration of the important issues that arose from the elections in 2007. The report was debated in the Parliament in October 2008; there was widespread agreement on the many issues that were raised and the proposed solutions. The committee endorsed Ron Gould’s recommendation that local government elections in Scotland be decoupled from Scottish Parliament elections. It also recommended that we make post-election voting information available at polling-station level. I am pleased to say that, if it is passed, the Scottish Local Government (Elections) Bill will give effect to those recommendations.

The Government’s consultation paper on decoupling the elections was issued in March 2008. Responses showed overwhelming support for our plan to separate the elections. There was equally strong support for our preferred option of moving the local government elections to the mid-point in the Scottish Parliament session.

We want to decouple the elections, as Mr Gould recommended. That should help to begin the process of reducing the voter confusion that we witnessed in the combined elections in 2007. Decoupling will also give local government its rightful place. The view that we should do more to recognise the democratic role of locally elected leaders and put local government at the centre of governance in Scotland is widely supported. By moving to separate national and local elections, we intend to strengthen the democratic mandate of local government. Running the two elections at the same time inevitably means that less attention is given to the local government elections. The media and the public invariably focus on national issues rather than on local candidates and local concerns. Important local issues are not given the consideration that they deserve, and local campaigns are, unfortunately, sometimes left in the shadow of the parliamentary candidates and parties. As Unison said in its written evidence to the committee:

“Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people”.

We know that there is strong support for decoupling, but we also know that decoupling will bring turnout challenges. Committee members have previously suggested that we need to focus on voter engagement and public information. I agree and look forward to working with the committee on those important issues. We need to encourage greater public participation across the board, and we specifically need to raise the profile of local government issues and candidates and find ways of enhancing voter interest in and understanding of the democratic process. If we get things right, the increases in voter turnout that we are all looking for could follow.

Public information campaigns for elections should cover two bases. We should look to voter education to tell people about the election date, explain the election’s aims and motivate individuals to register to vote and take part in the election. We also need voter information to explain the voting methods that are to be used. It is crucial that we find ways to identify harder-to-reach groups and better ways of engaging with them. Groups that are less motivated to vote and are less likely to be bothered about voting deserve to be included in the democratic process. The Government does not have all the answers, but we have time before the next local government elections to consider how we can achieve those aims, and I would be happy to discuss with the committee and others how we can do so.
The bill will also give ministers the power to make regulations to allow voting information in local government elections to be analysed in greater detail. Currently, after a result has been declared, the returning officer is required to publish certain information at ward level, including the number of votes cast and transferred at the various stages of the process. The introduction of the single transferable vote system and electronic counting give us access to far more voter information than we used to have. Candidates and parties can use the information to analyse where their votes come from, plan future strategy and focus efforts on increasing turnout. The proposed new regulations will make more detail available at polling-station level. The additional polling-station level data, which will include the number of votes cast and transferred, should increase confidence in the electoral system and the method of counting.

The secrecy of the ballot remains the underlying principle. The level of information and aggregation that will be in place will ensure that secrecy is maintained. Provision is made in the bill to ensure that ministers cannot introduce arrangements that would reveal the manner in which an individual voted.

The bill will implement a key recommendation of the Gould report. It can be argued that local government is the level of government that most impacts on ordinary people’s day-to-day lives. Local government services are vital. Decoupling will present us all with the challenge of increasing turnout in local elections, but the work will be worth it. The Government believes that local elections should be prominent, that they should be held separately from other elections, and that they should focus on local issues such as schools and services and not be overshadowed by the theatre of national politics. I hope that the committee will support the bill when it makes its report.

Alasdair Allan (Western Isles) (SNP): An issue that Gould raised, to which the Government responded, was the fragmented nature of elections in Scotland. Will the measures that you outlined address that issue?

Bruce Crawford: They will begin to address it, although they are not the whole solution. Gould identified many issues, which involved 32 local authorities, 15 electoral registration officers, three Government departments and at least 18 pieces of legislation, so there is a fair job of consolidation to be done.

The Government always argued that it would be more appropriate for the Scottish Parliament to be responsible for administering elections, and the Parliament accepted that. Such an approach would have brought everything under one roof, and we would have made a better fist of it. However, we must deal with what we have and move on as positively as we can.

The Gould report introduced the concept of a chief returning officer. We are engaged in discussions on the issue with the interim elections management board for Scotland and we are prepared to discuss whether the title of CRO should itself live on or whether the proposed role should live on in another shape, for example in the person of the convener of the interim elections management board. Issues to do with the ballot paper and other administrative issues also need to be considered and we will consult on such matters in the summer. The bill is part of the package but is not the whole answer.

Alasdair Allan: Gould talked about the extent of voter confusion. What role do you envisage for the Electoral Commission in educating voters before the next elections?

Bruce Crawford: The Electoral Commission is about to undertake detailed work on the ballot paper in Scotland. In the summer, we will also undertake work on the structure of ballot papers. The commission has an important role in that regard.

When the committee took evidence during its inquiry into the 2007 elections, it discussed whether the commission should have a formal, contractual role and whether the Government should place a legislative responsibility on the commission. The Political Parties, Elections and Referendums Act 2000 provides that the Scottish ministers may extend the commission’s formal remit to include carrying out tasks for the Scottish local government elections.

During the 2007 elections, the then Scottish Executive spent £1.25 million on the centrally based VoteScotland campaign, which was run primarily by the Electoral Commission. There was, therefore, a central campaign the last time round, in which the Executive quite rightly involved itself, and which was able to be delivered without a legislative framework in place.

I am happy to examine the issue and to consider whether we should give the Electoral Commission a formal basis in statute in Scotland, which would need to be done through either an act or regulation. However, we should not legislate just for the sake of it if the arrangement can be made informally, as it has been, or through a contract with the commission. I am happy to take further evidence from the committee on whether the arrangement can be strengthened.

The Convener: I recollect that the Electoral Commission witnesses who appeared before the committee seemed to be saying that the commission had a role in the Scottish Parliament elections and in the United Kingdom elections, but
that it had no similar role in local government elections, and it was therefore necessary to extend its role.

Bruce Crawford: The commission has no statutory role in local government elections.

The Convener: But it has a statutory role in the Scottish Parliament elections.

Bruce Crawford: It has such a role in the Scottish Parliament elections and in other elections in the UK, because it is a UK-based body. The PPERA, when it was introduced in 2000, did not extend the commission’s powers to Scottish local government elections.

The Convener: Was the £1.2 million that was spent on the VoteScotland campaign allocated for the Scottish Parliament elections?

Bruce Crawford: It was for both elections—it was a combined effort and a combined election.

The Convener: Would there be a financial implication for the Scottish Government if the commission’s involvement was put on a statutory footing? Would additional funding be necessary?

Bruce Crawford: There is already a financial implication for the Scottish Government. As I explained, the Scottish Executive committed £1.25 million during the 2007 elections to help fund the surrounding publicity campaign. I cannot imagine that, in 2012, the Scottish Government will not want to be involved in providing expenditure from a central base for education and raising awareness.

I do not think that putting the Electoral Commission’s involvement on to a statutory footing would in itself create a requirement for additional resources. It was what we asked the commission to do during the 2007 elections that created such a requirement in that case. Have I got that right?

Stephen Sadler (Scottish Government Constitution, Law and Courts Directorate): Under the current arrangements, the Scottish ministers can ask the Electoral Commission to carry out functions on an agreement basis, but the commission does not have a statutory duty to do that. The information campaign in 2007 came about at the Scottish Executive’s request.

The Convener: I am confused. We are talking about decoupling. It is our responsibility to fund and promote the Scottish Parliament elections, and in 2007 there was, as a consequence of that, some benefit for the local government elections. We are concerned that if we split the elections, the money will not be available for local government elections, and the campaigning, the potential turnout and everything else will therefore not be the same. If the elections are split, the activity around the Scottish Parliament elections will disappear from local government elections—there seemed to be a worry among the witnesses last week about what would be put in its place.

Bruce Crawford: I understand the reason for your question. The Scottish Parliament elections are, of course, the responsibility of the Scotland Office, and the expenditure that would be committed for that purpose would come from there. I am saying that the £1.25 million that was spent on the local government and Scottish Parliament elections last time round came from the Executive specifically for that purpose. I am not saying that we will spend to that level—indeed, I am not saying what amount we will spend on the election campaigns—but there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012.

The Convener: Does anyone else have a question on that specific point?

10:15

David McLetchie (Edinburgh Pentlands) (Con): I will follow that line of questioning. One theme is the responsibility for public information campaigns to increase awareness and, as a secondary aspect, to ensure that people know how to cast their vote properly under an STV system once we have got them to the polling station. Last week, we heard evidence from Tom Aitchison—the City of Edinburgh Council’s chief executive—that funding for his council’s public awareness campaign for the previous election was £15,000. If one extrapolates that, approximately, across the 32 authorities, relative to their size, it is difficult to see that local authorities in Scotland spent more than £200,000 or £300,000 to encourage participation in the election. That sum of money seems inadequate to achieve our objectives and meet the challenge that you were right to identify of increasing turnout at stand-alone local authority elections. Do you have a view on that?

Bruce Crawford: I will talk about the principles first. It is important that local authorities are involved in how we encourage people to turn up to vote and inform them about the voting process, because local authorities know their areas best. Particular parts of Scotland have particular challenges, so it is appropriate that local authorities should commit expenditure to that purpose. It is also important to have a national message or brand—whatever we want to call it—to encourage people to turn up to vote.

We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections. The Government will certainly make a commitment to expenditure on public
information, but I cannot say at this stage what the expenditure level will be, because it will be subject to the next spending review.

David McLetchie: We established that the 32 local authorities had a responsibility to promote information and awareness about what councils do and to encourage people to vote, and that the Electoral Commission was invited by the Scottish Government to supplement that effort nationally. Would it be better to fix the responsibility for a national information campaign on the role of councils and how to vote in STV elections on a body such as the Electoral Commission and to coordinate all the local efforts through that? I am concerned about the fractured responsibilities among the Scottish Government, the Electoral Commission and the 32 local authorities. You said that the Electoral Commission is doing work on ballot papers, as is the Scottish Government. The arrangement is fragmented. Unless we sort it out, will we replicate some of the errors that Gould identified in his report?

Bruce Crawford: You could be exactly right. However, the Electoral Commission is considering advice on ballot papers for the whole UK—for UK elections, Scottish Parliament elections and European Parliament elections; it is not concentrating just on local government elections. Our consultation will focus on local government elections.

As for fragmentation, the key proposal that Gould made was on the establishment of a chief returning officer, who would have powers to direct returning officers throughout Scotland and who would be involved in awareness-raising campaigns and in the structure and delivery of elections.

I am pleased by the development of the interim election management board for Scotland, which involves electoral management experts and the Electoral Commission. Scotland now has an organisation that can pull together all the threads that are required and understand the tensions and constraints. I hope that we will deliver elections much more successfully through the interim election management board, which is an important development for electoral processes. The board will be the driving force to ensure that the message is not so much unified—that is the wrong word—as more consistent, and that processes are more consistent in relation to not only awareness raising and education, but the detail of the delivery of elections.

Patricia Ferguson (Glasgow Maryhill) (Lab): Good morning, minister. The Scottish Local Government (Elections) Bill outlines a move towards the availability of information at polling-station level. Will that require e-counting?

Bruce Crawford: Polling-station level information could still be produced without e-counting, but it might be difficult. At its previous evidence session, the committee heard from one witness that it would not be possible, but we are trying to get to the bottom of how accurate that evidence was.

The STV system will certainly require the advent of e-counting. The system is complicated, and e-counting will be an absolute prerequisite if we are to continue with it.

Patricia Ferguson: When we discussed the issue last week, the general feeling among witnesses was that e-counting would be necessary. Another issue that we discussed was the interim period between now and the next round of local government elections. What will happen in by-elections? As you know, some recent by-elections have been STV and some have been first-past-the-post. Between the passing of the bill and the first round of elections in 2012, will e-counting have to be introduced for any by-elections?

Bruce Crawford: No. Because of what happened in 2007, the e-counting process will require a fairly lengthy time for testing, assurance building and confidence raising. We will need at least 15 to 18 months of testing before we will be absolutely confident that we can tick all the boxes for the system.

A meeting was held yesterday between officials and members of the interim election management board. A procurement process will have to be gone through, and that was discussed at the meeting. The procurement process and the tender process will begin in the summer, once all the specifications have been worked out. A tender document should be issued some time towards the end of the year, so we will begin to receive information by early 2010.

It will be difficult to insist that e-counting should be used for every by-election. Of the 15 by-elections since 2007, I think that two thirds have been e-counted—but forgive me if that figure is not quite correct. I am not aware of any problems arising either through e-counting or through the manual process, except in one by-election, in which a particular issue arose. We will require further discussions with electoral administrators on how much information can be released. That information cannot be released until the bill has been passed, and cannot be available until 2012, when the next elections take place. However, when the bill takes effect, information all the way back to 2007 will be opened up.

Patricia Ferguson: If I understand you correctly, during the interim period information at
polling-station level will have to be available at by-elections.

Bruce Crawford: I do not think that that will be the case.

Stephen Sadler: We will have to discuss commencement arrangements with local authorities. At the moment, the returning officer has discretion over whether he or she counts electronically or manually.

As the minister says, our aim in procuring a new e-counting system is to have it in place for the 2012 local government elections. Interim arrangements will have to be agreed with returning officers.

Patricia Ferguson: Last week’s witnesses pointed out that the local government elections in 2012 will be on the same day as the elections to the Greater London Authority, which will also use e-counting. Concerns were raised about the ability to procure the right equipment in time. I presume that the Government is aware of such concerns and that that is why it is considering the issues early.

Bruce Crawford: We are well aware of the concerns and of the resource implications. We have to be ready for 2012, and you are right—that is why we are starting as early as we can. We need to ensure that we have all the ducks in a row so that we can have a successful election. We acknowledge the challenges, but we are confident that we can overcome them.

The Convener: I have a question about the procurement process. The committee has discussed with you the company that carried out the e-count in the previous Scottish parliamentary elections and its refusal to come before the Parliament. Will that company be involved in the procurement process?

Bruce Crawford: That depends on whether it submits a tender. I do not want to get into the details of which companies might be involved in the tendering process. I do not want to put myself in jeopardy by colouring that process before it starts. Stephen, am I right in that regard?

Stephen Sadler: It would be difficult to preclude any company from bidding in a competitive tendering process. However, in drawing up the specification and criteria, we will consider carefully the sort of things that we want the successful contractor to deliver.

The Convener: That is what I was aiming at. As I recall, the minister took on board the committee’s views and said that he would keep them under consideration. The committee has strong views on that company. However, we obviously do not want to threaten the process.

Bob Doris (Glasgow) (SNP): My question perhaps reiterates the convener’s point, and it might have been answered by Stephen Sadler. When the Government draws up the criteria for the tenders, can it write into the provisional contract a requirement that the successful company must come before a parliamentary committee to answer reasonable questions that it might have, accepting the requirements of commercial confidentiality?

Bruce Crawford: I need to be careful about what I say. The criteria that are drawn up with regard to any contract in which the Government is involved need to be robust and defendable. Any criteria that we use in the tendering process will need to satisfy the fit-for-purpose requirement. I know the committee’s views on the matter and I will ensure that, when we draw up the tender document, we do so in a way that means that we get the best possible company to deliver the outcomes that we require.

Bob Doris: You probably cannot answer my next question either, but I want to put it on the record. Will there be penalty clauses if the successful company does not meet certain benchmarks? Might that involve working constructively with the Parliament on post-election scrutiny?

Bruce Crawford: The Government is involved in a normal contract tendering process. We will deploy that as required.

Jim Tolson (Dunfermline West) (LD): The minister confirmed that the move to e-counting for local government elections is pretty much essential. I agree with that, given the complexity of an STV count. However, leaving aside Patricia Ferguson’s point about the conflict with the Greater London Authority elections, I am concerned about the potential additional cost of the hire or purchase of equipment. We have conflicting figures on that, so I seek clarity from the Government. For example, it has been suggested that the cost could be circa £5 million, which could go down to £4.5 million if we reduced the number of polling stations, although that might have other implications. Can we have clarity from the Scottish Government about the potential costs to the public purse of e-counting in a decoupled election?

Bruce Crawford: There will not necessarily be additional costs. The costs had to be borne previously in the combined elections. Delivering those larger combined elections required many more scanners, more technical equipment and more personnel. In itself, the use of e-counting will not give rise to additional costs. However, the available figures, which are pretty robust, show that the previous local government and Scottish parliamentary elections, which were funded jointly by the Scottish Executive and the Scotland Office, cost about £8.5 million. Of that, the Scottish
Executive provided £4.8 million, of which, as I said, £1.25 million was for developing, testing and training.

10:30
At this stage, we cannot know for sure what final cost the tender process will deliver. We can go on previous expenditure and make assumptions on the likely impact of having less equipment and fewer polling officers. I think that the costs will be lower, but we can never be sure of the exact costs until the tender process is complete. In the current economic environment and the difficult trading conditions for many people, we may find that costs are driven down even further. We will not know that until we have been through the tender process.

Jim Tolson: I appreciate that. I think that I have the same figures that you have given, which were put forward in evidence last week. A figure of circa £8.5 million was given as a potential cost, not the £5 million that is given in other papers from the Scottish Parliament information centre.

You said that less equipment would be required. At the last elections, we had polls on the same day with the first count being held in the evening and early hours of the morning and the local authority count being held on the following afternoon. The same machines were used for both counts. Surely the only way in which to reduce the number of counting machines is to reduce the number of polling stations. The public would be concerned if that were to be the case, as many people would have to travel further to get to a polling station. That is of particular concern for those who are elderly or infirm.

Bruce Crawford: I am not aware of where that suggestion has come from or in which ether it developed. I am not aware of any such suggestion.

Jim Tolson: You can confirm that the Government has no plans to reduce the number of polling stations.

Bruce Crawford: I am sure that, as a former councillor, you are aware that local authority returning officers, not the Government, are responsible for the location and number of polling stations. I am not aware of any drive in that direction.

Jim Tolson: That is helpful. There are intimations in papers that we have seen that a cost saving of £500,000 could be made by reducing the number of polling stations. We would be concerned if cost savings were driving the process at the expense of quality.

Bruce Crawford: You may have had evidence in that regard, but that is new to me. I will bring in Stephen Sadler to address the question on equipment.

Stephen Sadler: Before I do so, I can answer the question on the potential cost saving of £500,000. The figure may have come from the financial memorandum, which estimates that the overall additional cost of decoupling will be between £4.5 million and £5 million. Returning officers suggested to us that, if we run a single local government election in 2012, it might be possible to have fewer polling stations within polling places. Technically and legally, two rooms that are set aside within a building that is used as a polling place, such as a school or a local community building, may be called polling stations. There is no question of asking people to travel a greater distance. The same building will be used, but perhaps only one room will be used instead of two, and the potential management savings arise from that.

Bruce Crawford: But no suggestion has been made at any stage that the number of polling places needs to be reduced.

Jim Tolson: That clarification is welcome.

The Convener: You would create savings in terms of the fees that are paid to run polling stations. Fewer people would be paid to take our votes.

Bruce Crawford: That is certainly an expectation.

I turn to the question of expenditure. Obviously, the Government is committed to ensuring that the e-counting system works. We will need to await the outcome of the tendering process before we know the final cost. We will then enter into discussion with the local authorities on what element Government and local government will pay. Given my knowledge of the discussions so far, I see no reason why the process will be anything other than constructive.

The Convener: What assurance can you give that the negotiation on overall costs will have no unintended consequences? I assume that local authorities will pay a significant part of the costs—more than they paid at the last elections. If so, local authorities will need to make savings either through more efficient management or by other means.

Bruce Crawford: What I am saying clearly is that the Government is committed to funding e-counting. We then need to have a discussion with the local authorities on what that means for them, including on the amount in their baseline budgets for the delivery of the elections. That discussion needs to be had. We will not know the specifics of the costs until we have gone through the tender process and the final tender price is in front of us.
It is difficult for me to say more than that. We are committed to delivering the elections and to ensuring that they are properly resourced.

The Convener: Do you know how much has already been spent from baseline budgets—presumably, for the European elections? Last week, we heard that the money is not ring fenced but is included in baseline budgets.

Bruce Crawford: Following discussions with the electoral management board for Scotland and the Convention of Scottish Local Authorities, it has been agreed that there is about £1.9 million in existing local authority baselines to pay for elections. Obviously, we are aware of that. When we find out the final tender cost, we will know what the starting point is.

The Convener: If local authority A decides that it can make savings—not by reducing the number of polling stations but by providing fewer advice and support workers in and around them—what will happen to the money that it does not spend on elections? Can it reallocate the savings to other parts of its budget? Can it spend the money down the road on a community hall or other facilities?

Bruce Crawford: I am not aware of the budget for elections ever having been ring fenced, either by this Government or by previous Governments.

The Convener: In evidence that we took last week, reference was made to ring fencing of elections budgets.

Bruce Crawford: I do not think that they were.

The Convener: We can check the Official Report of the meeting.

Bruce Crawford: I will check the matter. If I am wrong, I will write to the committee to say so.

The Convener: A witness raised the issue at last week’s meeting.

John Wilson (Central Scotland) (SNP): You said that 15 by-elections have been held since May 2007. The fact that the technology and counting systems that were operated in 2007 were new to us may have led to many of the problems that arose. Are you aware of any advances that have taken place in the use of e-counting technology? In 2007, the technology was fairly new and was quite costly to operate. Are there indications from the procurement process that costs may be reduced by advances in technology?

Bruce Crawford: Advances in technology could be a double-edged sword. Advances that cut the production costs of the company concerned are welcome, as they will probably cut overall costs, but advances that involve a leap forward—the introduction of new technology to improve the process—could put up costs. That is why the tender process is vital to establishing the final costs.

We have fairly strong evidence of the success of the electronic voting system that was used in the GLA elections. The number of spoiled ballot papers in those elections was no greater than would have been expected in normal circumstances. In fact, the percentage of rejected ballot papers in the local government elections in Scotland was only 1.83 per cent. In Northern Ireland, the rejection rate was 2.1 per cent. Last time around, performance on rejected ballot papers was much better in the local government elections than in the Scottish Parliament elections.

David McLetchie: Perhaps we should put on record that the number of spoiled ballot papers in the last local government elections was three times the number in first-past-the-post elections. Clearly, the introduction of the STV system had a significant effect on the compilation of papers and the number of valid votes.

Bruce Crawford: Yes—the figure is higher.

David McLetchie: It is three times higher.

Bruce Crawford: Yes—I was making a comparison with other areas that have STV elections. The percentage of spoiled ballot papers in the STV elections that were held in Scotland, using electronic counting, was 1.83 per cent, whereas in Northern Ireland it was 2.1 per cent. If I recall correctly, the figure for the GLA elections was of the same order. I understand your point, but I was making a comparison with other systems.

David McLetchie: Other STV systems, you mean. We need to debunk the myth that the STV election in 2007 was somehow a great success as far as spoilt ballot papers are concerned. It most certainly was not in comparison with what went before.

Bruce Crawford: You have successfully debunked it, Mr McLetchie.

The Convener: The evidence that we received last week suggested that more work has to be done. For example, Andy O’Neill from the Electoral Commission talked about people at polling stations seeing STV ballot papers going through with only one X on them. The committee tried to investigate some of those papers but, as the minister will recall, we were unable to do so. We take our job seriously and will debunk comments not just from you, minister—although I am sure you did not intend this—

Bruce Crawford: Thank you.

The Convener:—but from others who want to pretend that everything went smoothly when in
fact there were, as the committee has discovered, questions to answer.

Mary Mulligan (Linlithgow) (Lab): In response to previous questions, you said that you will know more about costs once you have issued tenders. What is your proposed timetable for that?

Bruce Crawford: Officials and the interim electoral management board for Scotland are discussing the specifications, which will be drawn up over the summer. The tender documents will be issued before the end of the year and by spring or summer next year we will be in a position to provide the exact costs and announce the successful tender. Thereafter, we will have 15 to 18 months to test the system and ensure that it is as robust as possible. I feel that that 15 to 18-month period in which we test the system to destruction will be vital in getting us down to the kinds of figures that I hope will make Mr McLetchie smile.

Mary Mulligan: I am not sure that we will ever get there.

Bruce Crawford: And I include STV in that.

Mary Mulligan: We will definitely never get there.

As my colleagues’ questions have made clear, we are concerned about how the decoupled election will be funded, even though we accept that, if we buy into decoupling, it will cost additional money. Last week’s witnesses seemed to suggest that they had struggled in the past and would feel more vulnerable if they had to fund themselves, so your comments about discussing the costs with them have been helpful. Are you able to say a little more about how those costs might be overcome to an extent that might reassure our previous witnesses?

Bruce Crawford: All I can do is repeat as strongly as I can that the Government is committed to the successful delivery of the e-counting system. We will enter into discussions with local authorities, given that there will be something in their baseline. Unlike with issues such as education and awareness raising, I can probably go a bit further with e-counting and say that, once we have the tender information, I will try to ensure that we nail down as soon as possible the costs that will be allocated to Government and to local government and try to pre-commit the money before we get into the next spending review. I understand the necessity for assurance in this area, and I hope that those comments help.

Mary Mulligan: That is helpful.

In your opening remarks, you talked about encouraging voter registration and participation. In that respect, last week’s witnesses felt that the numbers not just for turnout but for registration were still low. What support has the Scottish Government been giving to electoral registration officers to increase the number of people who are registered?

Bruce Crawford: I will need to ask Stephen Sadler what we have done previously on registration.

Stephen Sadler: Registration is reserved.

Bruce Crawford: Right enough—I had forgotten that. That is a nice easy get-out for me. [Laughter.] Of course, I wish it were not.

Mary Mulligan: The Scottish Government has had no involvement in that.

Bruce Crawford: Through the electoral management board, we will try to put in our tuppenceworth about registration to ensure that we get as many people as possible registered. I hope that any awareness campaigns that we run will focus on registration, getting the vote out and explaining to people exactly what the technicalities are of voting. Obviously, we will have to ensure that all that works in synergy. I wish that I had control over registration, Mrs Mulligan.

10:45

The Convener: Do local authorities have statutory responsibilities in that regard?

Bruce Crawford: Through the UK Government.

The Convener: There might have been some confusion about that. Last week, Gordon Blair, of the Society of Local Authority Lawyers and Administrators in Scotland, said:

“That duty is wide enough to cover that points that you have made. In the first two years after the Electoral Administration Act 2006, which was passed at Westminster, came into force, funding was ring fenced for precisely that area, and that funding is now built into the local government settlement.”—[Official Report, Local Government and Communities Committee, 25 March 2009; c 1867.]

I assume that the only money that local government has for that comes directly from the Scottish Government. Although that money was ring fenced previously, it is no longer ring fenced and is now all wrapped up in the local government settlement.

Bruce Crawford: Mary Mulligan’s point was slightly different—it was about encouraging people to register. It is true that councils get their cash support directly from central Government, but I do not know off the top of my head whether it is ring fenced; we will need to check that and then write to tell you.

The Convener: We ask you to do that, but my point was that, for councils to meet their statutory obligation, it is not as simple as saying that
registration is reserved. The money that councils need to pick up registration, target voting and turnout comes from the Scottish Government—councils have a statutory responsibility that they can fulfil only if the money is allocated to them.

Bruce Crawford: I am happy to write to confirm whether that money is ring fenced; I just do not know the answer off the top of my head.

Mary Mulligan: I would appreciate clarification on that point because, if the responsibility comes from one body and the finance comes from another, you can understand why there is some confusion. I look forward to your correspondence.

Bruce Crawford: I understand fully the confusion. In my reply to the convener, perhaps I will let you know about how the confusion can be sorted.

Mary Mulligan: I suspect that I know already.

John Wilson: Would it be appropriate to issue guidance or incorporate rules in the bill to set out what type of information should be provided after elections by the returning officers? There is some confusion about that at present. We know from the 2007 election that different rules seemed to be applied by different returning officers.

Bruce Crawford: The bill will provide for the release of more detailed information, including the number of preferences cast and votes transferred between candidates at each stage. As I said earlier, having that information at a local level should allow our political parties to be much more involved in voter turnout activity.

One of the points that were made last week was about whether a voter could be identified. When we draw up the regulations and guidance, providing for a threshold of around 200 votes will be the appropriate way to deal with the matter. That will ensure that, in rural communities where there are fewer than 200 ballot papers in a box, the information cannot be made available and the rights of the individual and the secrecy of the ballot are protected. Otherwise, we might find ourselves in some difficulty. That provision will not be in the bill but in regulations and guidance that will follow. Any regulations that emerge will have to be considered by the committee.

John Wilson: The figure of 200 was the one that the Electoral Commission gave us last week. Below that, it becomes possible to extrapolate who voted which way, and people can be easily identified, which takes away from the secrecy of the ballot. This might come down to particular polling stations at by-elections with low turnouts, but would the minister still insist on having the threshold of 200, to ensure that by-elections that take place after the bill goes through, particularly where there is a low turnout, do not provide an opportunity to draw out who has voted which way?

Bruce Crawford: This is a balancing act, which we must get right. We need to provide as much information as we can. We will be able to do that to a level that has never been achieved in Scotland before. On the other hand, there are the rights of the individual and the secrecy of the ballot. As far as I am concerned, the one thing that people want to be absolutely assured of regarding the democratic process—when politicians knock on their doors or at any other stage—is that their vote will be secret, and that that secrecy will be maintained. If we get below the level of 200, it starts to put that secrecy in jeopardy. That is why the Electoral Commission has pegged that level—it is to ensure that people are protected.

I recall that, in days gone by, when small ballot boxes were used in the area that I represented as a councillor, the Conservatives, for instance, would have a considerable vote—long gone are those days—and the votes that were cast for the Scottish National Party in that particular box at that time were scant. In those circumstances, the individuals who cast their vote for the Scottish National Party would be in danger of being known. People would have been knocking on doors and asking who the residents were voting for, and there is potential for some of the secrecy to be lost in such circumstances. We should not lose that element of the secrecy of the ballot.

The Convener: We are all agreed about the direction of travel on decoupling the elections, but there are persistent concerns about how that will affect turnout and about the objective being blown off course by national events, a general election or a protest vote at any time in the future, which could undermine the measures, as well as about political parties’ capacity to sustain election campaigns year after year.

You said that you would be happy to work with the committee. I am not asking you to commit to anything now, but the committee has expressed an interest in the past in working with the Scottish Government and other interested parties to establish where best practice lies and to ensure that we deliver our objectives in the bill and maintain turnout and the integrity of local government. I do not know whether officials can speak to officials about how best to do that and who could be involved, but we would be interested to consider examples from other countries, which might do things better and which might offer us a focus on how elections are carried out in local government and other areas of government. I will leave that with you for your response.

Bruce Crawford: I am more than happy to be involved in that discussion with the committee on an on-going basis. Some of the material that you
have produced in your report is very useful in that regard—and I do not think that the issues to do with turnout would be any different.

It fascinates me that, in 1974, we got a turnout of over 50 per cent in the district and regional elections, which is higher than what we got for the combined unitary authority and Scottish parliamentary elections in 2003. Why was that? What were the conditions then that made the difference? What were the politics that were going on? Was something different happening then? Was the campaigning to get people out to vote different? Was the standing of local government higher? There are many questions there.

Can we be more imaginative in how we get information across by way of publicity? Would the trade unions, for instance, be prepared to send notices round all their members to encourage them to go out and vote? Can we put up screensavers on all public servants’ desks to say “Go and vote today” or “It’s voting day”?

There are lots of things that we have to think about. I am not saying that we should definitely do all those things, but we have to use our imagination more. We should discuss any ideas that we put in the pot that are robust enough to stand examination. I am more than happy for officials to talk to one another in the first instance and to come back to give further evidence on this issue.

The Convener: I thank the minister and his colleagues for their evidence this morning, which was very helpful.
1. Thank you for your letter seeking clarification of the points raised during the Committee evidence session on 1 April.

2. The Scottish Government is providing local government in Scotland with record levels of funding over the period 2008-10. The vast majority of the funding, including the funding for electoral registration, is being provided by means of a block grant. It is the responsibility of each local authority to allocate the total financial resources available to it on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government’s key strategic objectives.

Bruce Crawford MSP
Minister for Parliamentary Business
Scottish Government
8 April 2009
ANNEXE C: Other written evidence

SUBMISSION FROM CONSERVATIVE COUNCILLORS

1. I confirm that Conservative Councillors support the suggestions to de-couple local government elections from national elections, to have two 5 year local government terms and to provide a greater level of voting information.

Cllr Hugh R Hunter
Leader South Ayrshire Council
3 March 2009
1. Fairshare welcomes the introduction of the Scottish Local Government (Elections) Bill and is broadly in favour of its various provisions.

**Decoupling the local government and Scottish Parliament elections**

2. We favour the proposed decoupling of the local government elections and the elections to the Scottish Parliament. This decoupling will have two distinctly different advantages. Firstly, it would provide an opportunity for local government issues to be considered without being overshadowed by Scottish Parliament issues. Secondly, it would deal effectively with the practical problems that can arise with combined elections, especially when two different voting systems are used for the two sets of elections.

3. The question of whether the Scottish Parliament and local government elections should be held on the same day has been discussed endlessly since the first combined elections were held on 6 May 1999. Thereafter local government elections would have been held on a three-year cycle [Local Government etc (Scotland) Act 1994: section 5] and the Scottish Parliament elections held on a four-year cycle [Scotland Act 1998: section 2]. The McIntosh Commission recommended that local government elections should revert to a four-year cycle and should be held at the mid-point of the Parliament electoral cycle [McIntosh Commission Report, June 1999: paragraphs 70 & 72].

4. The Scottish Executive did not accept that recommendation, but issued a consultation paper which invited comment on holding the local government elections on the same day as the Scottish Parliament elections [Scottish Executive’s Responses to Report of the Commission on Local Government and the Scottish Parliament, 27 September 1999]. The consultation paper addressed several issues: turn-out, voting on local rather than national issues, voter confusion and administrative issues, implications for political parties, and voter fatigue. The Executive ‘published’ its analysis of the responses to that consultation on 21 June 2000 when it recorded that the responses were “finely balanced” between same day elections and mid-term elections. The Renewing Local Democracy Working Group also considered the question of timing of the two sets of elections, but did not add anything new to the discussion or make any recommendation [Kerley Report, June 2000].

5. The Scottish Executive issued a consultation on a Draft Local Government (Timing of Elections) (Scotland) Bill on 30 March 2001. After the full Parliamentary process, when all the arguments were rehearsed again, this culminated in the passing of the Scottish Local Government (Elections) Act 2002 on 22 January 2002 which synchronised polling at future local government and Scottish Parliamentary elections.

6. The issues relating to combined elections were also reviewed in detail by the Arbuthnott Commission. That Commission, in line with the majority of the views submitted to it, recommended that the elections should be decoupled, with a heavy emphasis on reducing voter confusion [Report: paragraph 4.92].
In making this recommendation, the Arbuthnott Commission was particularly mindful that the Scottish Parliament had decided in July 2004 that the Single Transferable Vote (STV) system of proportional representation should be introduced for future local government elections while the Additional Member System (AMS) would still be used for the Scottish Parliament elections.

7. The Scottish Executive and the Scottish Parliament rejected this recommendation of the Arbuthnott Commission and the two sets of elections were again held as combined elections on the same day in May 2007, when there were unprecedentedly high numbers of rejected ballot papers in the Scottish Parliament elections. These problems were caused by the use of a combined ballot sheet for the two AMS votes in the Scottish Parliament elections. There is no evidence that the introduction of STV for the local government elections contributed to these problems as only very small proportions of the STV ballot papers were spoilt or rejected even though this was the first use of STV for public elections in Scotland since 1928.

8. The subsequent Scottish Elections Review (Gould Report) recommended separating the Scottish Parliamentary and local government elections, preferably by a period of about two years, as would be provided by this Bill. This recommendation was made to address a range of issues identified in the review. There is, however, no doubt that the potential for voter confusion is likely to be greater when two different voting systems are used in elections held on the same day. This is especially the case when completion of the respective ballot papers requires conceptually different judgements by the voter: selection of one winner, marked with an “X”, in AMS; placing an array of candidates in order of preference, marked with the numbers “1”, “2”, “3”, etc, in STV. Holding combined elections with different voting systems also adds to the complexity of the elector education programme, as two quite different targets have to be covered simultaneously. The proposed decoupling of the two sets of elections should allow more focussed elector education campaigns in future.

9. One of the practical considerations that has been advanced in favour of decoupling these two sets of elections relates to timing and staff availability to undertake the two sets of counts. The current legislation requires polling for the combined elections to be held on the first Thursday in May. In four years out of seven, this means that the counts run into the main spring bank holiday weekend, the first Monday in May (but in practice, including the preceding Friday for many people). There is thus a strong argument for moving the polling days to the second Thursday in May, or to the first Tuesday in May, even if these two sets of elections are decoupled.

10. The biggest problem that could arise from holding the local government elections mid-term between elections to the Scottish Parliament is the risk that the electorate would misuse the local government elections to record a protest vote either against the Scottish Government of the day or against the UK Government of the day. This is a well-established phenomenon in the UK and in different political systems around the world.
11. The only practical solution is continually to emphasise the different and distinctive roles of local government, the Scottish Parliament and the Scottish Government. It has to be said, however, that this is not helped by the current practice on the part of both politicians and the media of blurring the very important distinction between the Scottish Parliament and the Scottish Government. The role of local government is distinctive from both and should be given due recognition.

Publication of post-election information
12. The provisions in the Bill relating to the post-election publication of voting information from local government elections are enabling provisions and as such, we support them.

13. Fairshare wishes to see the release of anonymous full ballot data at ward level for every ward in Scotland, but we would not support any proposal to release the ballot data at polling station or polling district level. We do not believe that the publication of such data at any level below the whole ward will in any way increase the transparency of the counting process. The ballot data have validity only at the ward level because that is the only level at which the votes are counted and the result determined.

14. Electronic counting of the preferential votes recorded in STV elections is, unavoidably, a “black box” operation. However, the integrity of the counting process would be confirmed if the full anonymous ballot data were made available after the elections as preference profiles for anyone to process with other computer programs designed to count STV votes in accordance with the rules in the relevant Scottish Local Government Elections Order. There could be no better way of giving the electorate confidence in the counting procedure and the validity of the results. The release of ballot data at any level below the whole ward could not in any way contribute to the achievement of that objective.

15. In the Scottish Executive consultation paper issued on 30 March 2007, much was made of the possibility of tracking individual voters who had numbered the candidates in “unusual” sequences of preferences. We recognise the theoretical possibility of this. If there are 5 candidates, the number of possible unique preference profiles is 325, rising to 13,699 for 7 candidates, to 986,409 for 9 candidates and to 108,505,111 for 11 candidates. Thus the numbers of possible unique preference profiles in many wards greatly exceed the numbers of electors in those wards. These risks would, of course, be exacerbated if the full ballot data were published by polling district or polling station.

16. However, the penalties for the offences that would be committed in any such tracking are severe. For secrecy offences in local government elections, Section 66 of the Representation of the People Act 1983 specifies a fine not exceeding level 5 on the standard scale (currently £5,000) or a term of imprisonment not exceeding six months. These penalties provide an effective deterrent because they far outweigh any benefit that could be obtained by a voter who marked an “unusual” sequence of preferences or anyone who attempted to track such a voter.
17. We recommend that the ballot data should be published as preference profiles and not as records from every individual ballot paper. Not only would this condense the published data very greatly, it would concentrate attention on the preference profiles and not on the individual ballot papers. The eSTV program used to count the votes at the local government elections in 2007 automatically produced a report of this kind for each ward, formatted as a BLT file (see: http://stv.sourceforge.net/Help.html [link no longer active]).

18. The suggestion is made in the Policy Memorandum accompanying this Bill that candidates and parties could use sub-ward data to analyse the way in which their total vote had been compiled as this could be important in planning their future electoral strategy. For this purpose, we recommend they be provided with a “Preference Summary Report” and not ballot data or a sample of the ballot data. The Preference Summary Report shows the numbers of first and subsequent preferences recorded for each candidate. Such reports were generated automatically at ward level by the eSTV program used to count the votes in the 2007 elections and these reports could easily be generated for each polling station or polling district. Examples of such reports at ward level may be seen on several Councils' websites.

19. Rule 55(c) of the Scottish Local Government Elections Order 2007 requires the Returning Officer “to give public notice of”, inter alia:

   “(i) the name of the candidates elected;
   (ii) the number of first and subsequent preference votes for each candidate;
   (iii) the numbers of ballot papers transferred and their transfer values at each stage of the count;
   (iv) the number of votes credited to each candidate at each stage of the count;
   (v) the number of non-transferable ballot papers at each stage of the count; and
   (vi) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”

20. Rule 55(c)(v) deals with non-transferable ballot papers, but, strangely, does not include a requirement to publish the numbers of non-transferable votes at each stage of the count. Unless information about the numbers of non-transferable votes is provided, a full reconciliation cannot be made to confirm the accuracy and integrity of the counting procedure. We trust this omission will be remedied in future Elections Orders for STV elections in Scotland.

21. Although it is not specific to the provisions of this Bill, we would draw the Committee’s attention to the wide variation in the information that was made available after the 2007 elections by different Returning Officers around Scotland, despite the very clear and precise instructions in Rule 55(c) as set out above. Some Returning Officers did not provide the candidates or “give public notice of” full reports of the election counts such that the procedure could be checked and validated.

22. There is also great variation in the information that is currently available on the various Local Authorities' websites. Six of the 32 Authorities appear to give no
vote count information at all. Two give only the candidates’ first preference votes, which is of course useless for an STV election. Twenty-four Authorities provide a complete result sheet (or the equivalent in stages) for every ward – this shows the complete STV count but does not allow a full check of the vote transfer calculations. Only seven of the 32 Authorities provide the result sheet and the audit report that allows full validation of the calculations and fully meets the requirements of Rule 55(c); these Authorities also provide at ward level the ‘preference summary report’. These variations among the 32 Authorities are both undesirable and difficult to understand because the same processing system was used at all 32 counting centres and it produced the same complete set of reports for every ward count.

Fairshare Voting Reform
17 March 2009

FAIRSHARE - Scotland's Campaign for a Better Democracy
Fairshare Voting Reform is a cross-party and non-party organisation set up in February 2001 to campaign for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for local government elections in Scotland. In January 2005 Fairshare extended its objectives to promote reform of the voting systems used for public elections in Scotland and specifically, to reform the voting system for elections to the Scottish Parliament through the adoption of STV-PR. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.
SUBMISSION FROM INDEPENDENT COUNCILLORS

1. I am writing on behalf of the independent council members represented within Cosla in relation to the above Bill, following letter Duncan McNeil’s letter of 25 February 2009.

2. In relation to the main proposals within the Bill, our views are as follows:
   - We support decoupling of the local government and Scottish Parliament elections.
   - We agree that the parliamentary elections and the local elections should take place 2 years apart and that the local election should be set around the midpoint of the parliament.
   - We support the proposal that the next two local government elections be moved to 2012 and 2017 respectively in order to facilitate moving the local government elections to the midpoint of the parliament.
   - We support the proposal to make voter information available in the future at polling station level, with the clear proviso that where the number of voters using a particular polling station is small enough to run the risk of an individual elector’s vote being identified, or assumed with some degree of accuracy, the data from a number of polling stations would be amalgamated to reach a minimum threshold.

3. In addition to the above, we would wish to make a number of additional points as set out below:
   - If decoupling goes ahead, a significant campaign to encourage voter turnout at the local government elections will need to be undertaken.
   - Any identified additional costs to be met by local authorities as a result of decoupling should be built into local authority budget allocations.
   - It is important that the local government elections now proposed for 2012 do not coincide with the London Government Assembly elections scheduled for the same year as Scottish Returning Officers are advising that this will cause difficulties in terms of the availability of supplies and materials.

David Parker
Leader of Scottish Borders Council
10 March 2009
ANNEXE D: Reports from other Committees

Subordinate Legislation Committee

Scottish Local Government (Elections) Bill

The Committee reports to the lead committee as follows—

Introduction

1. At its meeting on 10 March 2009, the Subordinate Legislation Committee considered the delegated powers provisions in the Scottish Local Government (Elections) Bill at Stage 1. The Committee submits this report to the Local Government and Communities Committee as the lead committee for the Bill, under Rule 9.6.2 of Standing Orders.

2. The Scottish Government provided the Parliament with a memorandum on the delegated powers provisions in the Bill¹.

Delegated Powers Provisions

3. The Committee approves without comment the delegated powers in this Bill at sections 2 and 3.

¹ Delegated Powers Provisions
Local Government and Communities Committee, 8th Report, 2009 (Session 3) — Annexe D

Finance Committee

Report on the Financial Memorandum of the Scottish Local Government (Elections) Bill

The Committee reports to the Local Government and Communities Committee as follows—

INTRODUCTION

1. The Scottish Local Government (Elections) Bill ("the Bill") was introduced in the Scottish Parliament on 3 February 2009. The Local Government and Communities Committee has been designated as the lead committee on the Bill at Stage 1.

2. Under Standing Orders Rule 9.6, the lead committee at Stage 1 is required, among other things, to consider and report on the Bill’s Financial Memorandum. In doing so, it is required to consider any views submitted to it by the Finance Committee ("the Committee").

3. At its meeting on 10 February 2009, the Committee agreed to adopt level two scrutiny in relation to the Bill.1 The Committee took oral evidence from Scottish Government officials at its meeting on 10 March.

4. The Committee also received written evidence from—

- Aberdeen City Council;
- Dundee City Council;
- Dumfries and Galloway Council;
- Falkirk Council; and
- North Lanarkshire Council.

5. All written evidence received is published as the Annexe to this report. The Official Report of the oral evidence session on 10 March can be found on the Parliament’s website.2

BACKGROUND

The Bill

6. The Bill provides for future ordinary (general) local government elections in Scotland to be held in 2012, 2017 and, thereafter, every four years. This means that in future local government elections in Scotland will not be held on the same day as elections to the Scottish Parliament.

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1 Information on the Committee’s three-level system of scrutiny for Financial Memoranda is available at: http://www.scottish.parliament.uk/s3/committees/finance/financialMemo.htm

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7. The Bill will also give Scottish Ministers the power to make election regulations to authorise the publication of voting information at polling station level. At present, the Returning Officer in Scottish local government elections is required, once the result has been declared, to publish certain information at ward level. The Bill allows for a greater level of detail to be made available (whilst maintaining the secrecy of the ballot) by moving down to polling station level.

**Summary of costs outlined in the Financial Memorandum**

**Scottish Government**

8. The Financial Memorandum states that the provisions of the Bill will not have an effect on the costs incurred by the Scottish Government. Although the Government funds public information campaigns (about the electoral process) in the run up to elections, because no additional local government elections will be held as a result of the Bill, no additional costs will be incurred.3

**Local authorities**

9. The additional costs arising from the decoupling of local government elections from future elections to the Scottish Parliament will fall upon Scottish local authorities. There will also be marginal costs associated with the publication of additional election data at polling station level.

10. In relation to the decoupling of elections, the Financial Memorandum outlines two options to estimate the cost to be in the region of between £4.5m and £5m (at 2007 prices).4 In taking the higher estimation, the average cost to each local authority will be £156,000.5 The Financial Memorandum recognises that the cost of decoupling the elections will vary across each local authority in Scotland depending largely on the size of the electorate in each area. The costs will first be incurred predominantly in financial year 2012-13.

11. The two options used to estimate the cost of decoupling the elections are based on the cost of the combined elections in 2007, which was £6.6m.6 The increased cost is largely calculated on the basis that the Scotland Office, which is responsible for meeting the costs of elections to the Scottish Parliament, paid £4.7m towards the 2007 elections. In 2007, the remaining £1.9m was met by local authorities from the allocation for elections that they received from the Scottish Government.7 Following decoupling, the total cost of the elections in 2012 and 2017 will be met by local authorities.

12. In addition, the Financial Memorandum estimates that the sum of £0.3m should be added to the cost of the decoupled local government elections.8 This takes account of the potential additional cost caused by the introduction of absent vote identifiers.

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3 Scottish Local Government (Elections) Bill, Financial Memorandum, paragraph 18.
4 Financial Memorandum, paragraphs 24-25.
5 Financial Memorandum, paragraph 26.
6 Financial Memorandum, paragraph 22.
7 Financial Memorandum, paragraph 23.
8 Financial Memorandum, paragraph 24.
13. The first option assumes that most, if not all, of the costs of the 2007 combined elections will be incurred by local authorities when they hold the next set of local government elections. After the potential cost of absent vote identifiers (£0.3m) has been added and the local authorities’ allocation for elections has been deducted (£1.9m), this gives the estimated cost to local authorities of £5m.

14. The second option follows on from the cost of the first option and assumes that decoupling the elections will bring some reduced costs. The Financial Memorandum suggests that savings could be made by reducing the number of polling clerks per station from two during the combined elections to 1 for the single election, at a saving of £330,000. In addition, it is also suggested that the decoupling of elections could lead to a 15% reduction in the number of the polling stations required, with an associated saving of £180,000. As a result, the Financial Memorandum suggests that the cost of the decoupled elections could reduce the cost of the total given in the first option by approximately £500,000 to £4.5m.

15. In terms of the provisions in the Bill that relate to the publication of additional election data at polling station level, the Financial Memorandum states that the additional cost will be marginal.9 These costs will be incorporated into the contract for e-counting. The Financial Memorandum does not include the cost of the e-counting system for the 2012 elections given that they do not arise as a direct result of the Bill and are difficult to identify in advance of the procurement exercise. The Scottish Government intends to have the e-counting contract in place by 2012 and the funding of the system will be a matter for discussion between the Scottish Government and COSLA in the context of the next spending review.

Other bodies, individuals and businesses
16. The Financial Memorandum states that the Scottish Government does not consider that the measures in the Bill will create additional costs for other bodies, individuals or businesses.10

SUMMARY OF EVIDENCE

Costs associated with decoupling elections
17. In the main, the five local authorities that submitted written evidence considered that the financial implications for councils have been accurately reflected in the Financial Memorandum.11 Aberdeen City Council considered that “the overall cost of separate local government elections will not differ greatly from the cost of the 2007 elections… and that decoupling the elections will bring about reduced costs in some areas.”12 North Lanarkshire Council preferred the higher estimated cost of decoupling elections (£5m), i.e. assuming no savings, and

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10 Financial Memorandum, paragraph 29.
11 See responses to Question 4 in written evidence from Aberdeen City Council, Falkirk Council, Dumfries and Galloway Council and North Lanarkshire Council.
12 Written evidence from Aberdeen City Council.
considered that this figure accurately reflected the financial implications for the Council.\textsuperscript{13}

18. All councils that responded to the Committee considered the margins of uncertainty associated with the estimates and the timescales over which the costs would be expected to arise to be appropriate.\textsuperscript{14}

19. Other evidence, however, highlighted local authorities’ concern that additional funding from the Scottish Government would be required in order for them to meet the additional costs associated with the Bill.\textsuperscript{15} In particular, North Lanarkshire Council suggested that it would require “very significant central government assistance”, comparable to the level of support provided for the elections in 2007.\textsuperscript{16}

20. In oral evidence to the Committee, Government officials acknowledged the additional financial pressures that will impact on local authorities – identified in the Financial Memorandum as £4.5m or £5m – as a result of decoupling elections under the Bill. Officials highlighted that the average cost to individual local authorities (given in the Financial Memorandum as £156,000) is illustrative only and that the varying size of the electorate in each authority area will have an impact on actual costs.\textsuperscript{17} They also recognised that the costs given in the Financial Memorandum (which are based on 2007 prices) would likely require to be uplifted to give the actual costs for 2012.\textsuperscript{18}

21. Whilst Government officials confirmed that £1.9m – the total amount met by local authorities for the 2007 elections – has been allocated to local authorities in this spending review, they said that discussions on the future allocation of money will take place at the right time in the context of the next spending review.\textsuperscript{19}

22. In relation to the possible savings outlined in the Financial Memorandum (through reducing the number of polling clerks and polling stations), Committee members raised the concern that such reductions could have practical implications for the management of the 2012 elections. Officials provided clarification that advice from returning officers’ has indicated that, compared with the 2007 elections, the 2012 local government election will be a simpler process from a management point of view and so fewer polling clerks will be needed.\textsuperscript{20}

23. Officials emphasised that the role of polling clerks is to supervise an election and that a reduction in their number would not mean that polling stations would be staffed by one person, rather that they would be managed by a single clerk.\textsuperscript{21}

\textsuperscript{13}Written evidence from North Lanarkshire Council.
\textsuperscript{14}See responses to Question 6 in written evidence from Aberdeen City Council, Dundee Council, Falkirk Council, Dumfries and Galloway Council and North Lanarkshire Council.
\textsuperscript{15}Written evidence from Aberdeen City Council, Dundee Council and Dumfries and Galloway Council.
\textsuperscript{16}Written evidence from North Lanarkshire Council.
station” is defined as an area within a polling place. On this basis, a reduction in the number of polling stations would mean, “for example, where two or three rooms have been used at a polling place, the number might be reduced to two, rather than the number of polling places being reduced.”

24. Government officials confirmed that they would, nearer the time, need to look at any concerns regarding the impact of reducing the number of polling clerks and that discussions will take place with local authorities and returning officers. They stated, however, that the decision on whether the election can be run with fewer staff will be for returning officers to decide. If it is decided that the same number of polling clerks is required, the cost of the 2012 elections will be nearer the higher cost estimate of £5m, rather than £4.5m.

**Costs associated with providing additional electoral information**

25. In oral evidence, Government officials confirmed that the cost of providing additional electoral data will be incorporated in the discussions on the electronic counting contract. They clarified that “we will not be asking a successful contractor to collect different information – we will simply be adding a specification on how the information is explained.”

26. Officials stated that they had recently started discussions with COSLA and the Electoral Management Board for Scotland about the development of the specification for the e-counting system. They confirmed that the costs will be discussed in the future (which is why there are no figures contained in the Financial Memorandum) and that these will have to be added to the cost of decoupling. No decision has been taken on whether the cost of the e-counting contract will be covered by the Scottish Government, as was the case for the 2007 elections (along with a contribution from the Scotland Office).

27. In its written evidence, North Lanarkshire Council referred to the fact that the cost of e-counting in 2007 had been met entirely by the Government and the Scotland Office. The Council implied that it would, therefore, seek similar financial support from the Government for the 2012 e-counting contract.

28. Aberdeen City Council noted that it is not clear whether the requirement to provide additional electoral information will apply where there is a manual count. The Council suggested that “the requirement to produce more detailed information than at present would have practical implications for a manual count, in addition to financial implications.” In response, Government officials confirmed that it was the intention that such data would be collected in the case of manual counts for a by-election, but that it would not be possible to run a manual count for a full-scale election. Officials accepted that, whilst a returning officer would be able to set up different procedures for a manual count, there could be some cost implications as a result of the Bill’s proposal.

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26 Written evidence from North Lanarkshire Council.
27 Written evidence from Aberdeen City Council.
Decoupling elections
29. The Committee notes that there is general acceptance of the accuracy of the costs described for decoupling elections, as reflected by the responses received in written evidence to the Committee.

30. The Committee acknowledges that further work needs to be undertaken before a more accurate picture of costs to individual local authorities can be provided; and that the estimated costs will require to be uplifted to reflect 2012 prices.

31. The Committee notes, however, the concerns raised in evidence from local authorities about the level of funding that they will receive from the Scottish Government in meeting the financial costs associated with the Bill. The Committee, therefore, brings these concerns to the attention of the lead committee and recommends that further clarification be sought from the Cabinet Secretary about the extent to which local authorities will be asked to meet the additional costs.

32. The Committee understands that local authorities have been allocated £1.9m under the current spending review and that this sum is, therefore, within their baseline for future elections whenever they are held. The Committee is not clear, however, to what extent this allocation will impact on the next spending review period, which is when the actual costs of the 2012 elections will be incurred. On this basis, the Committee recommends that the lead committee seeks further clarification from the Cabinet Secretary.

Potential savings from decoupling elections
33. Members raised concern about the assumptions that savings could be derived from reducing the number of polling clerks and the number of polling stations. Concern was raised about whether such savings could cause practical difficulties for the management of the election process in 2012. In addition, the Committee received written evidence that suggested that the higher estimate given in the Financial Memorandum, i.e. allowing for no savings, correctly reflected the cost implications of decoupling elections. On this basis, the Committee is not clear whether it is realistic to estimate the level of savings that could be found by reducing the number of polling clerks and polling stations.

Provision of additional electoral data
34. The Committee accepts that the costs involved in presenting the additional electoral data at polling station level will, as indicated in the Financial Memorandum, likely be marginal on the basis that such data is already collected.

35. The Committee notes, however, that this marginal cost will be incorporated in the overall cost of the electronic counting contract for the 2012 election, the cost for which will be additional to the cost of decoupling the elections. Whilst the cost of the e-counting system is derived from the Local Governance (Scotland) Act 2004, the Committee notes that there is not yet clarity about the extent to which the costs of the e-counting system will fall on local authorities.
FINANCE COMMITTEE: WRITTEN SUBMISSIONS RECEIVED

Written submissions from—

- Aberdeen City Council;
- Dundee City Council;
- Dumfries and Galloway Council;
- Falkirk Council; and
- North Lanarkshire Council.

SUBMISSION FROM ABERDEEN CITY COUNCIL

QUESTIONNAIRE

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Scottish Local Government (Elections) Bill. In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny.

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

Yes. A consultation paper regarding decoupling the Scottish Parliamentary and Local Government elections was attached as an annex to the Scottish Government's Gould Report response. An Aberdeen City Council and Depute Returning Officer response was given to this paper. The Depute Returning Officer response noted that, "Decoupling the elections will increase the total financial cost of the Scottish Parliament and Local Government elections as currently savings can be made through combining certain costs. The cost to Local Authorities of delivering the Local Government elections will increase for this reason and this should be recognised."

I have also been able to comment on the draft Financial Memorandum through the consultation that has been conducted with the Interim Elections Management Board.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

The Financial Memorandum does accurately reflect the comments made relating to increased costs associated with running separate elections.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.
Costs
4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The Bill does have financial implications for Aberdeen City Council as Local Authorities are responsible for the running of Local Government elections.

In terms of the costs of de-coupling the elections, the financial implications for Aberdeen City Council have been properly reflected. I agree with the general assumptions within the Financial Memorandum – that overall the cost of separate local government elections will not differ greatly from the cost of the 2007 elections, that the introduction of personal identifiers will represent an increase in costs and that de-coupling the elections will bring about reduced costs in some areas. The proportion of potential saving to increased costs stated in the Financial Memorandum is appropriate.

In terms of the provision of information from local government elections, the Bill does not state if this will apply where there is a manual count. This may happen at future local government elections under particular circumstances or in the case of a by-election. The requirement to produce more detailed information than at present would have practical implications for a manual count, in addition to financial implications.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

The additional costs associated from the Bill need to be allocated to Local Authorities from the Scottish Government.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

Yes.

Wider Issues
7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

N/A

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

N/A

Sue Bruce
Chief Executive, Aberdeen City Council
This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Scottish Local Government (Elections) Bill. In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny.

Consultation
1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made? N/A

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum? N/A

3. Did you have sufficient time to contribute to the consultation exercise? N/A

Costs
4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

   My only comment here is regarding the need for special ballot boxes. In 2007 we had to purchase boxes so that papers were not folded and this was included in the e count contract. Having regard to Gould’s comments this may not be an issue in 2012. If we have to purchase boxes and they do not form part of the e count contract then the additional costs (just under £20 per box) needs to be factored in. With about 3000 polling stations Scotland wide this equates to approx £60,000. Other than this I would agree that the financial implications have been accurately reflected.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise? YES.

Wider Issues
7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum? N/A

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs? N/A
This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Scottish Local Government (Elections) Bill. In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny.

**Consultation**

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?  
   No

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?  
   Not applicable

3. Did you have sufficient time to contribute to the consultation exercise?  
   Not applicable

**Costs**

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.  
   Yes

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?  
   This will have to be looked at as a budget pressure once detailed figures known.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?  
   Yes

**Wider Issues**

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?  
   No comment

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?  
   Not aware of any costs
SUBMISSION FROM FALKIRK COUNCIL

QUESTIONNAIRE

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Scottish Local Government (Elections) Bill. In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny.

Consultation
1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?
   Yes, through the response co-ordinated by the Chief Executive of the City of Edinburgh Council

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?
   Yes

3. Did you have sufficient time to contribute to the consultation exercise?
   Yes

Costs
4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.
   Yes

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?
   Yes, provided the Scottish Government provides the funding required to meet the additional costs falling on Councils

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?
   Yes

Wider Issues
7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?
   Not relevant

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?
   Not relevant
This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Scottish Local Government (Elections) Bill. In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny.

Consultation
1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

3. Did you have sufficient time to contribute to the consultation exercise?
   North Lanarkshire Council has not taken part in a prior consultation exercise for the Bill: questions 1-3 of the questionnaire are, accordingly, not applicable.

Costs
4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.
   With regard to question 4 it is considered that the first option - that outlined in paragraph 24 - does accurately reflect the financial implications for the Council.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?
   With regard to question 5, North Lanarkshire Council could meet the financial costs associated with the Bill only with very significant Central Government assistance: Central Government bore the whole costs of electronic counting in the 2007 elections and, of the remaining costs, between 50% and 60% were borne by the United Kingdom Government as part of its responsibility for the Scottish Parliamentary Elections. The Council could not meet the financial costs associated with the Bill in the absence of that level of support.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?
   With regard to question 6 it is considered that the financial memorandum accurately reflects the margins of uncertainty.

Wider Issues
7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?
With regard to question 7 it is considered that the Bill may be regarded as 'stand alone'.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

With regard to question 8 it is noted that the Bill provides, also, for the provision of further election information: there will be costs associated also with that exercise and, in this also, the Council will need further Central Government assistance.

John Fleming
Head of Central Services
North Lanarkshire Council
FINANCE COMMITTEE

EXTRACT FROM THE MINUTES

4th Meeting, 2009 (Session 3)

Tuesday 10 February 2009

Present:

Jackie Baillie (Deputy Convener)       Derek Brownlee
Joe FitzPatrick                        James Kelly
Alex Neil                              Jeremy Purvis
Andrew Welsh (Convener)               David Whitton

Scottish Local Government (Elections) Bill: The Committee agreed to adopt level two scrutiny in relation to the Financial Memorandum of the Scottish Local Government (Elections) Bill.
Present:

Jackie Baillie (Deputy Convener)  
Derek Brownlee  
Linda Fabiani  
Joe FitzPatrick  
James Kelly  
Jeremy Purvis  
Andrew Welsh (Convener)  
David Whitton

Scottish Local Government (Elections) Bill: The Committee took evidence on the Financial Memorandum of the Scottish Local Government (Elections) Bill from—

Stephen Sadler, Head of Elections and Local Governance Team, and Andrew Sinclair, Senior Policy Officer, Elections and Local Governance Team, Scottish Government.

Decision on taking business in private: The Committee agreed to consider a draft report on the Financial Memorandum of the Scottish Local Government (Elections) Bill in private at a future meeting.
Scottish Parliament
Finance Committee
Tuesday 10 March 2009

[THE CONVENER opened the meeting at 14:02]

Scottish Local Government (Elections) Bill: Financial Memorandum

The Convener (Andrew Welsh): Good afternoon and welcome to the Finance Committee’s seventh meeting in 2009 in the third session of the Scottish Parliament. I ask everyone to turn off mobile phones and pagers.

Agenda item 1 is oral evidence on the financial memorandum to the Scottish Local Government (Elections) Bill. The committee agreed to adopt level 2 scrutiny of the memorandum, which means that, as well as seeking written evidence, we have agreed to take oral evidence from the Scottish Government bill team. We invited local authorities and the Convention of Scottish Local Authorities to submit written evidence; five responses were received and have been included in the committee papers.

I welcome from the Scottish Government Stephen Sadler, head of the elections and local governance team; and Andrew Sinclair, senior policy officer in the elections and local governance team. I invite Mr Sadler to make some opening remarks before we move to questions.

Stephen Sadler (Scottish Government Constitution, Law and Courts Directorate): Among the key recommendations made in the independent review of the 2007 elections was that local government elections should not be held on the same day as elections to the Parliament. The Scottish Government consulted on whether the elections should be decoupled and, if so, how such a separation might be achieved. The responses that we received overwhelmingly supported the separation of elections and the Government’s preferred option of moving local government elections to the mid-point in the term of the Scottish Parliament. The bill seeks to give effect to that recommendation by extending to five years the next two local government terms of office. Afterwards, terms of office will revert to four years.

The bill also seeks to give ministers the power to make regulations to allow voting information to be analysed in greater detail. At present, once the result has been declared, the returning officer in local government elections is required to publish certain information at ward level, including the number of votes cast and transferred at various stages.

The introduction of the single transferable vote system and the use of e-counting have led to data being produced that were not previously available, and parties can use that information to analyse the way in which their total vote has been compiled. By moving things down to polling station level, the proposed new regulations will increase not only the level of data available but transparency of the process and confidence in the electoral system and the method of counting. However, the secrecy of the ballot will remain the underlying principle, and provisions in the bill ensure that ministers cannot introduce arrangements that might reveal whether an individual elector has voted.

The financial memorandum estimates the additional costs that will fall on local authorities as a result of the bill and we are grateful to the electoral management board for Scotland, which includes representation from the professional bodies involved in election administration and COSLA, for its help in this matter. We have used the costs incurred by local authorities in 2007 to estimate the cost of decoupling.

In that respect, we outline two options. In the first, we assume that most if not all of the costs of the 2007 combined elections will be incurred by local authorities when the next local government elections are held. Those costs include fees, staff training, renting and adapting polling stations, transport and election stationery. On that basis, the cost of holding separate local government elections will not differ greatly from the 2007 costs, and the memorandum puts the additional costs at around £5 million.

The second option assumes that the costs of decoupling will be lower through a combination of employing fewer polling clerks and using fewer polling stations. On that basis, the cost of holding separate local government elections will not differ greatly from the 2007 costs, and the memorandum puts the additional costs at around £5 million.

The second option assumes that the costs of decoupling will be lower through a combination of employing fewer polling clerks and using fewer polling stations. On that basis, the additional costs might be reduced to around £4.5 million. If the bill is passed, the next local government elections will be held in 2012, which means that the additional costs to local authorities will be incurred in 2012-13.

Any additional costs associated with the publication of voting information will be incorporated into the e-counting contract, which will need to be let before the 2012 local government elections, and will be marginal to the contract’s overall costs. The costs of any future e-counting system will fall in the next spending review period and the funding of the system will be discussed by the Government and COSLA in the context of the next spending review.

The Convener: Thank you. I point out that, although James Kelly and I have been designated
to lead on this bill, other members are welcome to intervene. All they need to do is catch my eye.

James Kelly (Glasgow Rutherglen) (Lab): First, I want to drill down into some of the financial obligations that the bill will place on local authorities. In setting out in the financial memorandum the two options that you have just highlighted, you have netted off a sum of £1.9 million that you say was an allocation that local authorities have already received to cover elections. Are you saying that, in the current spending review period, £1.9 million has been allocated to local authority budgets for elections?

Stephen Sadler: That is the assumption on which we have based these figures. If we decided not to decouple the elections and simply repeated the 2007 election process the next time around, the costs would be as set out in paragraph 22 of the memorandum. The memorandum also explains the different contributions that were made by local authorities and the Scotland Office with regard to fees and charges.

James Kelly: I understand all that. However, that £1.9 million was made available to local authority budgets for the 2007 elections, which were held in the previous spending review period. I am not clear whether that £1.9 million remains in the budget during the current spending review period, when there will be European and United Kingdom Parliament elections but not elections for the Scottish Parliament or local government.

Stephen Sadler: That is the information that we have. We went to COSLA and the electoral administrators for these figures, and they are satisfied with them.

James Kelly: The information that you have suggests that £1.9 million has been allocated in this spending review period.

Stephen Sadler: Yes.

James Kelly: Depending on which option applies, local authorities will incur additional costs of either £4.5 million or £5 million come 2012. What discussions have you had with local authorities on the allocation of funding to meet those costs? Is there an understanding that additional resources will be made available to local authorities to fund these requirements?

Stephen Sadler: The discussions on the future allocation of money have not yet taken place, but in the memorandum we acknowledge the additional pressures that will arise. Those pressures will be taken into account at the right time in the discussions on the next spending review and future budgets. The discussions that we have had so far have been with local authorities, returning officers and other people in the electoral profession to ensure that we have identified the correct additional costs. Future discussions about allocation will come in the context of the next spending review.

James Kelly: The figures are based on 2007 prices, but the elections are not to be held until 2012, which is five years down the line. Would it not have been prudent to reflect in your forecasting the costs at 2012 levels?

Stephen Sadler: In thinking about the inflation rate between now and 2012, I speak as a non-economist. We tried to get an agreed basis for the figures at 2007 prices. I am sure that, when the time comes to have the discussions that I mentioned, both sides in the negotiations will have figures for the inflation rate and will take that into account.

James Kelly: Bearing in mind that there will be a five-year gap between the two sets of elections, do you accept that inflation will occur during that time and that the figures that are provided in the financial memorandum will be materially different from the actual costs in 2012?

Stephen Sadler: Yes—I imagine that the appropriate calculation will have to be done to uplift the figures. As I said, we tried to identify the components of the total figure. Any uplift that is required can be taken into account at the correct time.

James Kelly: You calculate that the additional cost will be £156,000 per local authority area. Has any thought been given to how money will be allocated to individual authorities, bearing in mind the big differences between them in size and geography?

Stephen Sadler: Not at this stage. We included that figure, which is an average, as an illustration. The size of the electorate in the various local authorities varies considerably, so that will need to be taken into consideration. The figure is there for illustrative purposes.

James Kelly: The voter turnout in 2012 could be lower, because only one set of elections is being held and, traditionally, turnout in local authority elections is lower than that in parliamentary elections. Was that factor taken into account in working out the costs?

Stephen Sadler: No, not in itself. When the time comes, we hope to run an effective information campaign to increase voter turnout. The costs are based on the potential electorate and vote and on the actual cost in 2007 of matters such as hiring halls and transporting ballot papers. We have not knocked down or lifted up the figures based on a guess of what the turnout might be in 2012.

James Kelly: If the turnout is lower—say about 35 per cent compared with 50 per cent—will the costs decrease?
Stephen Sadler: I do not think so, because the bulk of the costs will arise from fees for information officers and counting clerks, staff training, the renting of polling stations and the transporting of ballot boxes. Those costs are likely to be constant.

David Whitton (Strathkelvin and Bearsden) (Lab): On that point, if you do not expect turnout to be down, why do you say that you will need 50 per cent fewer polling clerks and 15 per cent fewer polling stations?

Stephen Sadler: We took advice on that from returning officers. The reason for those reductions is not to do with reduced turnout, but rather because it will be simpler to manage polling stations when only one election is being run. As I understand it, at the 2007 election, most returning officers in polling stations hired two polling clerks—one to supervise the Scottish Parliament election and one to supervise the local government election. The issue is more to do with administration and management. That is the information that we received from returning officers.

14:15

David Whitton: I find that astonishing. I did not think that one clerk at the polling station was dealing with the Scottish Parliament election and another was dealing with the local government election. I can think of several polling stations in my constituency in which, if there is only one polling clerk, and you have reduced the number of polling stations, there will be queues out the door, and chaos.

Stephen Sadler: Our information has come from the people who ran and managed the 2007 elections. The information that we have produced is at the lower end of the scale. If returning officers decide not to reduce the numbers of polling clerks or polling booths—

David Whitton: Costs will go up.

Stephen Sadler: The costs will be at the higher end of the scale, yes.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I want to ask about the method of counting. The financial memorandum says that the method is not specified in the bill, and that is why the costs of the method do not come into the financial memorandum. However, the method is relevant to issues of decoupling.

Paragraph 28 of the financial memorandum says:

“the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m.”

If that was just the Scottish Government contribution, it was not the total cost, or did the Scottish Government pay the whole cost?

Stephen Sadler: No, it did not pay the whole cost.

Jeremy Purvis: What was the total cost?

Andrew Sinclair (Scottish Government Constitution, Law and Courts Directorate): The cost was just short of £8 million. The Scottish Government paid for the development stage, which came to £1.25 million, and then for half of the final costs, with the Scotland Office paying the other half.

Jeremy Purvis: If e-counting is used in the next election, the cost will have to be added to your estimate of £5 million for the running of the election.

Stephen Sadler: The cost of e-counting will depend on the result of the tendering process for an e-counting system that we will initiate before the election. However, you are right to say that the cost will be additional.

Jeremy Purvis: Evidence that we have heard from councils suggests that we are in a bit of a no-man’s land. It is clear that e-counting will be used for local government elections; although it is understandable that the law will not specify the counting method, it is pretty inconceivable that e-counting will not be used for STV elections. Councils are therefore concerned that they may have to find £13 million to cover the cost. That is a substantial amount of money, and the Government has yet to give a commitment that it will provide any additional funds.

Stephen Sadler: As you say, it is highly likely that e-counting will be used, although we would have to ensure that the system was adequate and had been tested thoroughly. We have recently started discussions with COSLA and the electoral management board for Scotland about the early stages of the development of the specification for the system. In the financial memorandum, we say that costs and funding will have to be discussed by the Scottish Government and COSLA in future. There are no figures in the memorandum at the moment.

Jeremy Purvis: Electronic counting will not be used for the 2011 Scottish Parliament elections, so it might be that the local government elections in the following year will cost three times as much.

Stephen Sadler: I am sorry, but I am not sure that I follow that.

Jeremy Purvis: I think that you said that the UK Government has said that electronic counting will not be used for the next Scottish Parliament elections.
Stephen Sadler: That is correct.

Jeremy Purvis: Therefore, because it will include the cost of e-counting, the overall cost of the 2012 local government elections could be three times as much as that of the Scottish Parliament elections.

Stephen Sadler: We do not yet have a figure for the cost of e-counting. However, whatever it is, it will have to be added to the cost of decoupling.

Jeremy Purvis: Is it correct that ministers have not yet made a policy decision that the cost of e-counting will be covered by the Scottish Government? Falkirk Council and North Lanarkshire Council expressed concerns about that.

Stephen Sadler: No definite decision has yet been taken on e-counting. That is correct.

The Convener: You said that it is highly likely that e-counting will be used. When will the decision be taken and what is the timetable?

Stephen Sadler: We have approximately three and a half years before the next local government elections—subject, of course, to the passing of the decoupling bill. We have started discussions with COSLA and the electoral management board for Scotland on a timetable and are looking to put in place an e-counting contract a year and a half or two years before any election takes place to allow time for thorough testing and training. The timetable is between now and 18 months before the 2012 elections.

Joe FitzPatrick (Dundee West) (SNP): My question follows on from the point that Jeremy Purvis made on e-counting and the decision whether it will be used in the next local government elections. Given the UK Government’s decision that e-counting will not be used in the next Scottish Parliament elections, surely the whole cost of e-counting will fall on the next council elections whether or not we decouple elections. The cost of e-counting is irrelevant to decoupling, as the cost will exist whether we do not decouple and have the council elections in 2011 or decouple and have them in 2012.

Stephen Sadler: That is correct. Whatever happens, the single transferable vote system will be used in the local government elections. We will have to meet the cost in any case.

The Convener: Some of my questions have been put, but I have one on decoupling. The second cost option in the financial memorandum suggests that savings in 2012 could be derived from reducing the number of polling clerks by 50 per cent and the number of polling stations by 15 per cent from the numbers for the 2007 elections. What is the rationale behind those estimates?

Stephen Sadler: Polling clerks are employed by local authority returning officers to supervise elections. If only one election is to be held on the day, the returning officers’ advice is that the process will be simpler from a management point of view, so fewer polling clerks will be needed.

The Convener: Halving the number of polling clerks and reducing the number of polling stations will result in savings, but surely many practical problems still need to be overcome. Halving the number of polling clerks might save £330,000, but there is also the danger that it could lead to disputes. I am thinking of the need for corroboration and whether one polling clerk could handle emergencies. The proposal raises practical problems.

Stephen Sadler: Yes. I am sorry if I may have misled the committee in my previous answer. I did not mean to suggest that a polling station would be manned by one person, simply that a station could be managed by one person.

Obviously, nearer the time, we will need to look at the concerns that the committee has raised today, and others that we have received. We will do that with the local authorities and returning officers. They will need to decide whether the election can be run properly with fewer staff. If they decide that that cannot happen, the lower estimate would not come to fruition. We would return to the higher estimate, under which the same number of staff would be used as in previous elections.

The Convener: There will be no single-manned polling stations.

Stephen Sadler: No.

The Convener: I would hope not.

Reducing the number of polling stations would be a problem, particularly in rural areas, where people could be deterred from voting. The proposal makes the assumption that transportation is practical and available. Has consideration been made of transport needs?

Andrew Sinclair: This is a question of the definition of “polling station”. In this instance, a polling station is an area within a polling place. The proposal refers not to schools where a polling place is set up but to areas within polling places. For example, where two or three rooms have been used at a polling place, the number might be reduced to two, rather than the number of polling places being reduced.

The Convener: Thank you for that clarification.

James Kelly: My question is on the provision of electoral data at polling station level. Has any assessment been done of the costs that are involved?
Stephen Sadler: I do not have the figures to hand. However, the information is available under the e-counting system that was put in place for the last election. The figures have been aggregated to ward level. The way in which votes are counted means that they can easily be counted on the basis of individual polling stations, so the information is available. We will specify to the successful e-counting contractor how the information should be disseminated after the count. It is not that we will be collecting new information—it is simply a question of how that information will be presented. Rather than putting together numbers of polling stations to give an area or a ward figure, that information will be available at the level of individual polling stations.

James Kelly: Therefore, those costs are not reflected in the financial memorandum but will be incorporated in the discussions on the e-counting contract.

Stephen Sadler: Yes, that is right. We will not be asking a successful contractor to collect different information—we will simply be adding a specification on how the information is explained after the election result has been announced.

James Kelly: Aberdeen City Council expressed concern over whether those provisions will still apply if there is a manual count. I was involved in a council by-election in my constituency about this time last year in which the equipment was faulty. The problem was resolved, but if that had not been possible, we would have had to proceed with a manual count. Will the bill dictate that the provision of such data will still be made if there is a manual count?

Andrew Sinclair: That is the intention. As a by-election involves about 2,000 or 3,000 votes, it would be possible to present that information. It would be more of a management issue on the night, with regard to how the votes are counted. I was at the by-election in my constituency last year when the system did not quite work as planned. The idea is that e-counting is necessary for a full-scale election—it would not be possible to do that manually. Your question does not really equate to that situation but, as you said, for by-elections it would definitely be possible to present the information if the count was done manually.

James Kelly: Are there cost implications involved in presenting that information if there has been a manual count?

Andrew Sinclair: I would not have thought so. The returning officer would set up different procedural systems on the night to count the votes in a slightly different way, so it would be a question of how the staff are organised and where the different piles of ballot papers are placed. It is a procedural rather than a cost issue.

The Convener: Although the costs of the e-counting contract for 2012 do not arise as a direct result of the bill, and are not dealt with in the financial memorandum, we have received written evidence from Dundee City Council that refers to the cost of purchasing “special ballot boxes” for the 2007 elections, which were paid for under the e-counting contract. The council suggests that “if we have to purchase boxes” for the 2012 elections “and they do not form part of the e-count contract then the additional costs (just under £20 per box) needs to be factored in. With about 3000 polling stations Scotland wide this equates to approx £60,000.”

Can you respond to that?

Stephen Sadler: We have seen the council’s response, and we agree with the figures and the rationale. We will take into account the need to provide ballot boxes for e-counting. As I understand it, the way in which the scanners were set up in the last election meant that ballot papers could not be folded. The traditional ballot boxes could not be used, so new ballot boxes had to be provided, which is something that we would put in the e-counting contract specifications for the next set of elections.

Linda Fabiani (Central Scotland) (SNP): I note that there have been five responses to the committee’s consultation. Can you remember how many responses there were to the Government’s consultation, and what the general level of support was for the legislation?

I noticed that the five respondents have said in response to question 2 that the financial memorandum reflects the comments that they made during the consultation. In response to question 5, the local authorities quite naturally said that more money would be needed from the Government to fund the decoupling of the elections. Could you confirm my understanding that that is an entirely separate issue from what is in the financial memorandum that the committee must consider?

14:30

Stephen Sadler: Yes. The additional costs have been acknowledged in the financial memorandum and the process. The evidence that the financial memorandum gives can be used in future discussions at the appropriate time, as has been said.
From memory, there were around 32 or 33 responses in the decoupling consultation. All but one were in favour of the concept of decoupling elections.

**The Convener:** There are no further questions. Do you wish to make a final statement?

**Stephen Sadler:** No, thank you. That is fine.

**The Convener:** I thank Mr Sadler and Mr Sinclair for attending the meeting and their contributions. The committee will produce a report for the lead committee.

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**Decision on Taking Business in Private**

14:31

**The Convener:** Item 2 is to decide whether to consider in private at a future meeting a draft report on the financial memorandum to the Scottish Local Government (Elections) Bill. Do members agree to do so?

**Members indicated agreement.**
FINANCE COMMITTEE

EXTRACT FROM THE MINUTES

8th Meeting, 2009 (Session 3)

Tuesday 24 March 2009

Present:

Derek Brownlee                    Linda Fabiani
Joe FitzPatrick                  James Kelly
Jeremy Purvis                    Andrew Welsh (Convener)
David Whitton

Apologies were received from Jackie Baillie (Deputy Convener).

Scottish Local Government (Elections) Bill (in private): The Committee considered and agreed a draft report on the Financial Memorandum of the Scottish Local Government (Elections) Bill.
Note: (DT) signifies a decision taken at Decision Time.

**Scottish Local Government (Elections) Bill:** The Minister for Parliamentary Business (Bruce Crawford) moved S3M-3964—That the Parliament agrees to the general principles of the Scottish Local Government (Elections) Bill.

After debate, the motion was agreed to (DT).

**Scottish Local Government (Elections) Bill:** Financial Resolution: The Minister for Parliamentary Business (Bruce Crawford) moved S3M-3629—That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Local Government (Elections) Bill, agrees to any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament’s Standing Orders arising in consequence of the Act.

After debate, the motion was agreed to (DT).
Scottish Local Government (Elections) Bill: Stage 1

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3964, in the name of Bruce Crawford, on the Scottish Local Government (Elections) Bill. I remind members that time is extremely tight, so they must stick rigorously to their allocated time.

09:58

The Minister for Parliamentary Business (Bruce Crawford): I thank the Local Government and Communities Committee for its work in considering the bill and preparing the stage 1 report, and I thank those who gave evidence to the committee. The bill is based largely on proposals that were contained in two Government consultations; therefore, I also thank those who responded to the consultations.

It is now two years since the 2007 combined elections. If time has eased the memories of the events of 3 May 2007, as far as the administration of elections is concerned, it takes only a brief look at Ron Gould’s comprehensive 120-page report to bring it all back. The Gould report identified complicated systems and structures, as well as complex legislation and a fragmentation of roles and responsibilities, as a critical barrier to the smooth administration of elections. The Local Government and Communities Committee has considered the Government’s response to the Gould report to date. The bill takes our response a stage further, and implements a key recommendation of the report.

The bill will decouple local government elections in Scotland from elections to the Scottish Parliament by moving local government elections to the mid-point of the Scottish parliamentary session. We will achieve that by extending the current local government term of office—and the subsequent term—to five years, which will mean that the next two local government elections in Scotland will now take place in 2012 and 2017. After that, local government terms of office will revert to four years.

The bill will make post-election voter information available in greater detail. It will require returning officers to release information at polling station level, rather than at ward level as happens at present. Decoupling will simplify the election process and reduce the scope for confusion among voters. We owe it to the electorate to do that much; we owe it to our colleagues in local government to ensure that local elections are given the prominence that they deserve and are not diminished by being held on the same day as elections to the Parliament.

Local government is perhaps the level of government that has the most impact on the quality of life for ordinary people in Scotland. The services that councils provide are vital to people in their everyday lives, and those who are responsible for the delivery of those services must be properly accountable. That is why the Government believes that local elections should be held in a position of prominence, separately from other elections.

Local elections should focus on local issues such as schools and services rather than being overshadowed by national politics. Separating elections in that way will strengthen local government’s mandate. Unison, in its written evidence to the Local Government and Communities Committee, stated:

“Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people”.

We are aware of concerns that decoupling could lead to a lower turnout in local elections, and that the focus and motivation of those who vote could still be on national or United Kingdom-wide issues. Concern about voter turnout is not new: in the 1974 regional elections in Scotland, 35 years ago, there was a turnout of 50 per cent. The next 11 sets of local government elections failed to reach that figure.

In 1999, the local government elections were combined with elections to the Scottish Parliament, and the turnout rose to 58 per cent. That figure fell back to 50 per cent in 2003, and rose to 52 per cent in 2007. I have used that figure of 50 per cent as a comparison, but I am certainly not suggesting that it should be a target. The maths is simple: even if we hit 50 per cent, it means that half of those who are entitled to vote have not voted. There is, however, no simple answer to that—improving turnout is a fundamental issue that must be viewed beyond the context of decoupled elections.

It falls on all of us—politicians, political parties, local authorities and civic society—to focus on the reasons for low turnout and to give people a reason to turn out in local elections. We need to encourage a greater level of public participation across the board; to raise the profile of local government issues and candidates; and to increase voter interest and the general understanding of the democratic process. We must consider the way in which we use voter education material and campaigns to explain the aims of elections and to motivate individuals to register to vote and use their vote.

The issue is also about access and inclusion. We need to ensure that as many people as possible have access to the democratic process and that they feel motivated to take part and be
included in that process. We must identify the groups in our society that are harder to reach, and find new ways to engage with them. In a strong democracy, groups that are less motivated to vote, and so are less likely to vote, deserve to be included in the democratic process as much as the rest of us. I look forward to working with the committee on examining ways in which the turnout for local government elections can be increased.

I have mentioned the importance of information campaigns, and I share the committee’s view that improving voter information and raising awareness about elections are vital. In 2007, the vote Scotland campaign was run jointly by the then Scottish Executive and the Electoral Commission. It cost £1.25 million, and was funded by the Executive. The information campaign ahead of the 2012 local government elections will be important—we will work with the Electoral Commission and local authorities to develop an effective campaign.

As part of that, we will need to consider the balance between national and local information campaigns; the committee considered that issue when it took evidence on the bill. Witnesses, including the Electoral Commission and the Society of Local Authority Chief Executives and Senior Managers, argued strongly and convincingly that it was important that local authorities and returning officers should promote local information campaigns. If we are promoting local democracy and local government, local authorities should share the responsibility for driving that forward.

The committee heard that there is a local dimension to voter information that justifies allowing a returning officer the discretion to use a set of messages that reflect the community in which the officer lives and works. Funding for local authority campaigns will form an important part of those discussions at the right time.

The committee heard evidence about the role of the Electoral Commission, which I discussed with members when I appeared before them. The Scottish Government has a constructive relationship with the commission, and, as I told the committee, I would be happy to consider formally extending the commission’s role to cover local government elections in Scotland. However, before I sought to bring any necessary proposals to the Parliament, I would want to be convinced that doing so would improve the current situation.

The former Scottish Executive worked closely with the commission on the preparations for the 2003 and 2007 combined elections, in areas such as joint information campaigns and the preparation of training material for returning officers and their staff. I am willing to examine the issue further, but I do not believe that we should legislate for the sake of it if the same effect can be achieved through informal and co-operative means.

With regard to the bill’s provisions on increasing the availability of voter information, I am pleased that the committee welcomed the Government’s proposals to publish voter information at polling station level. The introduction of the single transferable vote system and the use of e-counting have increased the amount of voting information that is available. The bill provides for the publication in the future of information on the number of preference votes that are cast and transferred at each stage between candidates at polling station level rather than at ward level.

I hope that it goes without saying, but I assure Parliament that we will do all that we can to ensure that the secrecy of the ballot is maintained. Our proposals are designed to increase the transparency of the electoral process; they are not intended to, and nor will they, affect the right of the individual to a secret vote.

Regulations will provide, in a situation in which there is even a slight possibility that a particular polling station is so small that there is a risk that an individual voter could be identified, for the voter information to be amalgamated with that from a neighbouring polling station until the number of votes reaches a minimum threshold. The threshold that we have in mind is 200, which is the level that is used for Scottish parliamentary elections.

The bill is a further important step towards improving the administration of elections in Scotland, and it will implement a key recommendation of the Gould report. It is part of a programme that involves working with others towards the common aim of giving voters the electoral system that they deserve. The bill removes a source of potential confusion for voters and should make the voting process easier for the voter, which must be our aim. Separating local government elections from elections to the Parliament will give those local elections the prominence that they deserve.

It is right that, as we debate the bill at stage 1, we put the voter at the centre of our thoughts as far as the whole process is concerned. All of us have regrets about the 2007 elections, and I am glad that the Parliament now has the chance to begin to put right some of the problems that existed at that time.

It is with pleasure that I move,

That the Parliament agrees to the general principles of the Scottish Local Government (Elections) Bill.

10:09

Duncan McNeil (Greenock and Inverclyde) (Lab): As the convener of the lead committee on
the bill, I am pleased to be taking part in the debate. I thank all those who gave us written and oral evidence and I thank the clerks, the Scottish Parliament information centre researchers and my colleagues on the committee.

Whether to decouple the local government and Scottish Parliament elections, and the debacle of the 2007 elections, are issues that the committee has considered in great detail. Ron Gould produced a comprehensive report and, following its publication, we conducted our own inquiry into the issues, on which we reported to Parliament in June 2008.

Among our many recommendations, we endorsed the view that the Scottish Parliament and local government elections should be decoupled. It was clear from the evidence that we took that, although there have been differing views over the years, there is now broad agreement that the elections should be separated.

However, some concerns were raised with us, which we have highlighted in our report. The first of those is about turnout, which is an issue that we also considered as part of our inquiry into the 2007 elections. People were concerned that if the local government elections were held separately, turnout would fall. However, we recognise that the issue of turnout is broader than just the decoupling of elections. In evidence, Dave Watson from Unison said:

“All of us—civic society, politicians, political parties and local authorities—need to focus on the reasons for the low turnout by doing much more work to make people want to turn out in local elections.”—[Official Report, Local Government and Communities Committee, 25 March 2009; c 1884.]

We welcome the indication from the Minister for Parliamentary Business that he would be happy to engage with the committee on that, and we look forward to working with the Scottish Government on the issue. I hope to hear—today or soon—how we can take that work forward.

Our report shows that we are concerned about voter registration. Of course, that is a reserved issue, so we are calling on the Scottish Government to continue to work with the UK Government to increase levels of registration.

As we are all painfully aware, there was a lot of voter confusion during the 2007 elections. In our inquiry into those elections, we pointed out that the high level of rejected ballots in the Scottish Parliament election should not eclipse the high level of rejected ballots in the local government elections. It is clear that there needs to be further information about how the STV system works.

Ron Gould said in his report:

“In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper.”

There is a consensus that there needs to be an information campaign to raise awareness about the importance of local government elections and to educate people on the method of voting.

We have asked the Scottish Government to consider the role that the Electoral Commission can play in any information campaign, given that it does not have a statutory role in relation to local government elections in Scotland. Given the need for a good information campaign, it is also important that there is sufficient funding. Tom Aitchison, the chief executive of and returning officer for the City of Edinburgh Council, told the committee that he remembered being allocated somewhere in the region of £15,000 to promote public awareness in 2007, which does not seem sufficient funding for a city the size of Edinburgh. He told us that he would

“strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout.”—[Official Report, Local Government and Communities Committee, 25 March 2009; c 1865-66.]

Given how vital public information campaigns will be in helping people to engage with the process and educating them about the STV system, the committee has recommended that there should be a meaningful discussion with local authorities over the funding that would be required, and that that funding should be reflected in the next Scottish Government spending review.

Funding is also an issue when it comes to e-counting. After 2007, the word “e-counting” should send a shudder through most of us in the Parliament. However, we need e-counting for local government elections because of the counting method that is used for STV elections. Again, that raises the issue of costs.

The Association of Electoral Administrators was concerned about that, given that the Scotland Office will not be contributing as it did in 2007. William Pollock from the association said:

“It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.”—[Official Report, Local Government and Communities Committee, 25 March 2009; c 1868-69.]

The minister told the committee that a cost cannot be put on an e-counting system yet because the Scottish Government has to go through a competitive tendering process. As with the other costs of the bill, it is not clear how much
local government will have to find on its own and what money it will get from central Government.

Bruce Crawford: Will the member take an intervention?

Duncan McNeill: I ask the minister to respond when he sums up. Sorry—I am pressed for time.

The costs of the bill have been a general concern for the committee throughout its scrutiny of the bill. The committee expects that the Scottish Government will provide information on how the costs will be split between the Government and local authorities as soon as possible.

The other main provision in the bill is to allow voting information down to polling station level to be published. I am sure that we all agree that it will be helpful to us to have information such as the number of preferences cast and the votes transferred between candidates at each stage. Equally, I am sure that we all agree with the minister that a secret ballot is fundamental to democracy and that any changes must protect that fundamental right. We agree with the minister that this is a balancing act that we have to get right.

The Electoral Commission appears to agree that using a threshold of 200 votes will help to protect a voter’s anonymity. As we say in our report, it is clear that the proposal in the bill to publish voter information at polling station level is welcome, provided that adequate measures are put in place to ensure the secrecy of the ballot.

I have spoken about the potential costs of public information campaigns and the e-counting system, and I return to the issue of costs. I thank the Finance Committee for its report to us on the financial memorandum to the bill. We raised a number of issues arising from that report with the minister.

The main issue is the uncertainty over what the split of costs will be between central and local government. Although the minister has promised to nail down the costs for e-counting as soon as possible, and to try to pre-commit that money before the next spending review, we have not received the same commitment for other costs. We are aware of concerns about the need for all of this to be adequately funded, and we have recommended that the Scottish Government should take account of those concerns in determining local government funding requirements for the next spending review.

I have spoken about the concerns that we have highlighted in our report. We have made a number of recommendations, particularly with regard to the important area of funding. I hope that the Scottish Government will address that issue.

However, as I have said, there is broad agreement with the aims of the bill. The committee recommends that Parliament should agree to the general principles of the bill.

The Presiding Officer: I have been informed that one speaker will not be taking part in the debate, so we are not quite as tight for time as we were. Nonetheless, we do not have a lot of time available.

10:18

Andy Kerr (East Kilbride) (Lab): I speak in support of the bill on behalf of the Scottish Labour Party. I thank the Local Government and Communities Committee for the report, and the minister for his opening remarks and the constructive style that he adopted. Although Labour believes that it is not always necessary to hold elections on separate days, we recognise that voters found the use of different voting systems on the same day in the May 2007 elections confusing. That is why we support the basic principle of decoupling the elections to local councils and the Scottish Parliament.

As the minister reminded us—those painful memories—there was so much wrong with the conduct of the previous set of elections to both bodies that it would be wrong to argue that the sole or main cause of the voter confusion was the fact that the elections were conjoined. There were other matters at stake, too.

As many reports have highlighted, and as many people have commented, we are all responsible for many aspects of what is now largely regarded as a debacle of an election. There was much wrong with what happened on that day, such as the different electoral systems at play, the party descriptions, the construct of the ballot paper and the failure of the electronic voting systems. That is why we had an independent review of the elections by Professor Gould. One of the outcomes of the review is that we are now debating a mechanism that will decouple the two elections, with effect from May 2011.

Like others, I believe that a price will be paid for decoupling in terms of voter turnout. In 2001, the Scottish Executive introduced the Scottish Local Government (Elections) Bill, which provided that council elections should coincide with Scottish Parliament elections. The coupling of the elections in 1999 and 2003 did not seem to produce problems; as we all know, the electorate did not have much to say about the coupling of those elections in 1999 and 2003.

The decision that was taken then was correct, in the prevailing circumstances, before the introduction of proportional representation to local government and barely halfway through the first session of the Parliament. The decision had one of the desired effects, which was to increase turnout.
for the local government elections in subsequent years. The minister has already mentioned that.

Tricia Marwick (Central Fife) (SNP): The member talks about accepting the independent Gould report, but why did the Labour and Liberal Executive, when it introduced the bill to couple the elections, ignore both the McIntosh report and the Kerley report, which had recommended decoupling?

Andy Kerr: Because we thought that the bill that we introduced offered a better way in which to hold elections. It increased voter turnout, attention and participation and was therefore beneficial. As I was trying to say earlier, the introduction of different electoral systems, among many other reasons and difficulties, led to the debacle in 2007. Had that not happened, I do not believe that we would be here today trying to decouple the elections.

Let us consider the statistics—and the minister was quite right to point out some of these issues. In the non-combined elections held between 1974 and 1995, turnout was 7 per cent lower than the average for combined elections held since 1999. The average turnout was 45.9 per cent in the non-combined elections but 53.3 per cent for the combined elections held since 1999.

The first elections, I would argue, were undoubtedly better days for our fledgling democracy than today. However, we might therefore expect to see a considerable—and perhaps more than would be commensurate—fall in voter turnout as a consequence of decoupling. That is not a prospect that we should dismiss lightly.

Earlier speakers have addressed the imperative that voters should be confident in the electoral system. We must all encourage greater voter turnout. In Labour, we believe that that is a matter of social justice and basic enfranchisement. We must address it. The highest turnout at the previous election was in the affluent Eastwood constituency, with a turnout of 63.38 per cent, and the lowest was in Glasgow Shettleston, which has well-documented levels of social deprivation, where the turnout dropped to 33.43 per cent. That is why we must target our efforts at increasing voter involvement; there should be a comprehensive information and education programme. As others have suggested, that should be a priority and it must be undertaken by the Electoral Commission on our behalf.

We also support the proposal that the next council elections should be held in 2012 and 2017. After that, we agree that local government elections should revert to a four-year electoral cycle, with elections taking place halfway through a session of the Scottish Parliament.

We also believe that the Parliament should consider listing or grouping candidates by party alphabetical order, as opposed to the present system of arranging surnames alphabetically. There is strong anecdotal evidence that candidates at the top of the alphabetically arranged list on the ballot paper fared better than those at the bottom of the list. We support many of the measures in the bill, but I throw that idea into the discussion.

As we know, significant changes have already taken place: there have been separate ballot papers; there will be a longer period between the close of nominations and the date of the election; and changes in the law governing the conduct of elections will come into force at least six months before the date of the election.

I will close now as I am running short of time. We need a clear commitment from the Scottish Government, which Duncan McNeil has asked for, to meet the costs that are involved in holding the elections separately.

The Deputy Presiding Officer (Alasdair Morgan): I call Jim Tolson.

10:24

Jim Tolson (Dunfermline West) (LD): This is a difficult—

David McLetchie (Edinburgh Pentlands) (Con): But—

The Deputy Presiding Officer: Carry on, Mr Tolson.

Jim Tolson: I did wonder, but the order of speakers is in your hands, Presiding Officer.

This is a difficult debate, not because there will be much argument between the parties in the chamber but rather because there is so much consensus. I welcome that consensus, and the fact that Mr McLetchie has allowed me to carry on in his place; however, that does not make me a Tory—thank God.

Whether or not we come from a background in local government, as I do, I am sure that the first point on which we can all agree is that the credibility of local government in Scotland is essential if the wide range of services that it delivers is to be respected by all Scotland's people. The principal issue in the bill is the decoupling of the Scottish local government elections from the parliamentary elections. I am long enough in the tooth, at least in my local government experience, to recall the concerns that arose in 1999 when the first elections to the Scottish Parliament were held on the same day as those for Scottish local government. People were concerned that that would be damaging to local
government. Arguments similar to those that we are having today raged about the loss of focus on local government issues when the focus of the electorate and the press would be on elections to the new Parliament. And so it proved.

Now, three elections to the Scottish Parliament later, it is virtually unanimously accepted that having the Scottish Parliament and local authority elections on the same day is just not working. Local government issues are not getting the press profile that they deserve, and the coupling is causing some confusion because of the different voting systems. It is also diminishing the respect that people have for local government.

However, it is fair to say that the views on decoupling are not all one-sided, and Liberal Democrats have been among those who have expressed concerns about the move at various stages. Those concerns include concerns over voter turnout. Some respondents to the Scottish Government’s consultation on decoupling were concerned about a range of electoral administration issues, but their most notable concern was that lower voter turnout was a likely result.

Gavin Brown (Lothians) (Con): Will the member give way?

Jim Tolson: I am sorry, but I am rather tight for time. I beg Mr Brown’s pardon.

Voter turnout was not the only concern that many people had over a decoupled election; they also had concerns over the cost of decoupling to the public purse. Some respondents to the Scottish Government’s consultation on decoupling raised concerns about the cost. The financial memorandum to the bill outlines two options to estimate the total additional costs of decoupling to all local authorities combined. The estimate is between £4.5 million and £5 million. I raised concerns at the Local Government and Communities Committee that the cost could be more like £8 million. I guess that time will tell.

Liberal Democrats were the only respondents to oppose the concept on the basis of issues surrounding voter turnout, cost and the burden on local authorities. However, at our spring conference 2009, the Scottish Liberal Democrats voted in favour of decoupling. The tight vote at our conference showed that, contrary to some opinion, councillors were not going to vote automatically for a longer term simply to keep themselves in office. Rather, feedback that I have received from many of my Lib Dem councillor friends is that they shared many of the concerns that I mentioned a few minutes ago.

Decoupling is not the only aim of the bill. It will also make provision for the publication of electoral data down to polling-station level. That will provide interesting and useful information—not just for political geeks like me, but for other agencies and individual members of the public, so that they can gain a better understanding of how the votes were cast in their area. However, as Duncan McNeil and others have said in relation to secrecy, that is not to say that any individual’s vote, or small group of people’s votes, should be identifiable. The Liberal Democrats accept the premise that voter information should not be released if the polling station has had fewer than 200 votes cast.

I turn now to the Government’s role. The Government does not respect the autonomy and accountability of local government. The SNP has tied local authorities into unrealistic manifesto promises, complicated single outcome agreements, and, worst of all, its greatly discredited so-called historic concordat. The decision-making abilities and spending priorities of local authorities have been continually constrained by the Government’s impositions.

We are cautious not to burden local authorities further with unachievable or impractical responsibilities. Again and again, we hear Mr Swinney say that, no matter what extra burdens he places on local government, local government signed up to a financial deal in the concordat that gives no extra money to meet those extra commitments. Well, for Mr Swinney and for the Scottish Government, that just does not wash.

Bruce Crawford: Will Mr Tolson please give way?

Jim Tolson: I am tight for time, but the minister will have a chance to respond when he sums up.

Bruce Crawford: I wish that he would give way—

The Deputy Presiding Officer: Order. Mr Tolson, you should address the motion.

Jim Tolson: Liberal Democrats have long fought for the autonomy of local government and for recognition of the importance and significance of governance at that level.

The SNP claims that it devolves responsibility to local authorities, providing them with the appropriate means and powers. Last year, Brian Adam claimed:

“The historic concordat is about respect, not central control.”—[Official Report, 11 December 2008; c 13392.]

Bruce Crawford: On a point of order, Presiding Officer. A moment ago, you ruled that the member should stick to the motion that is under debate. He is straying from that and obviously did not hear you. Perhaps you could remind him.

The Deputy Presiding Officer: I take the point of order. I was going to tell the member that he
must address the motion to agree the first principles of the bill and link his remarks to the bill.

Jim Tolson: I will move on, if it is your wish that I do so.

The Liberal Democrats will support the bill at stage 1 in today’s vote. However, the Government must consider carefully the genuine concerns that have been raised by many people in evidence to the committee, in the chamber and elsewhere. Only by providing genuine support, including financial support to local authorities, will the bill achieve its true aim of returning to local government the respect that it deserves.

The Deputy Presiding Officer: Now—I am sure that it will have been worth waiting for—I call David McLetchie.

10:31

David McLetchie (Edinburgh Pentlands) (Con): Thank you, Presiding Officer. The voice of the righteous cannot be silenced for long in Scotland’s Parliament.

“I told you so,” is often a rather smug and self-serving comment that is neither endearing nor charitable. However, there are rare occasions on which it is fully justified, and this is one of them. Those of us who have long supported the decoupling of Scottish Parliament and local government elections are entitled to say, “I told you so,” to the dispossessed parties of the ancien régime. The Conservatives are entitled to say it because the decoupling of the elections has been a commitment in our two most recent manifestos and because, in the previous session, the measure was promoted in a member’s bill by a Conservative MSP that had the support of the SNP. In respect of that, I acknowledge and pay tribute to the work of Tricia Marwick, who will speak later in the debate.

All of that pre-dates the 2007 elections fiasco, the recommendations of the Gould report and now the unanimous recommendation of the Local Government and Communities Committee on the bill. Moreover, it was not just the Conservatives and the SNP who “told you so”. The previous Scottish Executive was told by no fewer than three independent committees during its eight years in office that decoupling was a sensible measure to put into effect.

First, we had the report of the commission that was chaired by Sir Neil McIntosh on local government and the Scottish Parliament, which was published in 1999. It recommended that

“the local government elections should be timed to take place at the mid-point of the Parliament.”

It said that combining the two elections would “mean that the local elections would tend always to be held under the shadow … of the parliamentary election and that national issues will dominate local elections even more than they tend to do … The result is to weaken the democratic mandate of local government.”

Next up, only a year later, came the report of the renewing local democracy working group, which was chaired by Richard Kerley. It said:

“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”.

Andy Kerr rose—

David McLetchie: Here comes the old regime.

Andy Kerr: Attacking the smugness of the new partnership in the Scottish Parliament between the Tories and the SNP.

Does the member believe that every local councillor who lost his or her seat under Thatcher lost it as a direct result of his or her local ability, the fact that they were not a good councillor or the conduct of the council? Was it not simply the case that national issues prevailed in those local elections?

David McLetchie: In those days, the results of local elections were undoubtedly down to a mixture of the two—I fully acknowledge that—and we all know the consequences. That was recognised in the reports that the previous Scottish Executive received from the independent committees. The last one to which I referred was even chaired by a former Labour member of the City of Edinburgh Council.

That excellent advice was received from those two committees—so what happened? The advice was promptly ignored by Labour and the Liberal Democrats. Even then, that was not the end of the matter. Six years later, we had the report of the Arbuthnott commission, entitled “Putting Citizens First: Boundaries, Voting and Representation in Scotland”. Yet again, after a thorough examination of the issues, the report recommended a decoupling of the Scottish Parliament and local government elections. In a remarkably prescient section of the report, given what was to come the following year, the Arbuthnott commission stated:

“Decoupling the elections would reduce the complexity of voting, potentially reduce voter confusion and help keep the numbers of invalid votes to a minimum. It would also reduce administrative complexity in the planning, management and counting of the elections, and enhance the transparency of the electoral process, especially allowing attention to be focused on local issues.”

Nevertheless, the report’s recommendations were in vain. Still, Labour and the Liberal
Democrats would not listen. No matter how many independent committees told them to do otherwise, they persisted in the view that coincidental elections were desirable. For them, it was a case of putting citizens last. We then had the experience of 2007 and the Gould report, and—miracle of miracles—they changed their minds. We are therefore very much entitled to say, "We told you so." In fact, just about everybody told them so. It is a pity that it took the 2007 fiasco to change their opinion.

Some of the same closed minds have tried to perpetuate the myth that there was nothing wrong with the single transferable vote system at the conjointed elections in 2007 and that all the failings were to do with how the Scottish Parliament elections were organised and the design of the ballot paper. That is totally untrue, as Duncan McNeil pointed out, given the unprecedented number of rejected ballot papers in the council elections.

All of that underlines the importance of ensuring that we do not stop simply at decoupling. It is important that we have proper voter education campaigns to ensure that, as far as possible, everyone understands how to cast a valid vote in accordance with his or her preferences. We also need an imaginative public information campaign to inform voters of the functions of local government and the importance of the services that our councils provide to communities and individuals, in an endeavour to encourage more focus on local issues in local elections. As the committee’s report makes clear, however, that is not being adequately addressed at present.

The bill has had a long gestation period, but we are finally about to do what we should have done 10 years ago. If the bill is passed, it will be another three years before we re-elect our councils. That is three years in which—finally—to get it right, to do our utmost to maximise voter participation and to give local government in Scotland its due place in the sun. I support the motion.

10:37

**Tricia Marwick (Central Fife) (SNP):** It is a personal pleasure to speak in this stage 1 debate on the decoupling of local government and Scottish Parliament elections. As David McLetchie has said, for eight long years the Labour Party and the Liberal Democrats set their faces against reason and democracy in refusing to decouple the elections. However, today we have heard no apology or admission that they were wrong, nor an admission that the coincidence of the elections contributed to the debacle of the elections in 2007.

The decoupling of the two sets of elections is a long-standing commitment of the Conservatives as well as the Scottish National Party—I freely acknowledge that. However, it has taken an SNP Government to produce the bill, just as it took an SNP Government to abolish the tolls on the Forth and Tay bridges, to provide free school meals and to provide free prescriptions by 2011. Those are all measures that were proposed by the SNP in opposition and opposed by the previous Labour and Liberal Democrat Executive.

I never understood the stubborn refusal of Labour and the Liberal Democrats to decouple the two sets of elections. There seemed no logic to that refusal, which flew in the face of all the evidence. In 2001, I spoke in the debate when Labour and the Liberal Democrats brought to Parliament the bill to combine the two sets of elections. I said then:

“...The Executive believes that the bill will increase the turnout at local elections. That is no doubt true, as parliamentary elections currently attract larger turnouts. However, such turnouts will not confer any additional democratic legitimacy on local government. ... The serious flaw in the Executive’s argument is its naive suggestion that an artificially inflated turnout provides an increased mandate for local government. It is quite clear that the reverse is true, and that will have a cost in the form of a democratic loss for the very local authorities for whom the bill is intended. The local agenda will be overshadowed and overtaken by the coverage of national elections. No member of this chamber could seriously argue that local authority issues will even surface, far less be given a decent hearing, in the press mêlée of the parliamentary election campaign. Councillors will not be able to make their case for election or re-election as they will be completely displaced from the agenda by MSPs seeking to make their case.”—[Official Report, 20 December 2001; c 5031.]

That was the argument for not having coincident elections, but it was rejected.

Had it only been the Opposition parties that opposed coincident elections, I might have understood the refusal of Labour and the Liberal Democrats to decouple the elections, but that was not the case. In 1999, the report of the McIntosh commission recommended that the two sets of elections should be separated and that local government elections should be held at the mid-point of the parliamentary session. The report of the renewing local democracy working group that was set up by Wendy Alexander and chaired by Richard Kerley recommended in 2000 that the two elections should be separated. In the face of all that evidence, the Executive announced that it would legislate to bring the two elections together.

In 2006, the Arbuthnott commission recommended decoupling—I was going to use a quote from the commission’s report about the potential for confusion, but David McLetchie has already put it on the record.

During the passage of the Executive’s Local Governance (Scotland) Bill, which introduced
single transferable vote proportional representation, my reasoned stage 3 amendment to decouple the elections was defeated. David Mundell’s proposed local government elections (Scotland) bill, which sought to decouple the elections, was defeated among the Scottish National Party but went no further.

Labour and the Liberal Democrats ensured that, in 2003 and 2007, the local government elections and the Scottish Parliament elections were held on the same day. The debacle of the 2007 election was, in part, caused by the insistence of Labour and the Liberal Democrats on introducing a new form of voting for the local government elections. Everyone told them that there would be difficulties in introducing a new form of local government elections in that manner, as little information about the changes would get through to the voters, which would lead to confusion. As David McLetchie so eloquently said, they were telt.

As the Gould report made clear, separating the two elections will minimise the potential for voter confusion. We are convinced that combined elections are a disservice not only to local councils and candidates but to the electorate. The disservice that Labour and the Liberal Democrats did to local government over the eight years deserves at least an apology, although I notice that the Liberal Democrats have put forward as an SNP spokesperson who set his face against the case, but Iain Smith was the local government spokepersons.

Alison McInnes (North East Scotland) (LD): I should point out that the two Liberal Democrat members who are present today are the party’s local government spokespeople.

Tricia Marwick: I have no doubt that that is the case, but Iain Smith was the local government spokesperson who set his face against the decoupling of the local and parliamentary elections, and I would have loved to have heard him say in today’s debate, “I am sorry, Mrs Marwick. I am sorry, Mr McLetchie. All of the arguments you made were absolutely right and I was wrong.” It would have been nice to have heard that apology, but it is no surprise that he is not here to offer it.

It is important that we go forward, but there should be an admission of guilt on the part of the guilty people. I am delighted that an SNP Government has introduced this bill, and it goes without saying that the minister will have my whole-hearted support at 5 o’clock.

10:44

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in this debate, and I support the general principles of the bill. It is important that we learn the lessons of 2007, but we should also look to the future rather than rehearse the arguments that were made in the run-up to the 2007 elections, as some other speakers have done.

There is no doubt that elections are very much at the heart of politics and close to politicians. I participated in my first election campaign in 1982, and I have always enjoyed elections. I enjoy the process of engaging with voters, competing with the other political parties and the build-up to election day itself, which is the climax of the process, when people turn out and vote and the results are declared.

It was, therefore, a matter of great pride to me when I stood for the first time as a constituency candidate in the Scottish Parliament elections in 2007. That pride diminished somewhat as I witnessed the events of the day. I stood in polling stations and watched voters being confused by the number of ballot papers that they had to complete and the different electoral systems that they had to deal with, and I saw them leaving the voting booths and being horrified when they were told that they had not completed their ballot papers correctly. As the day and the night unfolded, it became clear that there were thousands of uncounted ballot papers in the Scottish Parliament elections and that, as others have said, there was an unusually high proportion of spoiled ballot papers in the local government elections.

Clearly, lessons had to be learned. From that point of view, I think that decoupling the elections is the right thing to do, as that will allow voters to be clear about the elections that they are participating in. Following on from that, it is logical that we will have to introduce a new cycle of elections, and it is correct that the next local government elections should be in 2012 and 2017 and that, thereafter, they should revert to a traditional four-year cycle.

There has been a great deal of discussion about voter turnout. One risk of decoupling the elections concerns the impact on voter turnout. We should remember that 2012 will be the third year in a row that the public will have participated in elections: this year, we have the European elections; next year, we will probably have a UK general election; and the following year, we will have Scottish Parliament elections. I should correct myself—that means that the elections in 2012 will be the fourth time in a row that people will have been asked to vote, but that just strengthens my point.

It is therefore important that we address the issue of voter education and try to increase voter turnout. Having witnessed the STV system at work in 2007 and in subsequent council by-elections, I
am clear that there is still some confusion about the system. I have seen voters appearing at the polling station a bit worried about the process of casting their vote in this new system. We have to overcome those fears by embarking on a proper programme of voter education.

There are also important issues about the differences in turnout across the country. I recently watched on BBC Parliament some of the rerun of the coverage of the 1979 general election—

David McLetchie: One of the best.

James Kelly: I know, it was a really disappointing day.

One fascinating fact about that election is that, in some constituencies, the turnout was close to 80 per cent. I will resist the temptation to make a comment about Margaret Thatcher but, over the past 30 years, turnouts have decreased somewhat. In some areas of the country, particularly those areas that have high rates of social deprivation, there are extremely low turnouts. That means that only certain groups of people are participating and having their voices heard. We have to make sure that we reach out to the silent minority.

We must address the issue of the ordering of names on the ballot paper, which Andy Kerr talked about. There is statistical and anecdotal evidence that those who appeared higher up the ballot paper had an advantage over someone with whom they were running on a joint party ticket but whose name appeared lower down the list. For example, if a party had a Crawford/Whitton ticket, the Crawford candidate would be favoured. As we approach 2012, we do not want there to be a rush of people changing their name to ‘Anderson’, say, in order to appear further up the ballot paper. That is a serious issue, and I ask the minister to say in his summing-up speech whether it will be dealt with in the bill or in further legislation.

Important issues are at stake, at the heart of which is the enhancement of the democratic process. I support the general principles of the bill.

10:50

John Wilson (Central Scotland) (SNP): Every member will have their own experiences of the Scottish Parliament and local government elections of May 2007. Many people might assume that, by definition, because they were elected and as a result hold a place in their respective chambers, everything was fine in those elections. To make such an assumption is to do the voting public a gross disservice.

The Local Government and Communities Committee’s report on the bill states clearly that the elections that were held on 3 May 2007 gave serious cause for concern because of their creation of fault lines in engagement with voters. The number of rejected ballot papers in the 2007 local government elections was significantly higher in comparison with the corresponding numbers in the 2003 and 1999 elections, although we must bear in mind that the 2007 local government elections were held under an STV system.

The responses to the Scottish Government’s consultation show that there is a high level of support for decoupling local government and Scottish Parliament elections to address apparent voter confusion. As other speakers have said, there is a crossover between the conclusions of the Gould report and the research that was conducted by other organisations. The Gould report was quite clear in advocating that Scottish Parliament and local government elections be separated. The high number of rejected ballot papers in 2007 caused much concern about the integrity of the process. That issue is dealt with in studies by the Electoral Reform Society, the Joseph Rowntree Foundation and the Scotland Office, and in the Scottish Government’s response to the Gould report.

The important principle as far as the electoral process is concerned is that the two sets of elections should not be held on the same day. In a vote on 10 January 2008, the Parliament expressed its will that local government and Scottish Parliament elections should be decoupled.

As was stated when the Parliament debated the Gould report on 9 October 2008, if we wish to provide some background to the debate, we need only examine “Scottish Council Elections 2007: Results and Analysis” by Bochel and Denver, published by the University of Lincoln in 2007. That research states that there was an increase in the number of rejected ballot papers in the 2007 local government elections compared with previous local government elections, although the increase was not as great as that in the 2007 Scottish Parliament election. In the opinion of Bochel and Denver, given that most people were unfamiliar with the use of an STV system in multimember wards, a rejected ballot paper rate of 1.83 per cent did not seem unreasonable.

The fact that the evidence that was given to the committee centred on turnout is reflected in its report. In his evidence, Tom Aitchison of SOLACE noted that pre-2007 returning officers were split down the middle: some believed that decoupling would allow local issues to be focused on at local government elections, whereas others argued that the two sets of elections should continue to be held on the same day.

The committee’s key recommendation is that the UK and Scottish Governments should continue
with their efforts to improve levels of voter registration. I note that a public campaign is under way to get voters to register. In his evidence to the committee, Tom Aitchison said that between 3 and 5 per cent of potential voters do not register to vote. In paragraph 48 on page 10 of its report, the committee mentions the need “to educate voters about the STV voting system and that such campaigns should be adequately funded”.

I will not go into detail on the weighted inclusive Gregory method of calculating the distribution of seats or votes—I thought that Mr McLetchie would deal with that.

Bruce Crawford: Can the member clarify whether he is referring to the non-specific or the specific Gregory proposal?

John Wilson: I will leave that to the minister to decide.

The committee’s report refers to the clear linkages between voter information at polling stations and e-counting. I welcome the fact that the committee broadly agrees with the Scottish Government’s intention to decouple the elections, even though it provides a few caveats about the associated financial costs falling to local authorities.

I welcome the committee’s report and the broad principles that it contains. I record my thanks to committee members, clerks and those who provided evidence for their efforts to ensure that we have a robust voting system for future local government elections. I welcome the opportunity to scrutinise the bill, and I urge all members to support its general principles at decision time. I look forward to future local government elections in Scotland being stand-alone elections.

10:56

Mary Mulligan (Linlithgow) (Lab): As we have heard, the bill has two policy objectives: to decouple Scottish Parliament and local government elections by moving local government elections to midway between Scottish Parliament elections; and to make post-election voter information available in greater detail. Like many other members, I will mainly address the first objective, but I put on record my support for the second—although I echo the minister’s caution about the need to retain voter confidentiality.

As many members have said, the Parliament has already debated decoupling, and I readily admit that I did not support it then. I still do not believe that having two elections on the same day need be a disaster. In fact, some local authorities that support decoupling are nevertheless seeking to hold by-elections on the same day as this year’s European elections. As the committee discussed, future council elections could coincide with Westminster or European Parliament elections. As we heard in evidence, even in cases in which such elections are a few weeks apart, problems could be caused, both for the organisation of the elections and for voters. However, I was pleased to hear that witnesses from SOLACE, the Society of Local Authority Lawyers and Administrators in Scotland and the Association of Electoral Administrators are already considering such eventualities.

Although I might still not be convinced that decoupling is a good move, I am convinced that it is now unavoidable. I do not need to go back over the debacle that occurred in 2007, to which references have already been made, as I am sure that no member will ever forget it. The fact that some voters went to the polling station, cast their vote and then found that it was not counted resulted in a huge loss of confidence in the electoral system. The risk that voter turnout would fall further as a result of that lack of confidence had to be addressed. The proposed change shows the electorate that we are taking their concerns seriously and, most important, that we have acted.

Once I had accepted that decoupling should go ahead, my next concern was that the bill should address any problems that might be associated with it. I have mentioned the possibility of other elections occurring at the same time as local government elections, and I appreciate that that issue is being considered. However, I am also concerned about the funding of a separate set of elections. It is clear that savings could be made when the two sets of elections were held on the same day. The minister has presented to Parliament a financial memorandum that puts the cost of holding separate elections at between £4.5 million and £5 million, but I would appreciate it if he could confirm my understanding—which I expect is that of other committee members—that that figure does not include the cost of the e-counting system.

Bruce Crawford: I can confirm that that figure does not include the cost of the e-counting system. I can also confirm that, after discussions with local authority representatives and people who are involved in electoral administration, they have accepted the argument that local government’s baseline already includes £1.9 million for that, although it falls into the next spending review period. We are committed to funding the e-counting system.

Mary Mulligan: I thank the minister for that intervention.

The committee was clear that the cost of e-counting cannot be discussed in detail at this stage because of commercial confidentiality.
issues, particularly if there is likely to be a bidding process. I accept that up to a point, but I am pleased that the minister recognises that the issue still has to be discussed.

I agreed with the minister when he told the committee that the STV system requires e-counting. However, we should not forget that 2012—which is when local government elections will take place if the bill is passed—is also the year of the Greater London Authority elections, and it would be unfortunate if they were used to inflate the cost of e-counting or if they created problems in the right equipment and personnel being put in place. Committee witnesses had obviously considered those issues, but I hope that the minister provides more reassurance in that respect.

It is essential that the Scottish Government clarifies how the costs of local government elections will be apportioned between it and local authorities. The Finance Committee was right to raise concerns about talk of savings. After all, if we are to restore voters’ confidence in the electoral process, we have to get things right in 2012, and any attempt to make some inconsequential savings risks sending out the wrong message.

As for the issue of voter information, which has been mentioned, it is vital that voters understand the STV system. As other members have pointed out, mistakes were clearly made on ballot papers in 2007, and some votes were counted only after a certain amount of flexibility was allowed. People need more information, and I hope that the proposal to introduce information staff at polling stations, which I think is a good move, will be supported.

I have acknowledged that decoupling is one way of being seen to repond to the problems of 2007. Asking people to come out and vote more often will require electoral registration officers and the political parties to put in more work; after all, we all have a responsibility to guard against further falls in turnout at elections. Although I must stress that the proposal needs to be properly resourced, I support the bill’s general principles.

11:02

Alasdair Allan (Western Isles) (SNP): People’s faith in individual politicians can be undermined by many things—indeed, the potential in that respect is almost limitless—but their faith in the whole democratic process can be undermined by only a relatively small number of doubts. One fear is that all politicians are on the take, and the other is that their vote has not been counted. As far as the first fear is concerned, I do not need to elaborate on the disaster movie that is unfolding elsewhere. As for the second, the experience of 2007 is certainly instructive.

We have rehearsed many times both here and in committee the huge organisational problems that occurred in May 2007, when the local government elections took place on the same day as the Scottish Parliament elections. The bill seeks to restore public confidence in the electoral system by making the crucial simplification of decoupling local and national elections and ensuring that they take place on different days.

Although the bill’s primary concern is local government elections, I believe that, given what happened on May 2007, it will have a significant impact on the running of parliamentary elections. For example, in my Western Isles constituency, 446 of the more than 13,000 parliamentary votes that were cast were spoiled; in other words, 3.27 per cent of those who tried to vote had their votes disallowed. For the local government elections, the figure was 310. As in other areas, the amount of votes rejected in 2003 was, in comparison, tiny. For example, in 2003, only 74 ballot papers were rejected in the Scottish Parliament elections and only 78 in the council elections.

The Local Government and Communities Committee took a lot of evidence on the very significant discrepancy between the 2003 and 2007 elections. Although the coincidence of council and national elections on the same day does not explain the whole problem, it certainly explains part of it. In 2007, many votes were disallowed because those who were casting them simply did not understand the difference between the two voting systems. That said, it is interesting to note that the 4.25 per cent figure for rejected constituency parliamentary ballot papers in Scotland as a whole was significantly greater than the percentage in the Western Isles, which perhaps confirms that, as many of us already knew, the people of the Western Isles constitute an unusually politically sophisticated electorate. I am therefore happy to support these moves to decouple local and parliamentary elections and to move back local elections until, eventually, they are held at the midpoint of the parliamentary term.

To those who fear that, cut loose from national elections, council elections will suffer from low turnout, I have to say that I do not accept the argument that election turnout should be boosted at all costs. We desperately need to revive our local economy, and that cannot be achieved without a genuine public debate about local rather than merely national political issues. Holding elections on the same day simply to inflate turnout artificially creates a democratic deficit as local issues are crowded out by the coverage of parliamentary elections. I believe that there is a consensus on that view; indeed, I am glad to see
that Mr Tolson has become part of that happy consensus, no matter which tortuous and convoluted route he has taken to get there. The current coupling of local and Scottish parliamentary elections means that local elections receive almost no media coverage in their own right and the record of local councils goes almost undiscussed.

I welcome proposals to publish voting information from local government elections in more detail. Under the proposed measure, individual votes will remain anonymous and extremely useful information will be made public.

I hope that members will endorse the bill’s principles in order to simplify the process and make Scotland’s local government elections more transparent. If the experience of 2007 is not enough of a reason for decoupling elections, I do not know what is. However, it should be said that the picture in 2007 was not one of universal chaos. In fact, the greatest immediate problem that arose in the Western Isles as the votes were being counted was that the helicopter that was due to pick up the ballot boxes from Barra and Uist did not leave Inverness because of erroneous reports of fog, delaying the result by 12 hours. We can and should constantly strive for the perfect electoral system—and we shall have reached perfection if we can devise a system that also provides accurate weather forecasts. Until then, the bill provides a very valuable start; I support its principles.

11:08

Alison McInnes (North East Scotland) (LD): This interesting debate has highlighted a number of issues that need to be addressed. First of all, though, I thank the Local Government and Communities Committee for its report.

As Jim Tolson made clear, the Liberal Democrats will support the bill’s general principles. Last year, I said that, on balance, we did not support decoupling, but following a debate and a change in policy at our most recent party conference, and primarily in response to the clear view of the majority of our councillors, we will not oppose the bill’s principles.

I acknowledge that, between them, Arbuthnott, Kerley, McIntosh and Gould have provided a body of evidence to support the view that, in the words of the Gould report,

“combined elections are ... a disservice to the local councils and candidates”

and

“to the electorate”

and that they should be decoupled. Unison and the Convention of Scottish Local Authorities also believe that a greater focus on local issues would be advantageous in increasing the scrutiny of local government and advancing the understanding of its role. However, as Mary Mulligan made clear in her thoughtful speech, the choice between combined or stand-alone elections is far more finely balanced than some members have suggested this morning.

Having been a councillor for 15 years, I can say that I was happy to have combined elections, because national and local elections are, after all, intertwined. Indeed, when I was canvassing, it was always clear that council issues were at the forefront of people’s minds when they were considering how to vote. What is equally clear is that any move towards decoupling involves a trade-off, which, in this case, is most likely to be a decline in voter turnout.

The Liberal Democrats are proud of the electoral reform that introduced STV, which has resulted in a number of welcome changes, and we feel that any additional changes must strengthen and advance the modernisation of Scotland’s local democracy. The electoral process must be credible, fair and transparent.

I would like to hear the minister say more about what he proposes to do to ensure that the decline in voter turnout is not simply accepted as inevitable.

Bruce Crawford: Will Alison McInnes give us some of the Liberals’ ideas for increasing voter turnout?

Alison McInnes: I am sure that there will be plenty of opportunities to do that at another point.

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.”

I hope that gimmicky new ways of voting will not be considered, because that would risk further confusion. I am not persuaded of their merits.

In responding to the consultation on decoupling, Fife Council said:

“The Council are particularly concerned at the possible impact on turnout arising from a decoupling of the elections”

and

“are keen to ensure along with the Scottish Government that there is an investment in improving turnout and a range of options be explored”.

The bill does not address that at all, which is surely a significant shortcoming.

Paragraph 25 of the committee’s report says:
"The Committee looks forward to … examining ways in which voter turnout can be increased."

The minister has outlined some ideas on that. I hope that those ideas will be thoroughly scrutinised and that conclusions will be reached well in advance of the elections. That work is urgent.

The Liberal Democrats are concerned that additional costs could be forced on local authorities as a result of the bill. That must not be allowed to happen. The minister has said:

"there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012."

However, he stopped short of quantifying the funding for that. He went on to say:

"We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections."—[Official Report, Local Government and Communities Committee, 1 April 2009; c 1894.]

It is wholly inadequate to propose decoupling the elections without guaranteeing that the extra costs will be met.

SOLACE raised concerns about the ability of the printing and e-counting industries to deliver technical support, given the number of elections that will be held in May 2012, when there will be the London mayoral elections and the local government elections in England as well as the proposed local government elections in Scotland. I therefore strongly support the committee’s recommendation in paragraph 48 of its report.

The electoral process must be strong, fair and transparent. Liberal Democrats want to see strong, effective and efficient local councils with clear mandates. We do not want to burden local authorities with extra costs, so adequate funding for the running of the elections and awareness-raising campaigns must be provided up front.

11:12

Gavin Brown (Lothians) (Con): The bill is vital. I do not think that the Parliament will get great credit for introducing it or for getting things right, but there would be catastrophic consequences for all of us if we got things wrong and the elections were not decoupled.

Decoupling the local government elections and Scottish Parliament elections has long been dearly held Conservative party policy. However, I will not dwell on that, as my friend David McLetchie probably used up the entire gloating quota not just for today but probably for next week and the week after that as well.

Andy Kerr: We will remind the Conservatives of that.

Gavin Brown: There are things that we can remind Mr Kerr about, too. We will come to them later.

There is overwhelming support for decoupling. I understand that there was no division in the committee on supporting the general principles of the bill. We have heard about recommendations from the McIntosh report, the Kerley report, the Arbuthnott commission and, obviously, the Gould report. Individual local authorities, COSLA and Unison want the elections to be decoupled. Some 32 of the 33 submissions to the Scottish Government’s consultation said that the move would be good and should happen.

The Liberal Democrats’ submission was, of course, the only submission that said that decoupling should not happen. However, I am pleased to hear that they now support the general principles of the bill; indeed, they voted in favour of it at their spring conference. The Minister for Parliamentary Business may wish to get the bill to stage 3 as quickly as possible, so that we can pass it before the Liberal Democrats’ summer conference, in case they take a different view at it. It would be nice to pass the bill with support from everyone in the Parliament.

We have heard about the benefits of decoupling. It will mean less voter confusion. We have heard the figures. Some 146,000 ballot papers were rejected in the Scottish Parliament elections, and more than 40,000 ballot papers were rejected in the local government elections. Let us not forget that, although the figure for the local government elections was not as disastrous as that for the Scottish Parliament elections, those 40,000 papers represented a three-fold increase in the number of rejected ballot papers.

Gould was clear about less voter confusion being a benefit of decoupling the elections. On page 36 of his report, he stated:

"The combination of elections in Scotland added complexity to the voting process."

He also said:

"Another problem with combining these elections has to do with the confusion it creates among the electorate … it is clear that some voters were confused by the combined elections using two electoral systems and two ballot paper marking requirements."

It is clear that we can reduce voter confusion by decoupling the elections.

Several members have touched on another benefit of decoupling the elections—it would give local government greater prominence. The local government elections have been overshadowed by the Scottish Parliament elections. I would not want to be a local government candidate in Kirkintilloch, for example, when David Whitton is running the show. There is no chance of getting...
any coverage when somebody like that is running their campaign. Similarly, I would not want to be a council candidate in the Edinburgh Pentlands constituency trying to compete with David McLetchie for headlines.

In all seriousness, it is critical that local issues are raised in local election campaigns. To pick up on a comment that Alasdair Allan made, the council administration’s record has to be discussed during a local election campaign. I suspect that the national press will still focus on national issues—that point was reasonably made by Andy Kerr—but local newspapers in Edinburgh and Glasgow, for example, are more likely to focus on council administrations in those places if only local government elections are taking place. The profiles of candidates and councillors will be raised and the electorate will be engaged on a deeper level. Ultimately, our councils will be made more accountable.

Some disadvantages of decoupling have been pointed out. Of course, voter turnout is the potential Achilles’ heel of decoupling. Most members have quite reasonably raised that issue. However, it is important not to focus only on the overall voter turnout figures. Gould made a point well when he said:

“In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper.”

That is important. It is also worth noting that voter confidence in the system is low, and if we do not go ahead with decoupling, we will risk a far bigger drop in voter turnout at the local government elections.

Decoupling the elections has been a Scottish Conservative policy for some time, and it has gained momentum. After 2007, the elections simply have to be decoupled. I am pleased that all the parties have indicated that that will happen. We need to decouple the elections as soon as possible, so that we can get the education systems in place well in advance of 2012 and so that the elections in 2011 and 2012 are a big success.

11:18

David Whitton (Strathkelvin and Bearsden) (Lab): It is clear that we are talking about democracy in action. The “Oxford English Dictionary” says that democracy is

“Government by the people; that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them ... or by officers elected by them”.

Others take a slightly different view. The English playwright and philosopher Bertrand Russell said:

“Democracy is the process by which people choose the person who’ll get the blame.”

The former American President Woodrow Wilson said:

“I believe in democracy, because it releases the energies of every human being.”

However, Winston Churchill, who was never short of an acerbic comment or two, said:

“The best argument against democracy is a five minute conversation with the average voter.”

I find myself disagreeing, not for the first time, with a former Conservative Prime Minister.

In preparing for today’s debate, I typed words to do with voting into an internet search. The results were remarkable. For example, 57.7 million results were listed under “voting register”, 14 million under “voting UK”, 12 million under “voting systems” and 8 million under “voting age”. I also found an intriguing list of voting methods. John Wilson referred to that issue, but I found more than two. I found Copeland’s method, the Kemeny-Young method, the Schulze method and even the Bucklin voting system, which is named after an American senator from Colorado. Those are of no concern to us today, as we are considering the voting method in the Scottish Parliament and local government elections, which might come to be known as the Crawford method—who knows?

Bruce Crawford: That is giving me ideas.

David Whitton: As long as it has not given Mrs Crawford ideas, the minister will be okay.

The minister called for improved administration of the elections, which was a key part of the Gould report. Nobody would disagree with that. Duncan McNeil, the convener of the Local Government and Communities Committee, pointed out the cost implications of decoupling, which is an important point that must be borne in mind. We need a clear commitment from Mr Crawford on that. In response to Mary Mulligan, he said that there is already £1.9 million, but the financial memorandum estimates the cost of decoupling to be almost £5 million. I see that the minister disagrees—he will have his chance to sum up in a moment. The Scottish Government provides money to local authorities. The cost of running each decoupled election will be the same as the cost of running a combined election, so a clear commitment on cash is necessary. Mr Tolson made that point, too.

Like Gavin Brown, I note that, although the Liberals were opposed to decoupling, we now hear from Mr Tolson that their party conference has changed the party’s view. That is a bit like the
Liberals’ income tax policy—it is all over the place, but a late conversion is always welcome. Mr McLetchie boasted of having the gift of second sight—“I told you so,” he said. However, the people of Scotland told the Tories not to introduce the poll tax to Scotland, but they did not listen. I distinctly remember the same Mr McLetchie stating 10 years ago that he wished that devolution and the creation of the Scottish Parliament had not happened, yet only last week the same Mr McLetchie—an MSP these past 10 years—appeared on television saying that devolution had given back to the Tories their electoral credibility.

Tricia Marwick can always be relied on to launch an attack against the Labour Party, and she did so again today. She demanded apologies from the Labour and Liberal parties, yet there was no hint of an apology for the SNP’s role in the confusion on polling day 2007. The Gould report specifically commented on misleading party descriptions, so perhaps the minister or Mrs Marwick will apologise for the use of the description “Alex Salmond for First Minister” on ballot papers, which was blatant manipulation.

I do not agree entirely with Mrs Marwick that local issues got lost in the joint elections of 2007. A Liberal plan to impose fortnightly bin collections in East Dunbartonshire was a major issue in my constituency—sad to report to Mr Tolson and Alison McInnes that the result was nine Liberal seats lost. I understand that the SNP-led administration in Fife is proposing a similar plan. Mrs Marwick has been warned.

Jim Tolson: Will the member take an intervention?

Tricia Marwick: Will the member give way?

David Whitton: They are queuing up to make interventions. I will take Mrs Marwick.

The Deputy Presiding Officer: I do not want to get into bin collections.

Tricia Marwick: On the issue of bin collections, David Whitton’s remark is totally and absolutely untrue, and I would appreciate it if he withdrew it.

The Deputy Presiding Officer: Mr Whitton, carry on speaking about the bill, please.

David Whitton: If the allegation is untrue, of course I withdraw it. Clearly, the SNP has learned lessons from East Dunbartonshire.

In case SNP members think that I always attack them, I say that Alasdair Allan gave a thoughtful speech on the reasons why we had so many spoiled ballot papers. That issue probably warrants further investigation.

Labour supports the decoupling of the elections as proposed in the bill. We support the move to hold the next two council elections in 2012 and 2017, and we agree that ministers should have the power to make orders to allow the publication of electoral data to polling station level. However, if fewer than 200 votes are cast, the district should be exempt.

11:25

Bruce Crawford: I thank Duncan McNeil and the other members of the Local Government and Communities Committee for their positive approach. I am glad that Duncan McNeil repeated some of the key themes that I addressed in my opening speech. Andy Kerr was his usual consensual and thoughtful self. Mr McLetchie and Mrs Marwick gave an accurate historical perspective, particularly in relation to the road to Damascus that former members of the Scottish Executive have travelled. Jim Tolson was Jim Tolson. Mr Whitton was stuck in his wheelie bin and, perhaps after his speech, that is the best place for him.

Mr McLetchie and Mr Kerr raised issues to do with turnout, although from slightly different perspectives. David McLetchie talked about the number of spoiled papers in the local government elections. The figure was 1.83 per cent, but if we compare that with Northern Ireland, where the figure was 2.1 per cent, we might think that the situation was better in Scotland. However, the Local Government and Communities Committee was right to comment that the figure masks the point that some papers were marked with a single X. It is important that we consider those issues in the work that we do during the summer. The Government will issue a further consultation in the summer on information campaigns and ballot designs.

Andy Kerr was concerned about the ballot paper. I can tell him that the Electoral Commission is working on proposals for ballot paper design. We will take that into account in our consultation in the summer, along with any other administrative recommendations that arise.

Alison McInnes: Will the minister include the Royal National Institute of Blind People in any discussions about the design of ballot papers?

Bruce Crawford: To be fair to the previous Executive, the RNIB and other groups representing disabled people or communities that are challenged in accessing the voting process were consulted previously. We will do exactly the same.

E-counting was mentioned several times during the debate. STV elections require e-counting if the results of a full-scale election are to be delivered in an acceptable timescale. It would not be appropriate to wait for a week for the results from
a manual counting system, as happens in some parts of Ireland. In 2012, e-counting will therefore be necessary. In fact, we will have to use that method whether or not the elections are decoupled.

Strictly speaking, the e-counting proposals are not related directly to the bill, but I will make a couple of points on the issue. We will not know the cost of the e-counting system until we know the outcome of the tender process. The cost will fall in the next spending review period, but we are committed to funding e-counting for STV local elections. Details of where the money will come from must be left to the next spending review, when the issue will be the subject of discussions between the Government and COSLA at the appropriate time. We will provide information on the costs of e-counting as soon as possible after the procurement process, including information on the split between local authorities and the Government.

We have started discussions with the electoral management board for Scotland and we are planning the e-counting process. There will be a joint process at every stage, from planning through procurement and on to implementation. I met the convener of the board, Tom Aitchison, last week to discuss e-counting and a range of other election issues. As I am sure all members are aware, the e-counting system must be tested thoroughly—perhaps to destruction—before the next election.

David Whitton: So that we are absolutely clear, are you saying that the Government will meet the costs of e-counting for local elections, even though the bill says that it might cost £5 million? We know that we are going into the next spending review, but are you giving a commitment to provide local authorities with what it costs to carry out electronic counting?

The Deputy Presiding Officer: Remarks should be made through the chair.

David Whitton: Sorry.

Bruce Crawford: Let me be clear on costs: the £4.5 million to £5 million relates to the cost of decoupling; the e-counting process is separate from that. As I said, the Government is committed to funding e-counting for local STV elections. I could not be plainer about our position.

Several issues were raised about the wider costs. The financial memorandum identifies areas of additional cost that will fall to local authorities as a result of the provisions of the bill—not including e-counting—and estimates those costs to be between £4.5 million and £5 million, of which £1.9 million is assumed already in local authority budgets. The estimates have been agreed with the electoral management board for Scotland, which includes members of COSLA. The Finance Committee called for evidence on estimates, and the local authorities that responded all confirmed that the estimates were reasonable. However, expenditure on the 2012 local government elections will fall in the next spending review period. The estimates will form the basis of discussions with local authorities when the time comes to consider the next spending round. The Government is committed to funding the additional cost of decoupling, but I cannot say any more on that at this stage, because the funding details must be left to the spending review.

Cathie Craigie (Cumerauld and Kilsyth) (Lab): Unlike other members who have spoken this morning, I am not wholly convinced that decoupling the elections is the right way to proceed. However, I am prepared to support the general principles of the bill to allow further discussions. Will the minister assure the chamber that, before stage 3, we will have full details of the financial implications for local and national Government should the bill be passed?

Bruce Crawford: I do not know where Cathie Craigie was during the earlier part of the debate, but I cannot make it plainer than I have done already.

Cathie Craigie: I was here.

Bruce Crawford: If she was here, it is obvious that she was not listening—I am not going to repeat the information yet again.

As the convener of the Local Government and Communities Committee and John Wilson commented, today’s debate has focused in great detail on voter turnout. As I stressed in my opening speech, we recognise the importance of improving turnout—we all have a role in that. Voter turnout figures compare the number of people who vote with the number who registered to vote. I say to Mr McNeil that I share the committee’s concern that not all of those who are eligible to vote are on the voting register, and so the real turnout figures are likely to be worse than recorded at present.

It is important to know the true position before we move on to improve overall turnout. I agree with the committee that increasing the number of people who are registered to vote is important. Registration is reserved to the Westminster Government, but we will work with it to find ways to improve levels of voter registration. That will cost money, and we will need to consider the funding of registration work with local authorities and Westminster. Funding for electoral registration makes up part of the Scottish Government’s budget allocation from Westminster; the element to cover registration is passed on to local authorities as part of their settlement, but it is not ring fenced. That was one of the questions raised with me during discussion of the bill in committee.
All members have spoken about turnout. As I have outlined, the Government will work with the committee to try to improve turnout. We also need to work with the electoral management board, the Parliament and the Electoral Commission. Voter turnout is a problem for everyone, and we all have a role to play. Alison McInnes said that we should not use gimmicky ideas. I say to her that that does not prevent us from using our imaginations to improve turnout. Perhaps members on the Liberal front bench would like to think about that. For example, we could suggest to employers that they put reminders to vote in employees’ pay slips or put messages on screen savers that say, “Today is voting day.” With imagination, lots of different methods could be used. Although they might be a wee bit gimmicky, they could make a difference to turnout. I am not saying that we will definitely do the things that I mentioned, but we need to chuck into the basket everything that we possibly can to try to make a difference.

Duncan McNeil: The committee and the minister agree that we need to use imagination to maximise voter turnout. Has he applied his imagination to how he can work with the committee to examine what happens in other countries, which might have better systems to engage young people, for example? What other examples can he share with us? How does he see the Government and the committee working on the issue in the coming weeks and months?

Bruce Crawford: That is a good question that I am more than happy to address. The Government and the committee can do a great deal jointly, whether it is holding joint seminars or offering people opportunities to speak to us in joint evidence-taking sessions. There is no reason why a parliamentary committee and the Government cannot work together.

When I read about Denmark’s voting systems, I was struck by how it regularly gets its turnout as high as 85 per cent. I looked into why that happens, and found that Denmark involves its young people at a much earlier stage, not just in politics but in civic life and volunteering. We have to start from an early base when trying to change voter turnout in this country, although it might take a generation before we get there. The most interesting statistic about Denmark in that context is about the level of support for political parties. Denmark is about the same size as Scotland, and its biggest political party has a membership of 65,000. The Labour Party in Scotland and the SNP together cannot manage such a membership. In fact, I doubt whether all of us in this Parliament could manage it together, although we might not be far off. As Duncan McNeil said, we can take a lesson from other countries in how to drive up voter turnout.

David Whiton: Just to help the minister with his imagination, I tell him that we have a good voter education programme in this Parliament, with primary and secondary school pupils visiting practically every day. Perhaps an element could be included in that programme to encourage visiting pupils to cast their vote at 18.

Bruce Crawford: We should try to bring on to the menu everything that we possibly can to see what works—there is no question about that.

Tricia Marwick: Will the minister give way?

Bruce Crawford: Certainly, but I have some closing remarks to make, so I will have to watch my time.

Tricia Marwick: Does the minister agree that if we want to engage youngsters at school, one way would be to reduce the voting age to 16, thereby engaging young people in civic education when it actually matters, rather than waiting until they leave school before giving them the vote?

David McLetchie: No.

Bruce Crawford: Unlike Mr McLetchie, whom I hear grumbling about voting at 16, the Scottish National Party has been wholly committed to voting at 16 for a very long time. Indeed, had we the right to debate the franchise and voting age in this Parliament, we would have been able to introduce as part of the bill reducing the voting age to 16. I am grateful to Tricia Marwick for her intervention.

This morning’s debate has shown that there is general support for the bill. That reflects the supportive comments that we received in response to the two Government consultations on decoupling and voter information. The events of 2007 were a cause for concern for all of us who believe in democracy and the right of the electorate to participate in elections, safe in the knowledge that their vote will be counted. It is right that we learn from the problems of two years ago, but it is also right that we move on. The bill and this morning’s debate demonstrate that we are moving on.

Decoupling will remove the potential for confusion in the polling booth, and will make it clear to the voter who and what they are voting for. It should also give prominence to local elections, which should matter to local people and be determined on local issues. Our saying this morning in Parliament that we want to strengthen the mandate for local politicians is a healthy sign.

The second strand of the bill relates to voter information. The bill will not affect the right of the individual to vote in a secret ballot. However, the bill’s measures will allow us in the political parties to increase through our actions ballot numbers and turnout. We should be able to manage our
processes better as a result of that information. I am grateful to everyone who has taken part in this debate. It has been a very constructive morning.

Scottish Local Government (Elections) Bill: Financial Resolution

11:40

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-3629, in the name of John Swinney, on the Scottish Local Government (Elections) Bill financial resolution.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Local Government (Elections) Bill, agrees to any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament’s Standing Orders arising in consequence of the Act.—[Bruce Crawford.]

The Presiding Officer: The question on the motion will be put at decision time.
Local Government and Communities Committee

Extract from the Minutes of Proceedings

17th Meeting, 2009 (Session 3)

Wednesday 3 June 2009

Present:

Alasdair Allan (Deputy Convener)  Bob Doris
Patricia Ferguson                David McLetchie
Duncan McNeil (Convener)         Mary Mulligan
Jim Tolson                      John Wilson

Scottish Local Government (Elections) Bill: The Committee considered the Bill at Stage 2.

Section 1, schedule 1, sections 2 and 3 and the long title were agreed to without amendment.
Scottish Parliament

Local Government and Communities Committee

Wednesday 3 June 2009

[The Convener opened the meeting at 09:30]

Scottish Local Government (Elections) Bill: Stage 2

The Convener (Duncan McNeil): Good morning and welcome to the Local Government and Communities Committee’s 17th meeting in 2009. As usual, I ask members and the public to turn off all mobile phones and BlackBerrys.

Agenda item 1 is stage 2 consideration of the Scottish Local Government (Elections) Bill, for which I welcome Bruce Crawford, the Minister for Parliamentary Business. We have no amendments to deal with, but the minister and his officials must attend the committee for stage 2. Under standing orders, we must consider and formally agree to each section of and schedule to the bill and the long title. Standing orders allow us to put a single question when sections or schedules are to be considered consecutively. Unless members disagree, that is what I will do.

Section 1 agreed to.

Schedule agreed to.

Sections 2 and 3 agreed to.

Long title agreed to.

The Convener: That concludes stage 2 consideration. I thank the minister and his officials for being here.

The Minister for Parliamentary Business (Bruce Crawford): I am grateful to have been here.

The Convener: That took one minute and 19 seconds.

Bruce Crawford: That is a record.
Scottish Local Government (Elections) Bill: The Minister for Parliamentary Business (Bruce Crawford) moved S3M-4387—That the Parliament agrees that the Scottish Local Government (Elections) Bill be passed.

After debate, the motion was agreed to (DT).
Scottish Local Government (Elections) Bill: Stage 3

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-4387, in the name of Bruce Crawford, on the Scottish Local Government (Elections) Bill.

15:21

The Minister for Parliamentary Business (Bruce Crawford): I start by thanking the Local Government and Communities Committee for its consideration of and support for this bill. I also thank other members of the Parliament, and people in the electoral community throughout Scotland, for their support for the bill.

The principles set out in Ron Gould's comprehensive report into the 2007 elections met with widespread support. Our response and our subsequent consultation on the Gould report received similar support, and I am pleased to say that support has continued through the parliamentary stages of the bill.

This is a straightforward but important piece of legislation. During the stage 1 debate last month, Gavin Brown went so far as to describe the bill as "vital". I agree with him. The bill separates future local government elections from elections to this Parliament, and it makes more detailed voter information available. Passing this bill will be a significant and necessary step towards improving the administration and management of elections in Scotland.

The bill will remove uncertainty in the polling booth and reduce the potential for confusion among voters in future local government elections. Voters will not be faced with two separate elections using two separate voting systems. Decoupling will also give local government elections the prominence that they deserve: local issues will not be overshadowed by national or United Kingdom-wide issues.

Our aim in future local government elections should not just be to ensure that more people turn out to vote; we need to foster and create a genuine local debate on the issues that matter to local voters. Turnout is important, but we must be ambitious enough to aim higher. We should not just look to increase turnout for its own sake. Ron Gould said that we should look to engage voters with the campaign in a meaningful way and to encourage them to make knowledgeable decisions on the casting of their votes.

Later this year, we will issue a consultation paper covering the remaining administrative recommendations from the Gould report. The paper, and the responses to it, will feed into the
election rules for the 2012 elections. We will work closely with the electoral management board for Scotland on that, and we will continue to work with the Electoral Commission, particularly in the important area of ballot paper design. In its response to the Gould report, the commission agreed to develop design standards for ballot papers. That work will help to ensure that, in future elections, ballot papers are as easily understood as possible.

The Electoral Commission’s work will be published later this year. Scottish Government officials have already discussed emerging findings with it, and the political parties panel and the electoral management board discussed that work with commission staff just yesterday. That level of co-operation and involvement is a model of the way in which we should develop electoral proposals in the future.

Concern has been expressed throughout the passage of the bill about the effect on turnout of decoupling. In the context of the bill, we are concerned about the likely turnout in the 2012 local government elections, but the problem of low turnout is already with us.

We all agree that turnout is important and that something needs to be done. With the bill at stage 3, we now have to start thinking about what we can do to improve the situation. I have said before, and I am happy to repeat today, that I look forward to working with the Local Government and Communities Committee and others in Parliament to consider and develop ways of increasing voter turnout.

There is evidence that a combination of initiatives could be used to encourage voters. Information campaigns could be used to explain how to register to vote, and how, when and where to vote. Advertising campaigns could get across the importance of voting, and community or grass-roots activity could encourage groups and individuals to use their vote. This is not just a job for Government and officials; it is a job for everyone in society.

We could use the education system and process to encourage an interest in politics. Schools already have educational visits to Parliaments and hold mock elections, but we need to think about what more can be done. We could hold events around places of entertainment to draw people in and then give them information about the voting process.

We need to encourage individuals to vote, whether through inducements or simply through making the process easier. There are a number of things that might make it easier for people to vote: we could consider electronic voting, the use of the internet or, in the longer term, voting by text. Of course, security of the ballot will have to be ensured in the safe use of new technologies.

We could consider using texts to issue voting information and reminders to vote. We could consider allowing voting in shops or other public buildings, and mobile polling stations could be introduced. Voting could take place over a number of days or even at the weekend, and we could encourage greater use of postal ballots. Convenience must enhance the voting process. It is important to think about different methods although, as I said, whatever we do must be weighed against the security of the ballot.

The legislation will make things clearer for voters and give local government elections the prominence that they deserve. The challenge for us all will be to ensure that the debate at local government elections focuses on local issues. Turnout is a challenge and a problem, but there is a lot that we can do to put it right.

The bill is the next stage in preparing for the 2012 elections, but there is still a great deal of work to do between now and then. We will do that work in co-operation with the Local Government and Communities Committee, the electoral management board for Scotland and all the professional bodies that are involved in the elections arena.

I move,

That the Parliament agrees that the Scottish Local Government (Elections) Bill be passed.

15:28

Andy Kerr (East Kilbride) (Lab): I welcome the minister’s speech. There should be a general concern in the chamber that, over its 10 years, this Parliament has spent some time debating electoral processes while presiding over a decreasing level of turnout across the country. Although Scottish Labour does not believe that it is always necessary to hold elections to local councils and the Scottish Parliament on separate days, we recognise that voters found the use of different voting systems on the same day in the May 2007 elections confusing, so we support the decoupling of the elections.

As I have said before in this chamber, so much was wrong with the last set of elections to this Parliament and our town halls that it is pointless to insist that holding the elections on the same day was the sole cause or even the main cause of the voter confusion that prevailed on polling day. We all recognise that we were all responsible for what is now largely regarded as a debacle of an election.

We believe that misleading party descriptions should be done away with and that the names on
the ballot paper should be the names of the candidates, not other people’s names. We also believe, as I said during the stage 1 debate, that Parliament should consider listing or grouping candidates by party in alphabetical order on the ballot, as opposed to the current system of election by alphabet, as there is strong evidence that candidates whose names appeared towards the top of the ballot fared better than those whose names appeared at the bottom.

So many things were wrong with the elections—from the use of different electoral systems to the construction of the ballot papers and the failure of the electronic voting systems—that it would take too long to list them all. As the minister said, that was why we had an independent review of the elections, one of the outcomes of which is that we are about to enact a mechanism that will decouple the elections from May 2011. As I have also said, there may be a price to pay for that decision in terms of voter turnout if we do not ensure that the decoupling is accompanied by an imaginative, vigorous and well-resourced campaign of voter education to combat any confusion. However, I am reassured in that respect by some of what the minister has said.

Let us not forget that it was just eight years ago that the then Scottish Executive introduced the Scottish Local Government (Elections) Bill that introduced the measure to make council elections coincide with Scottish Parliament elections. Coupling the elections did not prove a problem in the 1999 and 2003 elections and, as we all know, the electorate did not have much to say then about the coupling of the elections on the same day. That was the correct decision in the prevailing circumstances—in advance of the introduction of proportional representation to local government and barely halfway through the first session of the Parliament—and it sat within the appropriate timeframe and mechanism, but the desired effect was not achieved at the following elections.

In his report, Mr Gould recognised that coupling the elections increased the attention paid to local government elections and the turnout at them, and he balanced his conclusions on those points. I reminded members previously that, prior to the decision to couple the elections, turnout in non-combined local elections between 1974 and 1995 was more than 7 per cent lower than the average for combined elections held since 1999: there was an average turnout of 45.9 per cent in non-combined elections and an average of 53.3 per cent for combined elections. We must learn from that and ensure that, after the bill is enacted, we have a vigorous and effective voter education campaign, and that we work our hardest to ensure that we challenge the problem of lower voter turnout.

The issue is, of course, electoral systems, but it is more than that. For example, it is no coincidence that Eastwood, with its predominantly affluent electorate, had the highest turnout at the previous elections, while Shettleston in Glasgow, with its well-documented levels of deprivation, had the lowest. Increasing voter understanding and encouraging greater participation in the Shettleston of Scotland is a priority, and it must be undertaken by the Electoral Commission on our behalf.

In addition, voter turnout is falling in different electoral systems across the world. The task is to combat voter cynicism, restore faith and trust, make issues relevant and make access to voting easier. We will have that kind of campaign before the next Scottish Parliament elections and we will learn what needs to be learned for the local government elections the year after.

We support the proposal that the next council elections should be held in 2012 and 2017, and agree that there should be a four-year cycle for local government elections thereafter. That will ensure less voter confusion and allow greater focus on local government issues. As we saw recently, when the council elections in England were held at the same time as the elections for MEPs, many good councillors, from whatever party, who had worked hard and served their communities nonetheless lost their seats because of the effect of national issues. We need to understand the impact of that.

David McLetchie (Edinburgh Pentlands) (Con): It was your councillors.

Andy Kerr: That happened to many Tory councillors in Mrs Thatcher’s day, Mr McLetchie.

We must remind ourselves of Duncan McNeil’s point that “a vote robbed through clever practice is simply a vote lost, and that that affects the electorate’s confidence in the electoral process.”—[Official Report, 10 January 2008; c 4998.]

Further, we should not forget Ron Gould’s wise words from his report:

“In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper.”

That is our task and our objective, which is partly realised today.

15:34

David McLetchie (Edinburgh Pentlands) (Con): In the stage 1 debate on the Scottish Local Government (Elections) Bill, I spoke about the background to the proposal to decouple the
elections and the history of recommendations from a string of independent committees, which the previous Labour and Liberal Democrat Scottish Executive totally ignored. It ignored the McIntosh committee, the Kerley committee and the Arbuthnott committee. However, no one in the Parliament, not even the previous Administration, could ignore the debacle that surrounded the combined Scottish Parliament and local government elections of May 2007.

When the Gould report on those elections also recommended decoupling, it was inevitable that it would come to pass. However, it is worth while recalling that the rationale for decoupling rests not on the efficient conduct of elections to separate bodies, on the different voting systems or on the number of spoiled ballot papers, but on the view—expressed again and again by McIntosh, Kerley and Arbuthnott—that local authority elections deserve to have their own day in the sun so that there can be a greater focus on local issues in determining the outcome.

McIntosh said that holding the two elections on the same day serves
"to weaken the democratic mandate of local government."
Kerley said that separate elections
"would ensure that local government issues are at the heart of local government elections"
and that that was
"an essential part of democracy and democratic renewal."
Arbuthnott said that separation would allow
"attention to be focused on local issues."
Finally, Ron Gould said:
"If local issues and the visibility of local government candidates are viewed as a primary objective, then separating the ... elections is necessary ... to avoid the dominance of campaigns conducted for the Scottish parliamentary contests."
I could not agree more with all those conclusions.

It is worth while reminding ourselves why council elections are important in their own right. In our 32 councils, we elect 1,222 councillors who represent 353 wards. Councils spend nearly £17 billion per annum, of which £12 billion comes from the Government. That is about a third of the expenditure for which the Parliament is responsible. By any stretch of the imagination, councils are substantial bodies that are responsible for a wide range of public services on which the quality of our lives depend heavily.

However, the benefits of separate elections might be severely curtailed if councils are not given the freedom to pursue their own policy paths. In that context, the Government has made much of the substantial reduction of ring fencing.

We support that reduction. However, the other side of the concordat equation is that councils are now bound every year into so-called single outcome agreements, which have to be focused on 15 outcomes and 45 targets and indicators, all of which are nationally determined, as well as on the separately specified set of commitments.

It is an interesting debate for the future to consider whether we have abolished a lot of small ring fences only to create an even bigger and all-encompassing one. If councils are to have a separate and distinct democratic mandate in point of time, is it not reasonable for them to decide whether to introduce free school meals for all pupils in primaries 1 to 3 rather than have that dictated by the national Government? There might be many other areas in which a local education budget could be spent far more usefully than in feeding the children of parents who can well afford to feed their own offspring. That is one small example, but there are many others in which local priorities might vary from those that are dictated under the terms of the concordat to which our councils foolishly signed up in their entirety.

However, the passing of the bill today will be a vindication of all that we on the Conservative benches have said in the Parliament for the past 10 years. It will be another victory for the Conservatives and will show once again that we are winning the battle of ideas on how Scotland should properly be governed. I support the motion.

15:38

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I do not think that anyone will be surprised to hear that, although the Scottish Liberal Democrats do not oppose the Scottish Local Government (Elections) Bill, we have serious reservations about it. Our reservations focus on the fact that, in decoupling the local government elections from the Scottish Parliament elections, we risk having a negative impact on voter turnout on election day.

The Gould report recommended that we should decouple the elections, but I am afraid that, in introducing the bill, the Government failed to recognise Gould's other recommendation that concerns about voter turnout should not be ignored. Ignoring the concerns is precisely what the Government is doing. Gould said that institutions that are concerned about voter turnout should continue their efforts to encourage voters to exercise their right to vote, but the bill does not provide for that.

The irony of the bill is that it aims to avoid confusion in the voter's mind by decoupling local government and Scottish parliamentary elections when, in fact, it was not the local government
elections but the Scottish parliamentary elections that Gould found to have confused the voters. The people of Scotland coped very well indeed with the single transferable vote system used in the local government elections.

David McLetchie: Will the member give way?

Mike Rumbles: No—the member has had his say.

Voters easily understood the system of preference voting, putting their first, second and third choices in order on the ballot paper. What caused confusion in voters’ minds was not the use of two different election systems at the same time, but the voting system for the Scottish Parliament with its use of two Xs on the ballot paper to elect constituency MSPs and regional list MSPs. Therefore, although the bill is aimed at decoupling the two elections, the fault remains uncorrected.

Bruce Crawford: Mike Rumbles has given us a lot of reasons why the Liberals should not vote for the bill. Will he give us a few reasons why they will vote for it?

Mike Rumbles: If the minister listens to what I have to say, he might be able to work them out.

We know that voters can find the single transferable vote system, with its simple method of putting down 1, 2 or 3 beside the candidate of preference, very easy to use. Indeed, it could not be easier.

Andy Kerr: Will the member give way?

Mike Rumbles: Unfortunately not. I am running out of time.

The system has the added advantage of putting more power into the voter’s hands than any other method of voting. After all, the voter can decide to vote for candidates of different parties and is not restricted simply to voting a party line—which is probably why some of the other parties do not like it. Every preference counts and no vote is ever wasted. I cannot think of a better system for encouraging and ensuring enhanced voter turnout at election time.

Patricia Ferguson (Glasgow Maryhill) (Lab): Will the member give way?

Mike Rumbles: I would take an intervention, if I did not have only 60 seconds left.

I understand that the Scottish Parliament does not yet have the power to change its own voting system. However, the Calman commission has recommended that such a power be transferred to us in this chamber. That reform cannot come too soon, because I am convinced that implementing the Calman recommendation and changing the system for Scottish Parliament elections to the STV system of preferential voting would at a stroke increase voter involvement and hence turnout.

The Scottish Liberal Democrats support the bill, with all its faults, and look forward to the day when legislation comes before this Parliament to ensure real voter involvement and an end to the system of two types of MSP once and for all. We need the STV preferential voting system that is used in local government elections. Only once we have it can we really say that we have improved the system of elections in Scotland.

The Deputy Presiding Officer (Alasdair Morgan): We move to the open debate. I ask members to keep their speeches to four minutes.

I should also say that, although stage 3 debates are usually wide ranging, it would help if members made more than a passing reference to the Scottish Local Government (Elections) Bill.

15:43

Tricia Marwick (Central Fife) (SNP): I assure the chamber that it is a great pleasure to speak in this debate and that I will speak about the subject. After all, when the bill is passed at 5 o’clock, Scottish Parliament and local government elections will be separated.

Indeed, as someone who since 1999 has spoken in every chamber debate on this subject, I am particularly pleased to speak in this stage 3 debate. I will be more generous than David McLetchie and acknowledge that the Conservatives have contributed as much as the SNP to the debate on separating local government and Scottish Parliament elections. I am delighted that the SNP Government has adopted a commonsense approach and done the right thing by the voters and local government.

In the stage 1 debate, I mentioned the support for the move from McIntosh, Kerley, Arbuthnott and now Gould. As for Andy Kerr’s comment that the decision taken in 2001 to combine both sets of elections was the right one, I have to tell him that it was not and that it was certainly not supported by anyone who examined it before or after 2001.

I regret the wasted years during which Labour and the Liberal Democrats opposed the decoupling of the elections. I bitterly regret those parties’ failure to decouple the 2007 elections, when a new voting system was introduced for local government, despite the warnings about the chaos that would ensue. That was precisely why, when the motion to pass the bill that introduced proportional representation through the single transferable vote was debated, I lodged a reasoned amendment saying that the two sets of elections should be decoupled. It is regrettable that the Labour Party and the Liberal Democrats
did not take the opportunity then to separate the two sets of elections, but it gives me no pleasure to say, “I told you so.” I welcome the belated support from Labour and the Liberal Democrats for the separation, but I must say that Mike Rumbles gave every impression of being dragged kicking and screaming to support the bill. It is clear that, even now, after all that has happened in the ensuing years, Mike Rumbles personally does not believe that the two sets of elections should be separated. Every single word that he said confirmed that.

Why is it important to hold the local government elections in a different year from the Scottish Parliament elections? Scottish local government is a separate tier of government. It is not subservient to the Scottish Parliament; it has powers of its own and responsibilities for housing, education, social work, planning and other issues that affect the daily lives of millions of people in Scotland. Indeed, I venture to say that there is no power of government that does not affect the lives of ordinary people in Scotland. It has statutory powers. Councillors and councils deserve to have their record decided on by the electorate, but no one could examine the elections of 1999, 2003 or 2007 and say honestly that local government issues featured in the campaigns.

The SNP Government has respect for local government. That led to the signing of the concordat between the SNP Government and Scottish local authorities. The SNP believes in the parity of esteem between the Scottish Government, the Scottish Parliament and local government.

Councils must have their own democratic mandate. The challenge for politicians of all political parties and none is to engage with voters and increase turnout. We will do that only if people believe that their participation will make a difference. PRSTV will help to ensure that we have a fair voting system and that every vote counts. I look forward to a proper information campaign before the next local government elections because, frankly, such a campaign was missing in 2007. Members might say that there was an information campaign, but few people out there understood it, so the message did not get across.

I congratulate the minister and the Local Government and Communities Committee on ensuring that the bill has received a smooth passage. I am delighted that, at long last, local government will have its day in the spotlight.

15:48

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in this stage 3 debate. I do not want to repeat what I said in previous debates, so I will use the opportunity to reflect on some material that I have not used and to draw on some of the lessons from the European Parliament elections.

I reiterate that the decision to decouple the elections is correct—anyone who experienced the 2007 elections and the confusion at the polling stations would agree. When we watched the votes being counted and saw the way in which people had attempted to record their votes, it was clear that there had been a great deal of confusion throughout the country. On the back of that, it is correct to separate the elections. We do not want to put people off voting, but we might do so if we create a situation in which they have to cast too many votes and we use a system that is too complex for some people.

There are issues about voter turnout for the stand-alone council elections in 2012. By then, we will have had four years of elections in a row. Data show that council elections tend to have the lowest turnout. In order to give our democracy credibility, it is crucial for all parties that we maximise voter turnout. We saw that recently in the context of the European elections, where one of the consequences of low turnout was the election of two British National Party members to the European Parliament. Everyone in the chamber would agree that that is a retrograde step. I say in passing that the PR system used in the European Parliament elections helped to deliver that outcome. Had we used the old system of protecting links between members and constituencies, the BNP might not be represented in that Parliament.

Margo MacDonald (Lothians) (Ind): Although I regret saying it at this stage in our consideration of the bill, the way in which television in particular promotes and publicises elections influences turnout to a much greater extent than we in the Parliament estimate.

James Kelly: I agree with Margo MacDonald that the way in which television and the media present information to voters has a great deal of influence. That brings me to my next point, which is about the importance of education in relation to the 2012 elections and the challenge facing all political parties to interact with the electorate to increase voter turnout.

If we use modern techniques and—more important—get the issues right, people will turn out to support us. There is an issue in my constituency about a local pharmacy application, about which I will speak later in the members’ business debate. I recently ran a survey on the subject. I sent out letters to 1,200 people and nearly 40 per cent of them—more than 400 people—returned their answers. More people in that area responded than
voted in the recent European elections. That demonstrates that when we speak out on issues, people interact with the political process and politicians.

I agree with the provisions in the bill and I will support it at 5 o’clock.

15:52

Bob Doris (Glasgow) (SNP): Decoupling the local government and Scottish Parliament elections is vital. The equality of status and esteem that this Scottish Government has been developing with the Convention of Scottish Local Authorities via the concordat and single outcome agreements means that local government and Scottish Parliament elections must have equal status. Having both elections on the same day has led to local government issues being swamped by national ones. We must ensure like never before that just as Governments should stand or fall on their records, so should our councils.

It is ironic that two aspects of today’s parliamentary business that I have been involved with make the case for me. First, we took evidence at the Local Government and Communities Committee on the £60 million town centre regeneration fund. Alex Neil, the Minister for Housing and Communities, said he hoped that there would be a healthy geographical spread of successful bids to the fund. However, he also made it clear that the quality of the bids was crucial. If a local authority were to make a poor and unimaginative or disappointing bid and it lost out, voters might wish to express an opinion about it at the ballot box.

Secondly, we had a statement on the Scottish Futures Trust and the school building programme only this afternoon. If a local authority does not make best use of its capital budget or makes a botched job of a Scottish Futures Trust bid, once again the electorate might wish to express a view at the ballot box. I picked those two examples not just because of their topicality, but because they are both Scotland-wide issues and, on another level, intimately local ones.

Decoupling will allow voters to decide clearly on the merits of both national Government and local government. Although the topics debated might sometimes be the same, the performance of Governments, Opposition parties in the Parliament and local authorities will vary depending on the topic under discussion. Decoupling will enhance the clarity and the scrutiny of their performance. Indeed, it might allow some local authority electorates to wake up and smell the incompetence.

At the Local Government and Communities Committee, much was made of the significant numbers of spoiled papers at the local government elections, despite the fact that there were considerably more spoiled papers in the Scottish Parliament elections. We believe that there was much below-the-radar spoiling of ballot papers in the local government elections, which was caused by misunderstanding. Many voters marked 1 and 2 on the paper and then, because of poor numeracy and literacy skills, marked 2 again. That did not count as a spoiled paper as long as the first preference vote was cast successfully. There is obviously an iceberg-type issue with spoiled papers at local government elections.

I congratulate the Parliament on moving towards decoupling, but I ask the Government to ensure that there are decent public information campaigns to reduce the incidence of spoiled ballot papers.

15:56

Mary Mulligan (Linlithgow) (Lab): As a member of the Local Government and Communities Committee, I think that the bill has been straightforward to consider. Perhaps that is because I spent two years on the former Justice 1 Committee, which considered bills such as the Family Law (Scotland) Bill and the Scottish Commissioner for Human Rights Bill—which became the Scottish Commission for Human Rights Act 2006—which were anything but straightforward. However, even when a bill appears straightforward, it is important that it is scrutinised properly. I hope that the Parliament will accept that the Local Government and Communities Committee members took their role seriously and scrutinised the bill properly.

As has been said, the bill has two policy objectives: the decoupling of the Scottish Parliament and local government elections; and the provision of post-election information. I did not have time to say much about the provision of post-election information at stage 1, other than to express my support for it. At present, polling information is made available only down to ward level. Section 2 of the bill would permit Scottish ministers, via a Scottish statutory instrument, to allow returning officers to publish information down to polling station level. People might be suspicious about why we would want such information, so it should be made clear that how individual voters cast their vote would not be revealed. Establishing a numerical threshold of 200, as indicated by the Scottish Government, will ensure that how a person votes is still secret. That must be made clear, given that one of the reasons for the bill is to restore confidence in the election process. The secret ballot is important in allowing everyone to accept an election’s legitimacy.

I turn to the decoupling of the Scottish Parliament and local government elections. I said
during the stage 1 debate that I did not think that it was impossible to hold two elections, even using different voting systems, on the same day. If it was, we would have to legislate to that effect, but we are not doing so—local government elections could still be held on the same day as Westminster and European elections. However, I acknowledged that faith in the electoral process had been undermined by the problems of the 2007 elections. Therefore, I, and fellow Labour members, have supported the bill.

However, I still believe that the Scottish Government has to respond to a couple of points to ensure the smooth running of future local government elections and to start to rebuild confidence in the electoral process. First, some people have argued that the two elections must be held together to raise turnout and that changing that would affect turnout. I do not believe that there is a risk just to turnout in local government elections—although, given that the Presiding Officer told us that we are debating local government elections, I shall refer only to them.

There is a responsibility on us all to make renewed efforts to increase turnout. One way to aid that is to improve voter education about how STV works. I take issue with Mike Rumbles’s earlier comments, because I do not think that people are fully conversant with the process.

Fewer local government election ballot papers were spoiled in 2007 but, as Bob Doris said, that masked a clear amount of misunderstanding. Given that, what resources will the Scottish Government make available to help the education process? How does the Government intend to undertake that work?

In the stage 1 debate, I made it clear that I shared the concerns that were being voiced about the adequacy of funding for local government elections. I think that all members accepted the necessity to use e-counting, but can the minister provide more information than he provided at stage 1 about how much e-counting will cost? The general administration of an election will fall to local authorities, and no cross-subsidy will be available from a Scottish Parliament election. Will the Scottish Government give an assurance on the record today that it will fully fund local government elections?

The bill was not amended at stages 2 and 3, but some issues have still to be resolved to assure fully those who make the effort to cast their vote that their vote will count.

16:01

Patricia Ferguson (Glasgow Maryhill) (Lab): As we all know, the bill had its genesis in the problems that were encountered following the combined elections in 2007. I am sure that none of us wants a repeat of that situation, not just because of the time that we all spent at counts becoming increasingly frustrated at the lack of progress, or even because of our concern—which was right—about the hours that returning officers’ staff were required to work.

Our main concern must be with what will maximise voter engagement and turnout. The elector must be at the heart of the decisions that we take. Like others, I am sceptical about the benefits of decoupling local government elections from Scottish Parliament elections. That is the right thing to do at this stage, but I fear a resulting decrease in turnout. I am willing to support the proposal to decouple in the sincere hope that it will work for turnout and will give a focus to local government.

I am sure that we all want local government to have its day in the sun, as one member put it. However, as the recent European elections showed, national events throw elections off course. Just because we want to talk about the Parliament’s issues or our council colleagues want to talk about the issues that affect their local authority areas, that does not mean that that is what the media will report or what electors will cast their votes on.

Margo MacDonald: Will the member give way?

Patricia Ferguson: I do not have time—I am sorry, Ms MacDonald.

The first step towards the goal of increasing turnout must be examining voter registration. The Local Government and Communities Committee heard about innovative ways of registering voters. For example, we heard of a local authority area in which 200 new voters were registered because of work that was done in secondary schools with young people who were attaining voting age. In my local authority area—Glasgow—students are registered automatically when they matriculate. In that context, the bill that is going through Westminster to introduce individual rather than household registration will be helpful.

In recent years, we have expected much of electors. We have expected them to cope with more elections and we have introduced two new voting systems. Perhaps we must think even more about facilitating voting. I am pleased with what the minister has said today and to the committee about the work that he is progressing. However, the committee heard from witnesses that the system of information officers in polling stations in 2007 had mixed results—my experience bears that out. The majority view was that the idea was sound but that a bit more consistency would have made a difference. The view of most witnesses whom the committee questioned was that we
should continue with information officers at least until the election systems had bedded down, but that we had to provide better training for such officers and for voting booth staff and other polling station staff, because people often ask them questions and do not always approach information officers. I would be pleased if the minister and the Government developed that in conjunction with local government colleagues, but I acknowledge that a cost is associated with the measure.

Similarly, costs will be associated with decoupling and with e-counting. Given that the local government elections in 2012 will take place on the same day as the London Assembly elections, the cost of e-counting will be a major consideration.

I accept that in committee the minister said that he and his officials planned to get on with the project as soon as possible. I hope that he will be able to tell us what progress has been made on commissioning the e-counting system. I would also be grateful if he would advise us of whether he is beginning to have meaningful discussions with Scotland’s local authorities about the many issues that were raised with the committee in relation to the loss of the economy of scale that applied to the previous combined elections.

In spite of my slight reservations, I will support the bill at 5 o’clock.

16:05

Jim Tolson (Dunfermline West) (LD): This afternoon we have had an interesting, if brief, debate on an important matter, especially for our local government colleagues up and down the country. Professor Ron Gould’s report, which I and other members of the Local Government and Communities Committee considered, highlighted a number of key issues. I invite the minister when summing up to indicate which of those issues the Government intends to pursue—I hope that it will pursue as many as possible.

One issue that the committee discussed a great deal but which has not been touched on at all in this debate is the costs of decoupling. There is no doubt that decoupling the local government and Scottish Parliament elections will increase costs—possibly by circa £5 million. We need to ensure not only that that money is available but that the sharing out of resources between local government and central Government is properly thought through and that an excessive burden is not imposed on local government. Andy Kerr said that he sought a well-resourced voter education campaign. That is important, but it must be properly focused if it is to be at all successful.

Decoupling has been backed by members of all the parties represented in the chamber, by the Gould report and by bodies such as Unison and the Electoral Commission. I hope that the minister will support the process. It is correct that we should move from the present system to a four-year cycle of local government elections between Scottish Parliament elections, which also have a four-year cycle. We should do so in stages, as has been suggested.

Another issue that was raised in committee but which has not been raised today is e-counting. As we all know, in 2007 e-counting was extremely controversial. I am slightly bemused by the suggestion that it will be used only for local government elections. Electronic counting is essential under the STV system that is used in those elections, if votes are to be counted timeously and properly. I ask the minister to indicate in his summing up how we will evidence the fact that e-counting problems have been overcome if there are no more large-scale e-counting elections until 2011.

Under the bill, the Government will carry out a consultation, which is welcome. We look forward to working with the Government on ways of increasing voter turnout. Mr Crawford highlighted some examples, which was helpful. However, we need to gain the public’s confidence. One way in which all of us can do that is by changing people’s attitude that all politicians are in it for themselves. In Falkirk and elsewhere, we need to engage with the public and to show them that they are getting value for money from their representatives.

Ron Gould, who is an international expert in elections, produced a hefty report for the committee to consider. Going through the document was a time-consuming but interesting process. The report recommended the appointment of a chief returning officer for Scotland. As my colleague Mike Rumbles indicated, the Calman commission may be the key to helping us ensure that we have full control over elections in Scotland, including control over the appointment of a chief returning officer.

Postal voting, and even advance-voting strategies, as used in other countries, should be considered as ways of making the voting process more effective. Andy Kerr sought engagement with people; David McLetchie argued that it was necessary for the Scottish Parliament elections and local government elections to be separated. I ask the minister to ensure that those points are fully researched and that all helpful suggestions are put into practice as soon as possible.

In recent years, the Lib Dems have changed their position on the decoupling of local elections from Scottish Parliament elections. We have done so because we have much greater respect for local government and our local government colleagues than some colleagues have sometimes
shown. We have shown that respect, and we have ensured that information is available. We have not tied local government, like the Scottish National Party has done, to unrealistic manifesto pledges, or indeed to complicated single outcome agreements—as was touched on by David McLetchie.

I understand that my time is up. Thank you, Presiding Officer.

16:10

Gavin Brown (Lothians) (Con): This has been a strange debate, in a way, as nothing has really changed since the stage 1 debate on 14 May. For that reason alone, I quite enjoyed the rather shameless infomercial for STV from Mr Rumbles. However, I am not quite sure that it was grounded in reality.

As Bruce Crawford agreed, this is a vital bill for Scotland. It is unlikely to grab the headlines, but it is critical for restoring faith in democracy in Scotland. It will do so in two ways, I believe. First, it will reduce voter confusion and, as a consequence, the number of rejected ballot papers will reduce. Secondly, and just as important, the bill will strengthen local government and make it accountable to the people that it seeks to serve.

The policy now has overwhelming support. It has been policy for the Conservative party—and for Tricia Marwick—for quite a number of years. I think that the Greens, too, signed David Mundell’s initial proposal for a member’s bill. The decoupling of the elections was recommended in the McIntosh, Kerley, Arbuthnott and Gould reports. It is interesting to note that there have been no divisions at all on the bill, either at stage 1 or in the Local Government and Communities Committee. I am sure that members are listening to this debate, and I am also fairly sure that the bill will be passed this evening, also without division.

It is now important to focus on what the next steps might be. A number of speakers have touched on that, some in more detail than others. The Achilles’ heel of the bill is the potential—I stress the word “potential”—for reduced voter turnout. It is important to note, however, that Ron Gould himself said:

“In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper.”

I do not believe that voter turnout is the only show in town, although it is clearly critical. Other members have alluded to the decline in the number of votes in local government elections. Turnout was about 51 per cent in 1974; it dropped to about 45 per cent in 1995. It is a matter of fact that, in 1999—the first year in which the two sets of elections were coupled together—turnout rose from 45 to 58 per cent. However, it then dropped back to 49.8 per cent just four years later. It is fair to suggest that coupling the elections improved turnout, but it does not automatically follow that turnout will go down if we decouple them. There is the potential for that to happen, but if the right structures are put in place, it can be avoided.

Efforts need to be made instantly to ensure that turnout in local government elections remains as high as it is—or higher—so that local government is truly accountable. I have reflected on some of the comments that Bruce Crawford made. At least he already has some ideas on the table, such as better adverts, grass-roots campaigns, a better schools programme, making it easier to vote and voting over a number of days, which I suspect might be tiring for campaigners and candidates, although it would perhaps make things far easier for voters. I am not sure whether the ideas that are on the table are the right ones, but it is incumbent on all of us in the Parliament and in the wider Scottish electorate to try to ensure that voter turnout does not drop as a consequence of the bill.

The STV experiment was not the heralded success that the Liberals have portrayed. The rate of rejected papers trebled between 2003 and 2007.

We will support the bill, but further action will be required as we consider turnout and voter education.

16:14

David Whitton (Strathkelvin and Bearsden) (Lab): In the stage 1 debate on the bill, I said that we were debating democracy. Since then, we have had democracy in action, with the European elections and a local election in my constituency, following the sad death of the former provost of East Dunbartonshire Council, Alex Hannah. I pay tribute to him for his long and dedicated service, both to his constituents and to the Labour Party.

Alex Hannah was a hard act to follow, but Labour selected an excellent candidate. Polling took place on the same day as elections to the European Parliament. We will agree to the decoupling of elections at decision time today, so it is interesting to note what happened. In the local council by-election, turnout in the Bishopbriggs South ward was 38.3 per cent. Some 9,463 people were eligible to vote in the ward and 3,622 turned out on the day. The Labour candidate, Alan Moir, received 1,401 first-preference votes—a 38 per cent share of the vote—and was elected after the fourth count-back.
The eligible electorate in the East Dunbartonshire constituency was 79,702 and 27,127 votes were cast, so turnout was 36.5 per cent. Therefore, in the area in which there was a contest to elect a local councillor, turnout was marginally higher than it was in the European elections in the rest of the constituency. I do not know whether turnout was lower than 40 per cent in both cases as a result of voter apathy or because there is less interest in European elections. In the joint Scottish Parliament and local government elections in 2007, turnout was 60.6 per cent, which is considerably higher. It is worth noting that only 52 ballot papers were spoiled in the local government by-election, which was conducted under the STV system, and that turnout in the Bishopbriggs South ward in the joint Scottish Parliament and local government elections was 58.5 per cent.

Be that as it may, the bill has been debated and decided on. Labour will support the decoupling of the local government elections, and the next two elections in which we choose councillors will take place in 2012 and 2017.

During the stage 2 debate on the bill, the Minister for Parliamentary Business, Bruce Crawford, was put under pressure to tell the Parliament who will pay the additional costs of decoupling. According to the explanatory notes, the joint elections in 2007 cost £6.6 million. The notes contain various estimates of the cost of decoupling and present two scenarios. In the worst-case scenario, the additional cost to local authorities is estimated to be £5 million, on the basis that local authorities already have nearly £2 million in their allocations to cover elections—that might come as a surprise to local authorities, but who knows? Mr Crawford says that the money is there. The best-case scenario puts the cost at £4.5 million. According to the explanatory notes, “the average additional cost per local authority will ... be £156,000”.

However, the caveat is added:

“The average figure is ... for illustrative purposes only.”

It is a pity that the Scotland Office has said that it does not intend to use e-counting in the next Scottish Parliament elections. In principle, I see nothing wrong with electronic voting. The key is to have a reliable system. It was the lack of reliability that was at fault in 2007.

Margo MacDonald: Reliability is essential, but there must also be the correct specs. That is difficult to anticipate.

David Whitton: I am not sure what the member meant by “the correct specs”. I thought that I was wearing the right specs—

Margo MacDonald: I was talking about specifications for the counting machines. They are not big enough.

David Whitton: I am sure that Margo MacDonald will forgive me for having a bit of fun with her.

Margo MacDonald: Always, always.

David Whitton: I agree with Margo MacDonald that we must have a reliable system. Computers can give out only information that is fed into them, as everyone should know. They are not human.

I welcome the Scottish Government’s intention to work in partnership with local authority returning officers to put in place an e-counting system in time for the local government elections in 2012.

Mr McLetchie and Mrs Marwick gave the I-told-you-so speeches that we have come to expect from them. Bob Doris mentioned the town centre regeneration fund. I, too, hope that there will be a healthy geographical spread of successful bids to the fund, and I hope that Kirkintilloch in East Dunbartonshire will benefit. Mary Mulligan and Patricia Ferguson talked about costs. Mr Rumbles eulogised about STV but did not say whether he supports alphabetical listing.

Mike Rumbles: I prefer random selection to a particular approach to listing candidates.

David Whitton: I welcome that clarification.

Labour welcomes the bill and will give it our full support at decision time.

16:19

Bruce Crawford: A great number of points were raised in the debate. I will do my best to cover as many as possible, but I might not be able to cover every one of them.

David McLetchie and Tricia Marwick did their best to hide their gloating glands on this occasion—not successfully, I must say. I guess that their views could be boiled down to, “I told you so.”

Andy Kerr did the best job that he could of explaining why Labour has changed its mind on decoupling and did it with some honesty, if not always the humility that we expect from him.

Mike Rumbles managed to go through his whole speech saying why he was opposed to the bill. I heard nothing at all that indicated that he would support it.

Mike Rumbles: I did say that.

Bruce Crawford: I invite him to intervene and repeat it.
Mike Rumbles: If the minister had listened to my speech, he would have heard me say that we would support the bill.

Bruce Crawford: I tried hard to listen to Mike Rumbles, but all that I could see was every sinew in his body saying that he wanted to vote against the bill. He is obviously being whipped today, even though he is the whip himself.

Mr Rumbles mentioned the Calman commission. I suggest that he read its report. He might fall asleep after a couple of pages, but it is worth getting up to speed on the issue. Calman proposes the transfer of only the administration of Scottish elections; he does not recommend that Westminster should transfer the legislative responsibilities for the electoral system in any way—whether the voting system, the voting age or the number of MSPs.

Mike Rumbles: Do not be defeatist.

Bruce Crawford: Mike Rumbles should know by now that I am never defeatist. I am in a minority Government of only 47 members out of 129. It would not pay to be defeatist in those circumstances.

As everyone knows—we have been through the issues on a number of occasions in the parliamentary process—the financial memorandum contains the costs of the bill’s proposals for decoupling. I tell Mr Whitton that those estimates were agreed by the electoral management board for Scotland. The Government has already made a commitment to meet the additional costs, and I repeat that commitment to Mary Mulligan.

The Government has also made a commitment to meet the costs of e-counting. Those will be determined by competitive tendering, which will begin in the autumn. I hope that that more up-to-date information helps Mary Mulligan.

We will also run information campaigns in cooperation with the Electoral Commission. Costs will be discussed with COSLA at the appropriate time.

Margo MacDonald: I appreciate that there will be official information campaigns, but will the minister also take on board the requirement to talk seriously to the media that cover and publicise local government elections, to try to get them to refocus on those elections and not the outcome of the next general election?

Bruce Crawford: I will do my best as long as Margo MacDonald and everyone else do the same. If we all did that, we might have some impact, but she knows as well as anyone else how the media work.

We have met the electoral management board to develop the functional specifications for the e-counting system. Work is under way to tender for that in the autumn. In addition, we met officials from the Greater London Authority to discuss managing the risks of holding the two e-counts on the same day, which we recognise.

Jim Tolson asked whether e-counting will work. I guess that testing, testing, testing and then even more testing will be how we find out whether it works. We will have 12 to 15 months before the elections in 2012 to make that testing work on as many occasions as we can.

Members such as Andy Kerr and Mike Rumbles mentioned the ballot paper. It is the means by which most people take part in the political process, so it must be as easy to use as possible and we need to ensure as far as we can that it is. As Andy Kerr said, the work that the Electoral Commission is doing in that regard is vital.

We know that turnout is not a problem just in Scotland; it is a problem worldwide. However, there are some exceptions that show that it is not impossible to achieve high turnout. We should see what we can learn from other countries, and we have started to examine the worldwide activity. We are considering some case studies and examples of effective practice and imaginative initiatives. A number of approaches that have been taken elsewhere could be adopted in Scotland.

Several members referred to turnout in the European elections earlier this month. The average turnout across Europe was 43 per cent, whereas turnout in the United Kingdom was only 34 per cent. In Scotland, the average turnout was 28.6 per cent, with East Renfrewshire and East Dunbartonshire achieving turnouts of 36 per cent and North Lanarkshire and Glasgow managing turnouts of only 22 per cent and 23 per cent. Overall turnout for the European elections was disappointing. Excluding countries that use mandatory voting, 14 member states experienced falls in turnout and 10 member states managed to increase turnout. However, those 10 included some notable exceptions: Estonia achieved an increase in turnout of more than 17 percentage points compared with 2004 and Denmark’s turnout increased to 60 per cent, which is an increase of almost 12 percentage points. What are those countries doing differently that is increasing turnouts to that level?

Margo MacDonald: Does the minister really want an answer to that question?

The Deputy Presiding Officer: Order. The member will wait until she is called.

Bruce Crawford: Given that I have only six minutes, I should perhaps now conclude.
Like previous parliamentary consideration of the bill, today’s debate has demonstrated the cross-party support that exists for decoupling. I have enjoyed working with the Local Government and Communities Committee on the bill at stages 1 and 2, but it is now time to move on. We all agree on the benefits of decoupling, but decoupling of itself will not ensure effective and well-run elections. The bill will also provide for the publication of more detailed vote information—on which very little has been said today—at polling station level rather than at ward level. That will increase the transparency of our electoral processes without compromising the secrecy of the ballot.

I recommend the decoupling bill to Parliament.