LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

AGENDA

2nd Meeting, 2017 (Session 5)

Wednesday 18 January 2017

The Committee will meet at 9.45 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 7 in private.

2. **Scottish local government elections and voting:** The Committee will take evidence from—

   Andy O’Neill, Head, Electoral Commission, Scotland;
   
   Alan Armstrong, Strategic Director, Education Scotland;
   
   Mary Pitcaithly, Convener, and Chris Highcock, Secretary, Electoral Management Board for Scotland;
   
   Ian Milton, Grampian Electoral Registration Officer and Chair, Electoral Registration Committee, Scottish Assessors Association;
   
   and then from—
   
   Joe FitzPatrick, Minister for Parliamentary Business, and Roddy Angus, Elections Policy Adviser, Scottish Government.

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

   The Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2016 (SSI 2016/402);
   
   The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/411);
   
4. **Payments to returning officers in Scotland**: The Committee will consider a draft report.

5. **Consideration of evidence (in private)**: The Committee will consider the evidence heard at agenda item 2.

6. **Consideration of evidence (in private)**: The Committee will consider the evidence heard at its meeting on 11 January 2017 from the Scottish Housing Regulator and the Scottish Public Services Ombudsman.

7. **Implications for Scottish local government of the United Kingdom leaving the European Union**: The Committee will consider draft letters to the Scottish Government and COSLA.

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The papers for this meeting are as follows—

**Agenda item 2**
Note by the Clerk
PRIVATE PAPER
LGC/S5/17/2/1

**Agenda item 3**
Note by the Clerk
LGC/S5/17/2/3

**Agenda item 4**
PRIVATE PAPER
LGC/S5/17/2/4 (P)

**Agenda item 7**
PRIVATE PAPER
LGC/S5/17/2/5 (P)
Local Government and Communities Committee

2nd Meeting 2017 (Session 5), Wednesday 18 January

Scottish Local Government Elections and Voting – Note by the Clerk

Purpose

1. This paper provides background information in advance of the Committee’s evidence sessions on Scottish local government elections and voting. The Committee will be taking evidence from a range of stakeholders and then from the Minister for Parliamentary Business on what steps are being taken to encourage voting in the next Scottish local government elections in May 2017.

Local Government and Communities Committee consideration

2. At its meeting on 2 November 2016, the Committee heard from representatives from academia, the Electoral Reform Society Scotland, the Modern Studies Association, UNISON Scotland, Shelter Scotland, MECOPP and ENABLE Scotland.

3. Following the session on 2 November, the Committee wrote to the Minister for Parliamentary Business seeking the Scottish Government’s view on the key themes identified by witnesses at the session. The key themes included:

- how people are encouraged to register to vote, specifically those who are homeless, in temporary accommodation or in the private rented sector;
- how young people and first time voters’ awareness of local government elections can be raised and how they can be encouraged to vote;
- how education campaigns can be used not only to encourage people to vote but to explain why people need to vote, in language accessible for a variety of voter groups, including those with learning disabilities;
- how education authorities develop political literacy and citizenship education in schools to ensure that first time voters can make informed decisions about their vote;
- how the importance of local government elections is emphasised, through the use of public information campaigns or through the use of social media;
- how postal and proxy voting can be used to encourage as many people as possible to vote.
Next Steps

4. The Committee has agreed to take evidence at its meeting on 18 January from the Electoral Commission Scotland, Education Scotland, the Electoral Management Board for Scotland and from an Electoral Registration Officer following up the key themes from the session on 2 November. The Committee will then take evidence from the Minister for Parliamentary Business.

5. The Electoral Commission, Education Scotland, the Electoral Management Board for Scotland and the Scottish Government have provided written submissions for this meeting and are attached at Annexe A to this paper. In addition to those giving evidence on 18 January, the Committee has received supplementary evidence from Dr Lynn Bennie and a written submission from COSLA and these are attached at Annexe B.
Written Submission from the Electoral Commission Scotland

The Electoral Commission has a range of responsibilities in relation to local government elections in Scotland. These include:

- Guidance and advice to electoral administrators, candidates and agents
- Operation of an statutory observer’s scheme
- Setting standards for the running of these elections and monitoring Returning Officers’ performance against these standards
- Running a public awareness campaign so that voters know how to participate in the elections
- Reporting on the administration of the local government elections.

This briefing provides information about our public awareness campaign for the 2017 local government elections to help inform the Committee’s round table discussions on voter participation at the elections.

The campaign

The Electoral Commission will be running a multi-media public information campaign ahead of the 4 May 2017 council elections in Scotland. The public awareness activity will have two key aims:

- To provide voters with information on how to register and the deadline for doing so
- To provide voters with information on the date of the elections and on how to cast their votes

There will be two phases to the campaign. The registration phase will aim to raise awareness that you need to register by the 17 April to be able to vote in the council elections. The voter information phase will provide information on the different ways of voting and explain to voters how to complete their ballot papers confidently using numbers in order of their choice.

The campaign will include TV, radio, press and online advertising with a strong focus on the digital element. This focus will allow us to communicate targeted messages to different groups including students and 15-17 year olds.

A voter information booklet will be sent to every household in Scotland in the week of 3 April. This will contain information on how to register to vote; the different ways to vote (including in person, proxy and postal voting) and how to complete the ballot paper using numbers. This booklet will also be available in a range of alternative formats and community languages.
Partnership working

Partnership working is a vital component of the Commission’s work to reach under-registered groups and those facing barriers to participation in democracy. The Commission works in partnership with a wide range of public and voluntary organisations to effectively target voter information at young people, students, BME communities, disabled people and private renters. This has included working with Shelter Scotland to reach homeless people, private renters and those in insecure housing with information about registering and voting. We have also worked with Enable Scotland to provide Easy Read voter information to people with learning disabilities and with the MOD to target service voters. We will continue to work with existing and new partners, including those working with young people, in the run-up to the 2017 local government elections to widen the impact of our partnership work.

Further information and examples of our partnership work can be found in our report on Public awareness at the 5 May 2016 elections and the EU referendum.

Returning Officers also have responsibility for promoting awareness of how to participate in council elections and we will continue to work with Returning Officers, Electoral Registration Officers and their communications teams to extend the reach of our public awareness campaign. This will include providing campaign resources for councils to adapt and use locally.

15-17 year olds

The Commission will undertake bespoke partnership activity in relation to 15-17 year olds. This will include activity in schools to replicate the success of our ‘Ready to vote’ campaign launched ahead of the Scottish Parliament election which approximately 80% of Scottish secondary schools participated in. We will again work with a range of bodies to deliver this including Education Scotland, The Association of Directors in Education Scotland, School Leaders Scotland and the Electoral Management Board.

We will update MSPs updated in the coming months as our public awareness plans develop. This will include notifying MSPs of resources they can use to promote awareness of, and participation in, the local government elections.

Sarah Mackie
Senior Officer – Communications
Written Submission from Education Scotland

Improving Voter Registration for the 2017 Council Elections

Education Scotland – Who we are and what we do

Education Scotland is Scotland’s national agency for quality improvement in education. We promote improvement in all sectors of education and at all stages of the learning journey, from the early years to adult and continuing education. The Agency sits within the DG Learning & Justice portfolio, responsible to Deputy First Minister and Cabinet Secretary for Education and Skills and works closely with SG Directorates for Learning, ESLL and Children & Families. It also provides direct policy support for Ministers in a few areas, specifically Community Learning and Development, Youth Strategy and Adult Learning.

Education Scotland and Political Literacy

Education Scotland has produced a number of resources over the past three years to support the teaching of political literacy in schools. Political literacy is fundamental to two of the central tenets of the Curriculum for Excellence which are to ensure that children and young people grow to become effective contributors to their society and active citizens within it. Political literacy is also critical to ensuring that pupils are engaged global citizens, caring about societies and people both close to, and far from home.

Social studies within the Curriculum for Excellence

Social studies can provide a variety of excellent opportunities to develop and encourage these skills through not only the broad general education for those children aged 3 to 15, from the early years to the end of S3 but also in the Senior Phase (from S4-S6) through National Qualifications, such as National 4 and 5, Higher and Advanced Higher. In the Broad General Education, social studies is divided into three organisers: people, past event and societies; people place and environment; and people in society, economy and business. All three of these subject organisers for social studies provide opportunities to develop knowledge and skills about democracy, and rights and responsibilities in modern and past societies. At the Senior Phase, qualifications in Modern Studies, Geography, History, Economic History and Politics all make links to being an active and involved citizen. The skills of political literacy such as researching, discussing and debating are also excellent in enabling practitioners to approach controversial issues with confidence. Helping to develop the voice of young people to be able to speak out about what they care about and to challenge decisions made by those in power is vital. Young people must learn that they have the power to change the injustices they see in
society and to shape a better future for themselves and others. Political literacy is central to this development.

**Education Scotland Resources**

In 2014 prior to the independence referendum, Education Scotland produced Curriculum for Excellence briefing paper to support teachers in Political Literacy. The aim of this paper is to help practitioners in framing the context of political literacy and how it could be approached in all educational settings, through skills such as research and debate. In 2015 Education Scotland then worked with a large range of partners, including the Electoral Commission, The University of Glasgow, and local authorities to develop the ‘You Decide’ web resource. It was created to help practitioners across all educational settings to develop confidence in teaching the skills of political literacy and the resource has a section dedicated to staff development. It also contains a number of materials which can be used directly with learners, and it signposts resources which can be used to help practitioners develop the personalisation and choice of learners. The ‘You Decide’ resource will now be adapted to fit onto the new Education Scotland website, the National Improvement Hub in due course.

**Education Scotland Partnerships**

Education Scotland has a strong and on-going partnership with the Electoral Commission. ES staff have advised on a variety of methods to improve the voter registration resources being produced for schools to help engage 16 and 17 year old voters for the Scottish Elections last year and now the local council elections later this year. The new toolkit ‘#Readytovote’ produced by the Electoral Commission has been developed for use in a variety of education settings and builds on the work done previously. It is informative, easy to use and adaptable to fit into different settings within the school or community environment. It takes 16 and 17 year olds through the process needed to register to vote and also helps them think about the issues that relate to council issues within their own communities to try to encourage them not just to register but also to vote.

In 2016-17 Education Scotland has also been working with partners including Edinburgh University and Learning Link Scotland to offer national professional learning sessions for community learning and development practitioners on ‘Learning for Democracy’. The aim of these sessions is to build up the skills and confidence of CLD practitioners (youth workers and adult educators) in particular and help to develop a professional learning space on the national online learning hub for CLD practitioners, which provides opportunities for them to enhance their own skills and therefore improve the awareness and learning activities for young people.

Education Scotland, January 2017
Written Submission from the Electoral Management Board for Scotland

**Summary**

The EMB works with ROs and EROs across Scotland to coordinate the delivery of electoral events. The promotion of participation is a key concern and responsibility of all within the electoral community. There is particular focus on those groups who have traditionally exhibited low levels of registration and turnout, including young people, first time voters, home movers, renters, students and minority ethnic groups. ROs and EROs work closely with the Electoral Commission aligning communications activity with the phases of their campaign and using materials that the Commission produce. There is also a wide range of innovative activity going on across Scotland particularly working with young people through schools and other agencies. Some examples of this work are provided in this paper.

**Background**

As part of its ongoing work programme the Local Government and Communities Committee is considering approaches to improving voter turnout ahead of the 2017 Scottish Local Government Elections. The Committee held a roundtable with stakeholders on 2 November 2016 and heard evidence in relation to voter registration, how education campaigns can be used to encourage people to vote, how first time voters can make informed decisions about their vote and the use of postal and proxy voting to improve turnout.

As suggested by the Minister for Parliamentary Business in his letter of 19 December 2016, the Committee has now requested to hear the views of the Electoral Management Board for Scotland (EMB) on the work being undertaken to improve voter turnout and has invited representatives to take part in an evidence session with additional representation from an Electoral Registration Officer (ERO).

This paper:

- notes the general role of the EMB;
- recognises the general duties of the Returning Officers (ROs) and EROs with respect to promoting participation;
- notes the partnership work with the Electoral Commission in this area; and
- reviews some recent and current initiatives that have been undertaken across Scotland in to support participation.

This paper does not go into detail around the clear specific statutory responsibilities of the ROs and EROs to promote participation and to create a comprehensive and accurate register. Rather, the focus is on a review of activities to give examples of
the innovative work undertaken by the community in this important area. The paper also points towards the work undertaken by the Electoral Commission, which has a national reach and with which the work of ROs and EROs often aligns.

The Electoral Management Board for Scotland

The Electoral Management Board for Scotland (EMB) was created by the Local Electoral Administration (Scotland) Act 2011, which gave the Board “the general function of co-ordinating the administration of Local Government elections in Scotland.” This involves two specific roles:

- assisting local authorities and other persons in carrying out their functions in relation to Local Government elections; and
- promoting best practice in Local Government elections by providing information, advice or training (or otherwise).

The Board is composed of eight members; five are Returning Officers (or their Deputies) and three are Electoral Registration Officers. These are appointed by a Convener, who is in turn appointed by Scottish Ministers following a process of open competition. Advisors from the professional associations working in electoral administration, SOLAR and the Association of Electoral Administrators (AEA), also attend the Board meetings. The Electoral Commission, the Scottish Government and Scotland Office and are also represented at each meeting, acting as official advisors to provide support and expert advice.

The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all elections planning and administration. Much use is made of the close community of electoral professionals in Scotland and it seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Local Government elections if required.

The duties of the Returning Officer (RO) and Electoral Registration Officer (ERO) with respect to Promoting Participation

Electoral Registration Officers (EROs) have the statutory responsibility for the preparation and maintenance of electoral registers for their area, and play a vital role in the electoral registration process. The RO is the person with the sole legal responsibility for running an election. Their role is to ensure that the election is administered effectively to deliver a result in which the voter can have full confidence. An individual’s duties as RO are separate from any duties as a council officer. As RO the individual is not responsible to the council but is directly
accountable to the courts as an independent statutory office holder. Indeed both ROs and EROs are independent officials personally accountable to the courts, such that the administration of polling and of the register are quarantined from any political influence.

Both ROs and EROs recognise their important statutory responsibilities to promote participation in electoral events and together over a number of years have developed a range of activities to both enhance registration from all those who are entitled to vote and also to support turnout.

Particular effort is given to ensuring that information and support is given to communities and groups who have often shown low levels of registration and subsequent participation. Such groups include those in rented accommodation, students, young people and first time voters, minority ethnic communities and home movers.

For each electoral event the Electoral Commission assess ROs and EROs against a defined set of Performance Standards. These include standards with respect to participation and the provision of information to voters. EROs are assessed on how effectively they carry out their duty to maintain accurate and complete electoral registers. ROs need to demonstrate that their planning for and delivery of the poll enables voters to vote easily and know that their vote will be counted in the way they intended.

**Partnership with the Electoral Commission**

The Electoral Commission has a range of responsibilities in relation to local government elections in Scotland, including running a public awareness campaign so that voters know how to participate in the elections. ROs and EROs work closely with the Electoral Commission in the delivery of their public awareness activities for each election, making use of the wide range of materials that are produced by the Commission. This allows a consistency of message and access to high quality tested promotional materials.

The Electoral Commission has already submitted to the Committee an outline of their approach to their promotional campaign for the 4 May 2017 elections. The work of ROs and EROs should be seen in the context of this Electoral Commission campaign. The Commission will be running a multi-media public information campaign ahead of the 4 May 2017 council elections. The public awareness activity will have two key aims:

- To provide voters with information on how to register and the deadline for doing so; and
To provide voters with information on the date of the elections and on how to cast their votes.

There will be two phases to their campaign. The registration phase will aim to raise awareness that you need to apply to register by the 17 April to be able to vote in the council elections. The voter information phase will provide information on the different ways of voting and explain to voters how to complete their ballot papers confidently using numbers in order of their choice. The campaign will include TV, radio, press and online advertising with a strong focus on the digital element. This focus will allow targeted messages to different groups including students and 15-17 year olds. ROs and EROs will manage their own campaigns to align with these two phases of the Electoral Commission campaign, to allow consistent messaging.

A voter information booklet will be sent to every household in Scotland in the week of 3 April. This will contain information on how to register to vote; the different ways to vote (including in person, proxy and postal voting) and how to complete the ballot paper using numbers. This booklet will be available in a range of alternative formats and community languages.

Partnership working is a vital component of the Commission’s work to reach under-registered groups and those facing barriers to participation in democracy. The Commission works in partnership with a wide range of public and voluntary organisations to target voter information at young people, students, BME communities, disabled people and private renters. A fundamental element of the work is the coordination of activity with Returning Officers, Electoral Registration Officers and their communications teams to extend the reach of all the public awareness campaign. This includes providing campaign resources for councils to adapt and use locally.

The Commission are planning specific tailored partnership activity in relation to 15-17 year olds. This will include activity in schools to replicate the success of their ‘Ready to vote’ campaign launched ahead of the Scottish Parliament election which approximately 80% of Scottish secondary schools participated in. They will again work with a range of bodies to deliver this including Education Scotland, The Association of Directors in Education Scotland, School Leaders Scotland and the Electoral Management Board.

**Postal and Proxy Voting**

It is noted that the Committee have a particular interest in the use of postal and proxy voting and its impact on turnout.

All voters can apply to cast their vote by post. Turnout has been shown to be higher amongst postal voters than those who vote at polling stations, but postal voting has
also been associated with the potential for electoral fraud. The Committee will be aware of the steps taken to address this risk: postal voters have been required to provide personal identifiers since 2008, with the European Parliamentary Elections in 2009 being the first events at which these identifiers were checked to confirm the identity of postal voters.

At the Scottish Parliament elections in May 2016 17.7% of electors registered to vote by post. Turnout amongst postal voters is generally higher than levels of turnout of polling place voters. For example, turnout was 55.8% of the registered electorate in the constituency vote and 55.9% in the regional vote in May 2016. However, nearly 77% of postal votes issued were returned by electors (76.6% in the constituency vote and 76.7% in the regional vote) and postal votes accounted for 23.7% of all votes included in the count for the constituency contests and 23.8% of all votes included in the count for the regional contests.

To assist the voter, in recent years the EMB has, either by direction or recommendation, identified a period of time in which ROs should issue postal votes across Scotland. This allows all of Scotland’s postal voters to know when their vote is being issued and a level of national awareness of these dates to be established. It also allows parties to co-ordinate campaigning directed at postal voters. Parties and candidates are made aware of the time period for issue and nearer the date of issue, if possible, precise local delivery dates.

There has also been an increase in recent years in the number of electors appointing a proxy to vote on their behalf. Proxies were appointed in 9,930 cases for the 2016 Scottish Parliament elections compared with 6,890 for the same polls in 2011. The number of proxies averaged 136 across all Scottish Parliament constituencies in 2016. However, compared to postal voting, the uptake of proxy voting is tiny. Proxy voters represented 0.2% of the total electorate in May 2016.

The Electoral Commission have noted that while electors who know that they will not be able to vote in person on polling day have the option of either postal or proxy voting, a far greater number of absent voters choose to vote by post. A number of electors raised concerns that they were not included in the first issue of postal votes, and due to the timing of receiving their postal vote were not be able to return it as they had for instance left to go on holiday or business before the postal vote arrived. In response, the Electoral Commission have recommended that awareness of the implications of different voting methods should be raised. The Electoral Commission intend to work with EROs, ROs and other partners to promote awareness amongst voters of the practical implications of different voting methods (such as postal voting or appointing a proxy) particularly if they are making an application during the last month before polling day. The EMB will work closely with the other partners in this area.
Examples of Recent and Current Initiatives across Scotland

Promoting participation is a prime concern of the electoral community. While the delivery of efficient, consistent and secure electoral events is basic, each event requires the foundation of a properly registered and well-informed electorate who will actually take part in the event by voting.

Councils, EROs and ROs across Scotland have delivered a range of activities focussed on ensuring that all eligible voters initially register and then ultimately turnout. Voters who have historically displayed poor levels of participation have been particularly targeted by a number of initiatives across the country. These groups have included first time voters. EROs and ROs work closely with our counterparts in education to promote registration and to encourage schools to take part in the Electoral Commission’s March registration campaign. EROs receive the schools lists from all schools both local authority and private sector and write to every pupil individually, inviting them to register to vote if they are not already on the register.

Some examples are given below of how such initiatives have been delivered. This is not an exhaustive list.

All local authorities have similar initiatives. Even for those highlighted below, these workstreams are only some of the work that is ongoing within the council to promote participation. What is offered is a sample of typical recent activity focussing on a range of groups, primarily young people, just to illustrate the sort of initiatives that are being pursued.

Aberdeenshire - Initiatives in Schools

In addition to the national registration day in schools in March 2016 last year, the work was combined with and supported by a larger strategy which included:

- The ERO ran a competition in schools to design the artwork for a pop-up banner to be used at various events, highlighting the reduction in the voting age and encouraging young people to register to vote.
- The RO and Council ran another large scale Schools Election in Aberdeenshire, modelled on the Scottish Parliament Elections. It was held in all 17 Aberdeenshire secondary schools and all pupils from S1 upwards were eligible to vote. They were given two ballot papers and, in most schools, they managed to find a pupil to stand as a constituency candidate for each of the five main parties.
Work also linked the successful candidate in our schools elections to their local community councils. These are not solely registration initiatives but are designed to instil an understanding and appreciation of the importance of voting and taking part in the democratic process.

**East Ayrshire – work in schools**

Over the last couple of elections, there has been work with the Vibrant Communities team at the Council and the ERO to run workshops through all of their secondary schools.

2017 will see our 16 & 17 year olds participate within another election cycle, this time for the Scottish Local Government elections in May. Our young people will have their say in electing the future politicians that will take East Ayrshire forward over the coming years. To that end Vibrant Communities, in conjunction with the Ayrshire ERO and East Ayrshire Council’s Democratic Services would be delighted to offer your establishment a workshop on Voter Registration. Previous pupils of your establishment have benefited from this workshop, which aims to encourage potential voters to consider the issues and matters that are important to them and the importance of Voter Registration.

The workshop itself will last approximately 2 hours, delivered within your own establishment and be staffed by Vibrant Communities. Your pupils will be given the opportunity to experience a polling booth and ballot box. They will also be given the opportunity to register to vote as part of the workshop. The workshop is aimed at those young people who will be 16 years of age or over; on or before the date of the election in May. East Ayrshire has previously reported high levels of Voter Registration and we should be in a position to give a statistical breakdown for your establishment post-election for your own records.

**Falkirk Council - Social Work Division (Children’s Services) work to increase engagement of and awareness-raising with Looked After Children**

Since March 2014 this service has run 3 events promoting the importance of registering to vote, and voting in elections, as well as how to register and to vote.

These events were offered to all young people both currently Looked After and Care experienced young people, aged 15 and over, as well as other young people in supported accommodation resources in this authority who may have missed out on Education’s attempts to inform young people generally of their rights to, and importance of, registering to vote and voting.
200 Flyers with information were sent to all young people who are on our system aged 15 and over, and young people in supported accommodation. The last event, March 2016, we raised awareness of the event by emailing staff to encourage young people to attend, and at foster carer’s meetings/training. This captured young people aged under 18 and over, although only 3 young people aged 18 or over attended our events. The middle event was focused on the Referendum in 2014 but the first and last event was raising general awareness of the voting.

The working group responsible for facilitating these events also attended a care leaver’s event in autumn 2014 which was predominately young people aged 18 plus and we successfully helped 10 young people complete their registration forms, which we then posted. As a result of all the above we have supported a total of 22 young people to register.

A report was submitted following the last event in March 2016, with recommendations that we run these events yearly to ensure as many young people who may not be accessing education’s attempts to keep young people informed are offered a chance to reflect on how important this is for them. Our residential Children’s Homes have undertaken to discuss the importance of registering to vote, and voting with all young people placed with them, and we have recommended that foster carers do the same.

We raised awareness of the EU Referendum by alerting all residential staff (internal and external in Falkirk Council), foster carers and supported accommodation resources by email. The Leaving Care Team committed to contacting all care leavers (allocated and closed cases) known to them (46 YP) to encourage them to vote.

Each time we do a mail/email drop we are also raising awareness with carers and staff.

In addition, at the Continuing Care Working Group session (May 2016), which 7 young people took part in, we discussed the importance of young people voting generally but including the imminent EU referendum. 3 of these young people were aged 18. We also agreed as a group that it was important that all young people who opted into Continuing Care (Children and Young Peoples (Scotland) Act 2014) should be encouraged to register to vote, and to vote. Children’s Services now have a Champions Board, made up of young care experienced young people and supported by specifically appointed staff (including care experienced young people), Childrens Rights Service and Who Cares?. The Champions Board will take over responsibility for organising and running the annual event as of this year. The ethos of the Champions Board is and to encourage young people at every opportunity to
see the importance of having a view, expressing this positively, with voting as one way to do so.

I have a training session for Foster Carers being planned with the above staff for February 2017 with one workshop focusing on the importance of helping young people have a political voice.

Highland Council

Staff of the Returning Officer met with the Highland Council Youth Convener who is hoping to provide a number of youths to work at our count primarily in the opening of ballot boxes but possibly for other duties as well.

Our hope is that this will encourage engagement and participation and raise awareness of the local government elections within this group. The Youth convener will meet with youth workers and groups to identify suitable personnel.

North Ayrshire

Social Media

- Countdowns and Useful Links are shared via the Council website and our Youth Services Facebook Page and Twitter Accounts.
- Snapchat is used to tell the story of how to register/vote.

Work with Schools

- All Secondary School Head Teachers promote the ‘ReadyToVote’ Campaign across the school community with our Youth Services Team hosting workshops & information stalls to encourage young people to register/use their vote.
- Temporary graffiti messages are used in prominent areas and school playgrounds.
- Adapted ASN sessions are provided to support young people with additional support needs to be able to register to vote.

Youth Work Team

- Information made available at Youth Council and Joint Cabinet meetings on registering to vote. These meetings also opportunities to register.
- Sessional Youth Work Staff share information at all Youth Groups across the Council area.
• Rock the Vote Style Live Music Sessions are held which allows our young people an opportunity to register.
• Hustling events are held across the council area again offering an opportunity to register.

Ayrshire College

• The Principal is supportive of our campaign and arranges for posters to be displayed in Campuses, re-tweets information from the Council and sends information emails to student email accounts.
• The Council's Youth Services Team also host an information stall at the College campus based in North Ayrshire.

Renfrewshire ERO

The Renfrewshire ERO has worked with its 3 constituent councils and their Community Education divisions. This has resulted in Renfrewshire Council delivering workshops to all secondary schools in their area prior to last years elections. Inverclyde Council also had workshops delivered to all its secondary schools by ERO staff. East Renfrewshire Council made it's own arrangements with their schools. These visits resulted in a very high percentage of those young people eligible to register doing so before the Scottish Parliamentary election in May 2016.

The Paisley campus for the University of the West of Scotland along with the two colleges within the Joint Board area were contacted and materials given to them to advertise the forthcoming elections.

There is also ongoing work with private landlords in the 3 council areas to asking them to work with the ERO to enclose material in their tenancy packs when they are agreeing new leases with private sector tenants.

South Lanarkshire – Elections in Schools and related materials

The Elections Team have produced guidance to encourage running elections in schools which has hyperlinks to the various related documents and some detailed material explaining democracy and the various electoral evens produced specifically by for schools. These are now in place in all schools in South Lanarkshire on a platform to allow them to access these documents from the school at any point in time so this can be used to vote for best pupil, pupil council etc. The basic position taken in this work is that an early introduction into the voting process (even from primary school age) is
something that all should grow up with rather than be introduced to when 16 or 18.

**West Lothian Council – Democracy Challenge**

The West Lothian Council undertakes a Democracy Challenge each year. In response to the extension of the franchise to include 16 and 17 year olds in Scotland, the Democracy Challenge was offered to young people in S4, S5 and a small number who were eligible to register in S3, in all 11 mainstream secondary schools in West Lothian. In addition to this a session was offered via the Youth Inclusion Project to “looked after” young people. Young people attending the sessions were offered the opportunity by Electoral Registration Office Staff to check whether or not they were already registered and, if not, to register there and then.

The Democracy Challenge is divided into 4 distinct sections which look at; why young people should get involved in political decision making and how their lives are affected by it, how to register to vote, how to cast your vote and how to get involved in the local participation structure. In an attempt to gauge the impact on young people of attending these sessions, staff asked three questions at the end of each S4 session and 2 at the end of each S5 session:

- Will you be 16 or over on or before the 5th of May 2016? (S4 only)
- Are you more likely to vote as a result of what you have learned at this session?
- Will you take more of an interest in what your pupil council, West Lothian Youth Congress and or Member of the Scottish Youth Parliament do as a result of what you have learned at this session?

**Results**

- 23 sessions of the Democracy Challenge were delivered, 2 in each of the 11 secondary schools and 1 in Bathgate Partnership Centre.
- The sessions were attended by 2,723 young people.
- 1629 (60%) of those attending will be 16 or older on or before the 5th May 2016
- 1524 (94%) said that they would be more likely to vote as a result of what they had learned at the session.
- 230 (8%) would take more of an interest in what their pupil council, West Lothian Youth Congress and or Member of the Scottish Youth Parliament do as a result of what they had learned at the session
- 201 young people took the opportunity to register at the end of the session
**Conclusion**

This is only a brief sample of the work that is undertaken to promote participation. Detailed case studies and samples of the materials produced could be supplied to the Committee if that would be valuable. There is a broad national approach coordinated with the two phase campaign of the Electoral Commission and using their materials and templates. Each RO, ERO and Council also undertakes tailored initiatives specifically aimed at their own target communities. Young people are a target everywhere and all ROs and EROs have initiatives and partnership activities involving secondary schools and youth groups.

Postal and Proxy voting is also available to make participation easier for those unable to get to polling places. The tension between accessibility and integrity is recognised however with measures taken to prevent fraud, including the use of personal identifiers, potentially impacting on the uptake of postal voting. Proxy voting is less widely adopted but remains an alternative for all voters.

**Mary Pitcaithly**  
Convener of the Electoral Management Board for Scotland (EMB)
Written Submission from the Scottish Government

Thank you for your letter of 30 November on behalf of the Local Government and Communities Committee asking about the Scottish Government’s plans to increase registration and voter participation at the May 2017 local Government elections.

Governments do not tend to get directly involved in promoting registration or voting at elections. As I am sure you will appreciate, it would be all too easy for any government activity in these areas to be decried as electioneering. It is for this reason that the statutory duty to promote electoral registration and public awareness at elections lies with the independent Electoral Commission. In addition to the Commission’s role, Returning Officers and Electoral Registration Officers also have a general duty to promote public awareness at elections.

Therefore the Government’s role in promoting public awareness tends to be restricted to ensuring that right environment is in place for others activities.

For this reason, I would respectfully suggest that I might not be best placed to provide the detailed answers on proposed public awareness campaigns that the Committee is seeking. I would therefore suggest inviting representatives from the Electoral Commission, Education Scotland, the Electoral Management Board for Scotland and Electoral Registration Officers to give evidence may be more productive. Having said that, I am of course happy to give evidence to the Committee, either separately or alongside the representatives from the above organisations, if the committee still think they would find that helpful.

Meanwhile my officials have prepared some general background information in the attached appendix which I hope the Committee will find helpful.

Joe FitzPatrick
Minister for Parliamentary Business
Appendix to Scottish Government Submission

Scottish Government registration and public awareness activity

The Committee would like some further information on how the Scottish Government, working with local authorities, will encourage people to register to vote, specifically those who are homeless, in temporary accommodation or in the private rented sector.

The Committee would like to hear the Scottish Government’s view on how education campaigns can be used, not only to encourage people to vote, but also to explain why people need to vote, in language accessible for a variety of voter groups, including those with learning disabilities.

The Committee would like further information on what the Scottish Government is doing to emphasise the importance of local government elections, through the use of public information campaigns or utilising social media to engage people more effectively.

Under section 13 of the Political Parties, Elections and Referendums Act 2000 (as amended by section 15 of the Local Electoral Administration (Scotland) Act 2011), the Electoral Commission is given the statutory duty to promote registration and public awareness of electoral systems used at Scottish local government elections.

In addition, the Electoral Commission works closely with local authorities and Electoral registration officers, as well as others, and provides resources which can be used locally to promote electoral registration and public awareness.

In the run up to the May 2017 Scottish Local Government elections, the Electoral Commission will be undertaking a multi-media public awareness campaign to encourage people to register and to vote. The campaign is still under development but the Electoral Commission’s review of public awareness activity at the elections held on 5 May 2016 provides an indication of the sorts of activity which the Commission will be undertaking. This report can be found at


In their 2016 campaign, the Electoral Commission aimed to reach anyone who was not registered to vote, with key audiences being people who had moved home in the last year; people living in rented accommodation; 16-24 year olds; students; people from some black and minority ethnic communities; and armed forces personnel.
The advertising ran across television, radio and online (Google search, social and display) and a voter information booklet was produced which was delivered to all households in Scotland.

The Commission’s work was supported by partnership and public relations activity, as well as work by other organisations to drive voter registration. A short animated information video was also produced which explained the mechanics of how to vote, which was promoted on Facebook.

In Scotland, the Electoral Commission partners with a number of organisations including The Scottish Parliament, Colleges Scotland; Inclusion Scotland; National Union of Students Scotland; Scottish Association of Landlords; Shelter Scotland; Enable Scotland; Outside the Box; CELIS (Centre of Excellence for looked after Children in Scotland) and Foster Care Associates Scotland to promote registration and voting in groups where levels of engagement are traditionally low.

Together with these partners, the Electoral Commission is planning to undertake specific registration and education activities covering:

- students and young people;
- homeless people and those in rented accommodation;
- People with disabilities and learning difficulties; and
- Ethnic minority communities.

The Committee would like to hear the Scottish Government’s view on how young people and first time voters’ awareness of local government elections can be raised and how they can be encouraged to register to vote.

What work is being done by the Scottish Government to encourage education authorities to develop political literacy and citizenship education in schools to ensure that first time voters can make informed decisions about their vote?

The Scottish Elections (Reduction of Voting Age) Act 2015 lowered the minimum age for voting at Scottish Parliament and local government elections from 18 to 16 and the May 2017 local government elections will be the first opportunity that many 16 and 17 year olds will have to vote.

The Scottish Government has always taken the political literacy of our young people seriously and for this reason the Curriculum for Excellence provides a framework for all young people at all ages and stages to develop political literacy skills through a balanced mixture of learning in and across the curriculum. This framework gives all learners the opportunity to gain the skills, knowledge and understanding to be
politically literate and supports young people to take an active and responsible role in society and to be well prepared to engage constructively with democratic processes. Education Scotland has been working with the Electoral Commission to produce a pack for schools, to help encourage voter registration. The pack will be used via a launch in the New Year where all schools will be asked to have a voter registration day/week and allow young people to register with the help of staff. It also contains a section looking at why it is important to vote and the main issues in council elections.

The Committee would like to hear the Scottish Government’s view on the use of postal and proxy voting and how it could encourage as many people as possible to vote.

The Scottish Government has always viewed the availability of postal and proxy voting as an important way of encouraging people to vote. Both these alternatives to voting in person on polling day allow voters to cast their votes in a way which is most convenient for their individual needs. Postal voting consistently leads to a higher return of ballot papers, compared to voting in person, with nearly 77% of postal votes at the May 2016 Scottish Parliament election being returned compared to an overall turnout of about 56%. At those elections, postal votes accounted for nearly 24% of all votes cast.

Proxy voting is a smaller, but equally important, alternative to voting in person. At the 2016 Scottish Parliament elections, proxy voters represent about 0.2% of the total electorate. Proxy voting gives those who will not be able to attend their polling station on polling day an alternative way to cast their vote, especially if the reason for absence arises after it is too late to apply for a postal vote or if there is a risk that there may be insufficient time for a postal vote to reach the voter and be returned, as may be the case for service voters and their families.

The Scottish Government will continue to make postal and proxy voting available as an alternative to voting in person for those who find it more convenient. The important point is that suitable alternatives should be made available to allow those that cannot reasonably cast their vote in person to still take part in the democratic process. However, whilst wishing to promote alternatives to voting in person, the overriding factor is that the availability of alternatives to voting in person must not affect the integrity of the voting process.
Supplementary Written Submission from Dr Lynn Bennie

I have now taken a look at the rates of turnout in district and regional elections, as was suggested at the meeting on 2 November. As you’ll see from the table attached, the levels of turnout were pretty similar, leading academic commentators of the day to conclude that a turnout in the mid-40s was to be expected in local elections (whether district or regional). Bochel and Denver documented the results exhaustively over the years and argued that regional authorities were generally viewed as more powerful but overall turnout in district and regional elections was comparable. The factors talked about – connections between local councillors and their communities and so on – were no doubt helpful in encouraging voters to participate in district council elections but, overall, there’s not much difference between the two tiers of government.

Table 1: Turnout in Scottish local elections, 1974-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>District</th>
<th>Regional</th>
<th>Unitary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974</td>
<td>51.4</td>
<td>50.6</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>47.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td>44.7</td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>45.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td></td>
<td>42.9</td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>44.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td></td>
<td>45.6</td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>45.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td></td>
<td>45.9</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>41.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td></td>
<td>45.1</td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td></td>
<td></td>
<td>44.9</td>
</tr>
<tr>
<td>1999</td>
<td></td>
<td></td>
<td>58.1</td>
</tr>
<tr>
<td>2003</td>
<td></td>
<td></td>
<td>49.6</td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td></td>
<td>53.8</td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td>39.8</td>
</tr>
</tbody>
</table>

Key dates:

1974 – Two-tier local government (regions and districts) replaces complex system of Counties, Burghs and Districts (see Bochel and Denver 1975).

1974-1994 – District plus Regional elections

1995 – Unitary councils introduced

1999, 2003, 2007 - Same day as SP elections
2007 – STV introduced

2012 – Stand-alone council elections

Lynn Bennie
Politics and International Relations
University of Aberdeen
COSLA is pleased to provide this evidence to support the Committee’s consideration of the Scottish Local Government Elections and Voting. As the national and international voice of Scottish local government, COSLA is committed to achieving all of the benefits of a strong local democracy in Scotland.

Our starting point is that we fundamentally believe that people in Scotland are not apathetic about their lives or communities and care passionately about their areas and the decisions that affect them, their families, and their local services. However, our evidence is that for many people, the idea of democracy feels distant from their daily lives, and that this is manifested in low voter turnout. We believe that this is unacceptable and that it must be addressed.

This short submission is intended to set out some comparisons between voter turnout and participation at local elections between Scotland and Europe, and highlight differences between the systems of local democracy in Scotland and Europe within this context.

**Local democracy that “works”**

Engagement in the formal democratic process, expressed through voting, is not the only expression of a healthy local democracy, but it is a significant signal.

Scotland, alongside the UK, has a much greater popular tendency not to vote than our fellow European citizens. Turnout in local elections in Scotland has dropped to approximately 40%, and despite international decline, elsewhere in Europe can easily exceed 60%. Electoral competition also appears to be much greater in some other countries, although comparisons internationally on this issue are not always entirely robust.

**Voter Turnout at Local Elections**

![Voter Turnout at Local Elections](image-url)
Research evidence, such as that generated by the Eurostat data set, also suggests that when local democracy is regarded by citizens as important in their lives, and where citizens are more engaged in the political life of their local community, then those citizens also tend to be more engaged and active within local civic society. In contrast, although there is not an absolute correlation, more centralised systems have citizens with lower confidence in their ability to shape outcomes through electoral or civic participation.

% of Population participating in activities of political parties, trade unions, and civic institutions


International Experience

We believe that these two findings require further exploration, and we offer some commentary on the connection between voter turnout and Scotland’s democratic system in this context below.

(i) The spatial scale and decentralisation of local government

Despite some popular perceptions, in comparative terms, Scotland has a low level of locally elected representation.
Ratio of Citizens to Local Elected Members

Source: Adapted from Bottom and Game, Institute for Local Government Studies, http://paperroom.ipsa.org/papers/view/14753

For its size, Scotland also has an almost uniquely low number of local governments covering unusually large populations and areas:

Municipal Governments at the most local level

<table>
<thead>
<tr>
<th>Country</th>
<th>No. Councils at Lowest Tier</th>
<th>Population</th>
<th>Sq km per council</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>36,786</td>
<td>65,633,194</td>
<td>15</td>
</tr>
<tr>
<td>Austria</td>
<td>2354</td>
<td>8,451,860</td>
<td>36</td>
</tr>
<tr>
<td>Spain</td>
<td>8167</td>
<td>46,704,308</td>
<td>62</td>
</tr>
<tr>
<td>Estonia</td>
<td>226</td>
<td>1,324,814</td>
<td>200</td>
</tr>
<tr>
<td>Germany</td>
<td>11,252</td>
<td>82,020,578</td>
<td>32</td>
</tr>
<tr>
<td>Italy</td>
<td>8092</td>
<td>59,685,227</td>
<td>37</td>
</tr>
<tr>
<td>Norway</td>
<td>428</td>
<td>5,051,275</td>
<td>900</td>
</tr>
<tr>
<td>Finland</td>
<td>320</td>
<td>5,426,674</td>
<td>1058</td>
</tr>
<tr>
<td>Latvia</td>
<td>119</td>
<td>2,023,825</td>
<td>543</td>
</tr>
<tr>
<td>Belgium</td>
<td>589</td>
<td>11,161,642</td>
<td>52</td>
</tr>
<tr>
<td>Sweden</td>
<td>290</td>
<td>9,555,893</td>
<td>1552</td>
</tr>
<tr>
<td>Netherlands</td>
<td>408</td>
<td>16,779,575</td>
<td>102</td>
</tr>
<tr>
<td>Lithuania</td>
<td>60</td>
<td>2,971,905</td>
<td>1087</td>
</tr>
<tr>
<td>Denmark</td>
<td>98</td>
<td>5,602,628</td>
<td>440</td>
</tr>
<tr>
<td>N. Ireland</td>
<td>26 (15 from 2015)</td>
<td>1,823,600</td>
<td>532</td>
</tr>
<tr>
<td>Wales</td>
<td>22</td>
<td>3,100,000</td>
<td>944</td>
</tr>
<tr>
<td>England</td>
<td>353</td>
<td>53,493,700</td>
<td>369</td>
</tr>
<tr>
<td>Scotland</td>
<td>32</td>
<td>5,295,000</td>
<td>2449</td>
</tr>
<tr>
<td>EU27</td>
<td>89,149</td>
<td>501,465,000</td>
<td>50</td>
</tr>
</tbody>
</table>
While the range of functions held by different local government systems does vary, the international evidence is that there is not necessarily a trade-off between these dimensions. For example, the Scandinavian countries have more ‘local’ councils than Scotland, which have a wide range of major functionalities like Scotland, but are more empowered (for example, Argyll & Bute, if in Norway, would have 6 - 10 highly empowered local governments).

(ii) Fiscal Empowerment

Scottish local government has limited local tax capacity and a high dependency on grants from national government. Internationally, the most empowered local governments can raise more than 50% of their own income and in many systems local government raise 40% - 50% of total public income. In Scotland the figure is less than 20%. Our view is that this is not a local, or a democratic basis for democracy and that, in line with elsewhere in Europe, local taxation should fund a much greater share of local income.

Local Tax Revenue as % of Total Revenue for Local Governments

In many other jurisdictions, local governments can also levy a wider range of taxes, compared to a single property tax in Scotland.
In international terms this relatively weak say over how money is raised or spend locally is unusual given that balancing tax and spend decisions is a major driver of voting. Our aim is not to promote more, or less, taxation and spending: more simply, ensuring that decisions about these issues are made locally would almost certainly give people a compelling reason to vote.

**Implications for Voter Turnout and Participation**

Taken together, the implications seem significant:

- Local democracy in Scotland is comparatively large scale rather than local, depowered rather than empowered, and uniform rather than flexible to the needs and aspirations of communities.
- A long-term trend in Scotland and the UK has reduced the number of local democratic institutions, increased their scale and reduced their powers and functions.
- This trend has led to a “centralist” mind set which tends to hang on to powers and resources rather than use them to empower individuals and communities to shape place and outcomes in the way they want.
This, we believe, is in turn directly relevant to voter turnout and wider participation in local democracy:

- There has been a loss of trust, confidence and participation in democracy. It is particularly concerning that the most disadvantaged communities that need the most representation often participate the least.
- Scotland’s current system of government struggles to engage with the diversity of Scotland’s communities because it is conventionally geared towards uniformity and standardisation rather than the diversity of our communities.
- Genuinely strong local democracy requires many voices. There is a need to explore and strengthen the link between representation and participation within this context. Participation and representation are not different standards of democracy to compete with one another in this. Scotland’s approach must therefore evolve so that both can prosper and fulfil their parts.

In simple terms, we believe that this position contributes to a sense that communities are spectators rather than full participants in their democracy. With little influence over what happens and how it is paid for, it may be little wonder that many people are not inclined to take part in democracy and vote locally.

It is also vitally important to highlight that strengthening local democracy to give people back a reason to vote locally is not just about making Scotland’s democracy stronger, vital as that is. The 50-year trend towards big government and big local government has not tackled the biggest social problems we face as a country, and inequalities still hold back many communities. If we are to turn these inequalities around, we therefore need to take a more local approach which is focused on different local priorities and circumstances.

Nevertheless, we also acknowledge that most people in Scotland have only ever experienced our current kind of democracy, and that we are driven by the culture and values that we are used to. While the Committee will be able to identify ways to improve voter participation and turnout for the short term, our plea is to think ambitiously in terms of the wider scale of change that is possible, and which could see fundamental and long term improvement.

**Local accountability for public services**

The final dimension to voter turnout that we consider it important to explore is the fact that many locally delivered public services in Scotland are not locally democratic at all, and cover very large areas and populations too. The local public service landscape includes locally elected councils, but also a plethora of public corporations, agencies and quangos that are ultimately accountable to Scottish Government rather than local communities.
That not only limits subsidiarity, but it also undermines the ability of local voters to influence these. Our sense is that many people have little idea about who is democratically accountable for the services they experience. This combination of scaled up public authorities and fragmented accountabilities is both bad for local democracy and bad for joining up services to meet the needs of individuals and communities.

A simple more transparent governance of local services is needed which gives communities a democratic say over all of the local public services they receive. “Whole system” approaches to public service reform are therefore required not simply to improve the efficiency and effectiveness of public services, but to improve our democratic health and participation too. After all, it is at the local level, in the places where people live, that people have most contact with services and most opportunity and motivation to share in their governance.
Local Government and Communities Committee

2nd Meeting, 2016 (Session 5), Wednesday 18 January 2017

Subordinate Legislation

Overview of instruments

1. The following instruments, subject to negative procedure, are being considered at today’s meeting:

   • The Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2016 (SSI 2016/402);
   • The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/411);
   • The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (SSI 2016/421).

Procedure

2. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

3. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Background

The Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2016

4. These Regulations prescribe the decapitalisation rate to be applied when valuing lands and heritages in Scotland in accordance with the contractor’s basis for the purposes of any valuation roll which comes into force on or after 1st April 2017. The contractor’s basis is the method of ascertaining the net annual value of lands and heritages by reference to their cost of construction or provision or to their capital value.
5. The decapitalisation rate prescribed is 2.9 per cent in the case of certain church property, healthcare property and educational establishments (as defined in regulation 2) and 4.6 per cent in any other case. The policy note for the instrument is attached at Annexe A.

6. An electronic copy of the instrument is available at:


7. No Business and Regulatory Impact Assessment was undertaken.

8. There has been no motion to annul this instrument.

**Delegated Powers and Law Reform Committee Consideration**

9. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 20 December 2016 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

**The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016**

10. These Regulations amend SSI 2016/357, SSI 2016/358, SSI 2016/359, SSI 2016/360 and SSI 2016/362 to make minor corrections and clarifications. The policy note for the instrument is attached at Annexe B.

11. An electronic copy of the instrument is available at:


12. There has been no motion to annul this instrument.

**Delegated Powers and Law Reform Committee Consideration**

13. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 20 December 2016 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

**The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2016**

14. This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the Permitted Development Order”) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (“the Use Classes Order”).

15. The Permitted Development Order permits certain classes of development without the need to apply to the planning authority for express planning
permission under the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). These permitted development rights include rights for various changes of use of a building. This Order amends the Permitted Development Order by providing a new permitted development right to allow a change of use to a shop and financial, professional and other services from a betting office or pay day loan shop. The policy note for the instrument is attached at Annexe C.

16. An electronic copy of the instrument is available at:


17. A Business and Regulatory Impact Assessment is available at:


18. There has been no motion to annul this instrument.

Delegated Powers and Law Reform Committee Consideration

19. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 10 January 2017. In considering the Order, the Committee sought an explanation in writing from the Scottish Government regarding certain irregularities within the instrument. The correspondence is reproduced below.

Correspondence between the Delegated Powers and Law Reform Committee and the Scottish Government

20. On 21 December 2016, the Scottish Government was asked:

1. Paragraph (2) of article 4 of the Order provides that “In this article, “pay day loan shop” has the meaning given in article 3(6) of the Use Classes Order.” However, no reference is made to “pay day loan shop” in article 4.

a. What is the purpose of defining “pay day loan shop” in its application to article 4?

b. Was it intended that transitional or saving provision was to be made in respect of a change of use to a pay day loan shop occurring before 10 February 2020 (or, indeed, some other date)?

21. The Scottish Government responded as follows:

(a) and (b). The policy is that the transitional saving provision in article 4 of the Order is to apply only to changes of use to a betting office. The inclusion of the definition of “pay day loan shop” in article 4 is otiose. Given that the definition appears in a transitional saving provision, it is not proposed to take any action to amend it. While the oversight is unfortunate the Scottish Government is of the view that the inclusion of article 4(2) does not affect the operation of the transitional saving provision or the Order.
The Delegated Powers and Law Reform Committee reported:

22. The Delegated Powers and Law Reform Committee therefore draws the instrument to the attention of the Parliament under the general reporting ground on the basis that the definition of “pay day loan shop” in its application to article 4 of the Order is a drafting error as no other reference is made to “pay day loan shop” in article 4.

23. Furthermore, the Committee invites the Scottish Government to amend the Order at the next available opportunity to remove the definition of “pay day loan shop” by removing paragraph (2) of article 4.

 Committee Consideration

24. The Committee is not required to report on negative instruments, but should it wish to do so, the deadline for reporting on SSI 2016/402 is 25 January, for SSI 2016/411 is 1 February and for SSI 2016/421 is 8 February.

25. The Committee is invited to consider the above instruments and whether it wishes to report on any issues to the Parliament in relation to them.
POLICY NOTE

THE VALUATION FOR RATING (DECAPITALISATION RATE) (SCOTLAND) REGULATIONS 2016

SSI 2016/402

The above instrument is made in exercise of the powers conferred on the Scottish Ministers by section 6(8A) and (8B) of the Valuation and Rating (Scotland) Act 1956 and all other enabling powers. The instrument is subject to negative procedure.

Purpose

The purpose of this instrument is to set the decapitalisation rates to be applied by the Assessors when valuing non-domestic property using the contractor’s basis for entry in valuation rolls from 1 April 2017.

Policy objective

Rateable value broadly represents market rental value and in most cases the Assessors use evidence of actual rents to arrive at their opinion of a property’s rateable value. However, for certain properties (oil refineries, hospitals, schools, etc.) there is little or no direct evidence of actual rents, and in these circumstances the Assessors may use an alternative method of valuation called the contractor’s basis.

A broad summary of the steps the Assessors take in arriving at a rateable value under the contractor’s basis is as follows: an estimate is made of the cost of replacing the building and any rateable items such as certain types of plant and machinery; this cost is adjusted to reflect any obsolescence in the actual property; this sum is then added to the capital value of the site; the total capital sum is then ‘decapitalised’ by using the decapitalisation rate to give an annual equivalent; and the figure arrived at is reviewed (‘stand back and look’) making any such adjustments as affect the property as a whole.

Prior to the creation of the 1990 valuation rolls, Assessors and the courts experienced difficulties in determining how the decapitalisation rate should be derived and at what level it should be set. This gave rise to a series of appeals which created uncertainty as to the rates liability of a range of ratepayers, and ultimately the level of non-domestic rates income.

Consequently for revaluations since 1990 decapitalisation rates have been statutorily prescribed. The decapitalisation rates were set with consideration given to various
factors, including interest rates and property yields. Certain property types have been deemed to merit separate consideration (for example, they may be funded from cheaper sources of public-sector finance or charitable donations) and accordingly have been subject to a lower decapitalisation rate than other property.

Church property, healthcare property and educational establishments are deemed to fall into that category as of the 2017 revaluation, and will be subject to a lower decapitalisation rate of 2.9%. Other property will be subject to a standard decapitalisation rate of 4.6%.

Consultation

The Scottish Government ran a public consultation from August to November 2015, which informed the prescribed decapitalisation rates in this instrument.

Business and Regulatory Impact Assessment

No Business and Regulatory Impact Assessment was undertaken.

Financial impact

The decapitalisation rate is just one factor in the rating valuation and corresponding non-domestic rates liability for properties valued on the contractor’s basis. For most such properties, that liability will generally be lower from 1 April 2017 than it otherwise would have been, due to the revised decapitalisation rates set by this instrument.

Local Government & Analytical Services Division
November 2016
The above instrument was made in exercise of the powers conferred by sections 81(1), 83(10), 85(3), 86(3), 87(3), 90(12) and (14) and 94(4) of the Community Empowerment (Scotland) Act 2015. The instrument is subject to negative procedure.

Policy Objectives

This instrument is made in performance of an undertaking given to the Delegated Powers and Legislative Reform Committee of the Scottish Parliament, to address a number of defects in regulations made under Part 5 (Asset Transfer Requests) of the Community Empowerment (Scotland) Act 2015 (“the Act”). The amendments will come into effect before the main regulations come into force.

Several of the amendments are common to more than one set of regulations:

Regulation 2 amends the Asset Transfer Request (Procedure) (Scotland) Regulations 2016.

Regulation 3 amends the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.

Regulation 4 amends the Asset Transfer Request (Appeals) (Scotland) Regulations 2016.

Regulation 5 amends the Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016.

Regulations 2(3), 3(3), 4(2) and 5(3) replace the provisions relating to the contact address to be used in relation to the asset transfer request, review, appeal or application, as the case may be. They clarify that more than one contact address can be designated by the community transfer body, and that they are only changed if the community transfer body expressly informs the relevant authority or Scottish Ministers of a change, as appropriate.

In replacing this provision, regulation 3(3) also corrects an error in regulation 18(2) of the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 which made reference to “the Scottish Ministers” instead of “the relevant authority”.

Regulation 2(2), 3(4), 4(3) and 5(4) amend the provisions relating to electronic communications. They clarify that where the community transfer body provides an address for electronic communication in their request, appeal or application, it is
taken to have agreed to the use of electronic communications in relation to that matter, to be sent to that address. They also provide that all documents sent to the community transfer body electronically must be sent to that electronic communication contact address, and may also be sent to any other address from which the community transfer body has sent documents relating to the request, appeal or application.

Regulations 3(2) and 5(2)(a) provide amended wording to clarify that, in appointing a review panel, the Scottish Ministers may appoint 3 persons none of whom is a member of their staff.

Regulation 5(2)(a) inserts the words “of the Act” after the reference to section 83(6) in regulation 5(1) of the Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016, to provide consistency with other references to sections of the Community Empowerment (Scotland) Act 2015. Paragraph (5) corrects the phrase “review panel person” in paragraph 4(2)(a) of the schedule to those regulations, which should be “review panel”.

Regulation 6 amends the Community Empowerment (Registers of Land) (Scotland) Regulations 2016. Paragraph (2)(a) corrects the numbering of sub-paragraphs in regulation 2. Paragraphs (2)(b) and (c) correct the titles of the Acts referred to in sub-paragraphs (g) and (i).

**Impact Assessments**

There are no issues for which impact assessments are required.

**Financial Effects**

The Minister for Local Government and Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Local Government and Communities Directorate
6 December 2016
POLICY NOTE

THE TOWN AND COUNTRY PLANNING (MISCELLANEOUS AMENDMENTS AND TRANSITIONAL SAVING PROVISION) (SCOTLAND) ORDER 2016

SSI 2016/421

The Scottish Ministers make the above order in exercise of the powers conferred by sections 26(2)(f), 30, 31, 275(2B) and 275(8) of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so.

The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (the Amendment Order) is subject to negative Parliamentary procedure.

The proposed amendments reflect and strengthen existing planning policy in relation to overprovision or clustering of betting offices and pay day loan shops in certain areas.

The proposed amendments complement national planning policy as set out in Scottish Planning Policy (SPP)\(^1\) and are intended to give planning authorities the opportunity to consider proposals for new betting offices or pay day lending shops in the light of local policies where these are in place.

This contributes to the following national outcomes:

- We live in well-designed, sustainable places where we are able to access the amenities and services we need
- We value and enjoy our built and natural environment and protect it and enhance it for future generations

Background

Concerns have been expressed in recent years about the levels of problem gambling and personal indebtedness and the prevalence of betting offices and premises selling high interest short term loans – often referred to as pay day lending (PDL).

The regulation of financial services is a reserved matter for the UK Government and Parliament. The power to legislate on the regulation of gambling also remains largely reserved to the UK Government and Parliament.

However, as described in its Action Plan of 8 August 2014\(^2\) (link below), following the earlier Summit on Gambling and Pay Day Lending in Scotland’s Town Centres and

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Neighbourhoods, the Scottish Government is taking steps within its current devolved powers to address concerns about these matters where it can.

**Relationship to existing policy**

The planning issue relates to concerns about the negative impact of overprovision or clustering of betting offices and pay day lenders on the character and amenity of town centres and shopping areas and the wellbeing of communities. The SPP, published in June 2014, recognised these concerns and the role of planning in addressing them (paragraph 67 of SPP);

‘There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.’

The Amendment Order supports this policy aim. The effect of the Amendment Order is to amend the Town and Country Planning (Uses Classes) (Scotland) Order 1997 (the UCO) to remove betting offices from class 2 (financial, professional and other services) and to add both betting offices and pay day loan shops to the list of uses excluded from the various use classes. This means that any material change of use of premises to such offices or shops would require a planning application.

Where a planning application has to be submitted, planning authorities will have the opportunity to consider the application against any local policies that may be in place regarding clustering or overprovision of betting offices or pay day loan shops.

The Amendment Order also amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to ensure that, as at present, a change of use from a pay day loan shop or a betting office to a use in class 2 or in class 1 (shops) of the UCO does not require a planning application.

**Consultation and Business and Regulatory Impact assessment**

Public consultation on amendments to the UCO was undertaken in 2014. Further conversations between Planning and Architecture officials and betting office operators and pay day loan providers were held in 2016. These conversations and the consultation responses were taken into account in the drafting of the Amendment Order and the accompanying Business and Regulatory Impact Assessment.