Local Government and Communities Committee

Wednesday 6 November 2019

The Scottish Parliament
Pàrlamaid na h-Alba

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
27th Meeting 2019, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Sarah Boyack (Lothian) (Lab)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)
*Kenneth Gibson (Cunninghame North) (SNP)
*Graham Simpson (Central Scotland) (Con)
*Alexander Stewart (Mid Scotland and Fife) (Con)
Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ronnie Hinds (Local Government Boundary Commission for Scotland)
Jonathon Shafi (Electoral Reform Society)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

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[The Convener opened the meeting at 09:45]

Decisions on Taking Business in Private

The Convener (James Dornan): I welcome everyone to the 27th meeting in 2019 of the Local Government and Communities Committee. I remind everyone present to turn off their mobile phones. We have received apologies from Andy Wightman.

Under agenda item 1, the committee is invited to decide whether to take agenda items 3 and 4 in private. Item 3 is consideration of the evidence that we will hear under item 2 on the Scottish Elections (Reform) Bill, and item 4 is consideration of the committee's future work programme. Do members agree to take those items in private?

Members *indicated agreement.*

The Convener: The committee is also invited to agree to consider in private at a future meeting a draft of the letter that we will write to the Standards, Procedures and Public Appointments Committee following today's evidence session on the Scottish Elections (Reform) Bill. Is that agreed?

Members *indicated agreement.*

Scottish Elections (Reform) Bill: Stage 1

09:45

The Convener: Under agenda item 2, the committee will take evidence from representatives of the Electoral Reform Society and the Local Government Boundary Commission for Scotland. The purpose of the session is to inform a letter that we will write to the lead committee, which is the Standards, Procedures and Public Appointments Committee, to make recommendations on the bill at stage 1. The Standards, Procedures and Public Appointments Committee is looking at the bill in the round, whereas our focus will be on aspects of the bill that affect local government elections.

I welcome Jonathon Shafi, who is campaigns organiser in Scotland for the Electoral Reform Society, and Ronnie Hinds, who is from the Local Government Boundary Commission for Scotland.

We will move straight to questions from members, the first of which will be asked by Alexander Stewart.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, gentlemen. It would be useful to get your views and opinions on the proposal to extend the local government term from four years to five years.

Ronnie Hinds (Local Government Boundary Commission for Scotland): The commission is agnostic, but you will see from our submission that the proposal has some implications for the work that we do. The main point that I want to make is that, whatever term is decided, we think that there is value in preserving the stability, as I would characterise it, of the current arrangements, whereby the reviews that we carry out for local government or the Scottish Parliament, all other things being equal, will endure for three elections. There is nothing magic about the number three, but I think that it has served us well in the past. We should be thoughtful before we lose that and go down to a reduced number of elections, which would be one of the possible outcomes of the permutations.

Associated with that, the commission's main objective would be to make sure that we are able to schedule and time our reviews in a way that is consistent with the principles that we like to use, the first of which is that we should finish our work in good time for the proposals that we put forward to be considered, adopted and put into law before the next election. It is important for us to have roughly a year of grace between those two events. The second principle is that the data that we use

should be as up to date as possible. We do not want elections to be conducted on the basis of electorate data that is three, four or five years out of date.

Jonathon Shafi (Electoral Reform Society): I echo a lot of that, particularly the point about data. You will see from our submission that, broadly speaking, if we have not made a specific response on an issue, we are broadly okay with what is proposed. Our starting point is that we do not have much of a problem with a lot of what is in the bill, but there are some deeper issues that we need to uncover as part of the discussion to rejuvenate democracy in Scotland. I echo the point that data is a key concern.

Alexander Stewart: When it comes to timescale, do you think that there are any significant disadvantages of either system? What are the advantages of a four-year or a five-year term? You mentioned data. It is vital that you have correct up-to-date data so that you can communicate the right information. Do you think that there are specific advantages or disadvantages of either model?

Jonathon Shafi: When it comes to how we go about renewing our democracy, the difference is relatively marginal. As I said, we do not have any great opposition to what is proposed; we tried to pick up on the wider and deeper issues in our response.

That is not to say that the issue of term length is not important. We want elections to be something that people—dare I say it?—look forward to and that are part of our social fabric. As far as turnout at local elections is concerned, we did a body of research that showed that people would rather do the ironing than go out and vote in a local election. We are saying that although such issues are important, we want to understand why people feel that there is a barrier to engagement. I do not think that the length of term makes much difference in that respect.

The Convener: Of course, part of the problem with respect to this morning's session is that we are dealing with specific aspects of the bill. You will dig deeper with the lead committee.

Jonathon Shafi: Yes.

Alexander Stewart: Does Ronnie Hinds have any comments?

Ronnie Hinds: As I said, we are agnostic, but if I was to make one further observation, it would be that, as you can see from our submission, it takes a fair length of time to do a review of local government. All other things being equal, a review takes roughly 30 months from start to finish, so you can appreciate that deadlines get a little tighter if we are working with a four-year rather than a five-year period, but we have always managed that satisfactorily in the past, so I would not say that it is a huge issue for us.

One thing that might change in the future—there are other aspects of the provisions of the bill that you might want to come on to that touch on this—is that the commission is trying to engage more deeply with councils and communities in the work that we do. We are currently trying to do that under the auspices of the Islands (Scotland) Act 2018. That takes time. I see no reason why elections cannot be done with intervals of four years rather than five, but you can imagine that, with a bit more time, there might be more opportunity for to-ing and fro-ing on some of our proposals and the counterproposals that we hope will be put forward by councils and the public.

Alexander Stewart: When the Scottish Government looked at the term length, it found no real consensus on what was expected. We need to understand the electorate's view of the process. As you have identified, people's views on local government elections are different to their views on other elections. It appears that people put them in a different category. Local elections are a lower priority for them, so they vote with their feet. They do not turn up at the polling station, because they do not recognise the opportunity and do not feel that they are engaged enough with the process, although it might be the case that a local government election is the one election in which individuals have most involvement at local level. Members of the committee who have served as councillors will know that councillors are at the coalface to a much greater extent than members of the United Kingdom Parliament, of the Scottish Parliament or of the European Parliament, depending on their role and responsibility.

As I said, there was no real consensus on the issue, but it would be good to hear your views on what the electorate think of the whole process and how that might be changed or looked at in the future.

Jonathon Shafi: All that is extremely valid, because we want to involve people in the decision-making process. We have done a lot of work up and down the country, as part of which we considered various proposals and had debates and discussions about how we would like local government to be run. In the course of those, we have considered questions such as have been raised this morning.

Although there is a discrepancy in how people view elections, as Alexander Stewart correctly pointed out, we have also found—this is not just anecdotal evidence; it is backed up by polls and events that we have held—that people are willing to dedicate time and energy to their local area. They want to do that, but they do not see the

connection between that form of engagement and electing local councillors or taking part in a local election. The more we can involve the electorate in the process of shaping the kind of local democracy that we want to build in Scotland, the better. It will all be to the good.

Graham Simpson (Central Scotland) (Con): I have a slightly different point on four years versus five years. I think that there is quite a strong argument for saying that it should be five years on the basis that that would lead to better government. Whoever gets elected, whether at council or Scottish Parliament level, will have a programme. It seems to me that if representatives are elected for a four-year term, they will have an eye to the next election pretty soon, which might affect what they do and do not do. I am quite comfortable with a five-year term, because that would give an administration, whether in a council or a Scottish Parliament context, longer to carry out a programme. Do you have any thoughts on that?

Jonathon Shafi: Yes. I think that there is a tension. We want to ensure that the electorate feel as in touch as possible and that they have as much control as possible over their elected representatives. Of course, the rate at which they are allowed to elect representatives is very important to people. At the same time, we want to avoid the culture of political parties of any stripe making promises at election time, which is now wearing thin with many members of the electorate. A longer period in which to implement a programme—perhaps a more strategic programme, whether it is on the economy, democracy or any other aspect of political and social life—might help in that regard.

We want to take an holistic approach. If we have longer terms, we should also increase engagement and introduce mechanisms that allow the electorate to play a full part in their democracy in the intervening time. Although there is a focus on rather technical aspects, such as the exact length of terms, we want to press time and again the idea of building in other mechanisms that allow fuller discussion.

Sarah Boyack (Lothian) (Lab): I will move on to another issue. You have both given us some really good evidence on the size of council wards, how many councillors we should have and how to achieve proportionality. Working out how to achieve the best balance is a fundamental issue, so it would be good to draw on your experience and to hear your views on how things have worked since proportional representation was introduced, when we moved away from single-member wards and took a different approach.

Will the proposals in the bill improve representation by providing increased flexibility to adapt to different circumstances across the country? I know that you have both provided evidence on the issue, so I am keen to hear your views on it.

Ronnie Hinds: We welcome the additional flexibility. There are limited tools in the box when it comes to ward design if we can only choose between permutations of three-member or four-member wards. I think that we have said previously to the committee—we have certainly said it in public and in publications—that there were circumstances in a number of the mainland councils that we identified during the most recent set of reviews in which we could have come up with the solution to have a two-member ward or, less frequently but nevertheless occasionally, a five-member ward. The fact that the bill offers the prospect of using those options as well as three and four-member wards is something that we can only welcome.

We are just coming to terms with how we might implement that in practice. We are looking at the islands, where two-member wards are a reality, as are one-member wards. The discussion that we are having with the island councils at the moment is quite interesting in that regard. Our view is that there is nothing that we would prefer intrinsically in the choice between one, two, three or four-member wards. Therefore, by extension, if the choice was extended to five-member wards, we would see them all as having equal value. In other words, it is not an objective to use five-member wards or two-member wards.

However, we recognise that there is perhaps an issue lurking in the background to do with the effect on proportionality. When the choice is between three or four members, we can still find occasions when the way in which proportional representation works within wards differs a little bit, depending on whether it is a three or a four-member ward. That difference is not pronounced or profound, but it is occasionally there. Elected representatives could give you a better account of that than I can.

We should be thoughtful about how two-member and five-member wards might work in practice. I recall that, when proportional representation—the multimember ward system—was introduced back in 2004 or 2005, there was talk about reviewing it after it had been in place for a while. We cannot find any evidence of that having been done. That would be a valuable exercise as we proceed with the bill, and if it becomes an act, so that we can be conscious, as we use those options, of what they might mean for the chemistry within a council.

We have asked the three full island councils—they are the ones we have had the closest engagement with so far—whether they have

thought about that and whether they think that it would make any difference to how members see themselves in the council chamber. By and large, they think that it would not, although nobody has yet thought hard enough about what it would mean if there were to be a single-member ward, for example, which is proportional in name but perhaps not in practice, and then two, three and four-member wards in which there is proportional representation. We will see how that works out in practice.

10:00

Sarah Boyack: I take your point about a review not having been done. We might want to come back to that.

Jonathon Shafi: There is much to agree with. You will have seen from our submission that although, generally speaking, we welcome what is proposed because it offers greater proportionality, there are some far deeper issues that we have to contend with. I think that that is probably recognised.

For example, it is clear that parity between wards is an important issue, but we also want to make sure that our elected representatives have real ties with the communities that they represent. We do not always get that. I understand the need for parity and I understand what is being said about numbers of councillors. Scotland, as members will know, is very far down the list of democracies when it comes to the level of representation that people have.

Ideally, we want there to be more councils—we want them to be smaller, more reflective, more representative and more engaged councils—with larger numbers of representatives being elected. We think that that would rapidly increase levels of engagement. We have put forward a blueprint—I say "blueprint"; it is really a discussion document to start a debate about how we might do that. We recognise that these are complicated issues that are not easy to grapple with. Nevertheless, given where Scotland presently is, we think that we can do a great deal better, and we have tried to outline how.

Sarah Boyack: So, the witnesses do not really have concerns about the number of councillors who are returned to wards, and are broadly in favour of flexibility. I am picking up from Ronnie Hinds that we definitely need to review the issue. As somebody who has been a constituency and a regional member, I know that there are different dynamics. In the councils, things will play out differently, given the size of wards.

Have either of you looked at other countries to see whether there are lessons that we could learn? That partly picks up the point about

representing people better, but I am also thinking about the trade-offs between proportionality, density, rurality and community.

There is also an issue about access for the individual constituent. In a five-member ward, how would people know whom to go to, who the nearest councillor was and what their political views were? We are expecting constituents to do quite a lot of work. Do you have views on the trade-off between accessibility and numbers?

Ronnie Hinds: I can offer a couple of comments. You asked whether we have looked at other places. We have looked at evidence, in so far as we can find it, of how the multimember ward system works in other polities. Before the Local Governance (Scotland) Act 2004 was enacted, the example that was cited most often was Ireland, but I cannot find much evidence that there has been any review work done on how well or badly that form of representation works in Ireland. Jonathon Shafi might know more about that.

We have been thinking about it and have been casting about to see whether there is any evidence on what it is like to be a councillor in that situation, but I cannot find terribly much, although I would be happy to be guided by anybody who knows better.

I can reflect on my experience as a council chief executive, although I do not want to dwell on that too much. In my council, and no doubt in other councils, we were very conscious of the issue, and there was concern about how it would work out. In practice, we tend to find that, regardless of the political parties that are represented, there is a recognition that, in a multimember ward, there must be some sharing of responsibility. It works as well or as badly as people make it work.

I mention that because I think that resilience is important. In a two-member ward, one of the members being ill or unavailable for a time would become an increasingly large burden for the one who is left. If the two members were unavailable, that would become quite an issue. That is less likely to happen as we go up the scale towards four and potentially five members. For the purposes of effective and convenient local government, there should be somebody there to represent the people who have elected councillors. Wards with two members or one obviously pose more serious risks in that regard.

There is a trade-off in relation to accessibility. In a council with rural areas, a five-member ward might cover quite a large geographical area. Having a fourth or fifth member compared to three or four at the moment might not be much use to people because, although there would be someone to whom they could go, the members

would be far away and access to them would be limited.

Jonathon Shafi: It is important to say that we want to change the culture in relation to standing for local elections. In many countries, it is normal to be an elected councillor and it is not seen as a great political intervention, but as being part and parcel of people's civic duty. We could look at all kinds of statistics. In Norway and France, which is mentioned in our written submission, we can see just how close people are to their representatives. Those countries have representatives for hundreds of people rather than for thousands of people. We need to close in on that ratio.

We often talk about communities. It was rightly pointed out that we have a geographical problem, but communities are very complex things. In order to rebuild community, there needs to be democratic renewal. We see those as being very closely aligned with each other. We need to ensure that, as the bill develops, there is as much consultation as possible.

We are doing our bit by having meetings across the country to involve people in the discussion. A point that often comes up is that huge numbers of people would be interested in becoming councillors and local representatives. Lots of them are deeply embedded in their communities and many of them are in political parties, but many are not. We need to give those people the opportunity, because it is through that opportunity that we will maximise the engagement. I welcome the desire to review the issue. We understand that it is complex, but we want to be as ambitious as possible.

Sarah Boyack: Jonathon Shafi suggests in his written submission that we should have more councillors. Would you add more councillors with the current number of councils, or is the priority to have more councils? We could make a marginal change and take up Ronnie Hinds's suggestion of reviewing the process. Would that make a difference? You have given statistics that show that people support having more councillors. Would that have cost implications?

Jonathon Shafi: That is a very good question. We could throw more councillors at the present set-up of regional councils and not actually end up with much improvement in people's engagement. We want more councils, and we think that the two go hand in hand—it would be difficult to talk about having more councils and fewer councillors, for example. We want an increase in councils and representatives.

Of course, that will have a cost. The appendix at the end of our written submission outlines some of the details of that. We also want the introduction of

development councils and citizens assemblies at local level, and all of that will have costs.

However, our argument is that there is a much greater cost to not renewing how our democracy works at local level. We think that, with increased democracy, we will see increased levels of community involvement, which breeds all kinds of economic and social benefits.

Sarah Boyack: I pushed you on the issue because I can accept the argument, but we are not, through the bill, going to change councils. The only thing that we could do is to have more councillors and a variety in respect of the trade-off between accessibility, size of wards and numbers of councillors. Is it worth having more councillors, or do we just make the system work as it is and play around with the numbers, as we now have the opportunity to do in the bill?

Jonathon Shafi: I make it clear that we would, of course, take more councillors, but there is no way to gloss over some issues that we have to grapple with. It would be easy for the bill to go through and just tinker around at the edges, and we would welcome that, because we see it as part of a process. Democracy is always part of a process of evolution, but we would like deeper and more radical proposals to come forward, and to take the opportunity that the bill presents. It comes at a key moment in politics, so we advise that the opportunity be taken.

Sarah Boyack: That is helpful. Thank you.

Kenneth Gibson (Cunninghame North) (SNP): There is loads and loads of stuff here. First of all, I do not know whether you share my view that the bill is fairly limited. To my mind, it is a missed opportunity. We could have done a lot more and covered a lot more ground. Jonathon Shafi said that we should look at wider and deeper changes.

Mr Shafi's written submission does not cover what I believe are two major flaws in the current proportional representation system. I was the person who put forward, at the 1995 Scottish National Party conference, the policy of bringing in the single transferable vote for elections. That was quite a hard-fought battle. A lot of people were against it and preferred a different proportional system.

I have to be honest and say that I have been deeply disappointed with its impact. There are two reasons for that, which should have been dealt with in the bill. One is that it was believed that parties would put up robust candidates and the voters would choose between them based on their merits. We now know that that does not happen. The most important thing in any council election when there are two people from the same party is their surnames. For example, all else being equal,

an Alasdair Allan will always defeat a William Wilson.

I looked at the issue just after the 2007 election and found a 92 per cent weighting based on the alphabet and that, the further up the alphabet we go, the bigger the difference is. Should there be randomisation of ballot papers? I have asked the minister previously why the SNP does that in internal ballots but the Government has not introduced it in a bill such as the one that we are considering. We should do so to try to eliminate the issue.

The other reason to introduce STV was to encourage more candidates to come forward but, in fact, political parties have become unbelievably timid. For example, in my constituency, in the Largs ward, which is a four-member ward, the Tories might think, "We can only win one seat, so we'll only put up one person and we'll be home and dry before the ballot is cast." Labour might put up one candidate, the SNP might put up two, and an independent might stand. The electors will then have five candidates, four of whom will be elected. That is not really what we thought was going to happen. Fewer people are standing for election than ever before. At least under first past the post, Largs would have been four wards and the SNP, Tories, Labour and probably independents would have contested them all.

Another reason why fewer people are standing is that the size of the wards is onerous. That relates to what Sarah Boyack said. I have a ward in my constituency called Dalry and West Kilbride. Never mind a car—you almost need a helicopter to represent it. It takes 30 to 40 minutes to cross it. The Electoral Commission has selected three and four-member wards, and that area is almost the bit that has been left over. It bears no relation to the communities there. It is just all bits that have been glued together. Someone who does not have a car cannot really represent the area. I raised that with Ronnie Hinds's predecessor, and he just said, "We made a mistake in 2007, but we're not going to change it." That was the answer—you can look up the record if you do not believe it.

There are a number of questions. First, how will we get more people to stand in the multimember wards if we are going to continue with them, as we clearly are? How will we overcome the barrier of parties being extremely cautious and the alphabetical order issue?

Jonathon Shafi: I agree with almost everything in that. I will make a more general comment before I come on to the more detailed points. You might find it somewhat counterintuitive that the Electoral Reform Society would say this, but there is a danger that we look to electoral systems as some kind of magic wand to increase engagement and representation. Clearly, we support proportional representation and STV. We want those systems to develop, but we also think that a wider democratic crisis is going on and we have to think about that.

For example, we have a campaign called "Act as if we own the place". We have provided the committee with some details on it. We go into a community and take people through a process using deliberative techniques through which they come to decisions about the problems in their area, and think about solutions and what they might do. That is one small example of a mechanism that we could deploy that would allow people to become involved more generally in their area. That has an impact when it comes to elections. We need joined-up thinking. It is not just about the electoral system; it is about the wider culture and other mechanisms that we want.

10:15

On the detail of Mr Gibson's question, he has raised real problems. As he outlined, the way that political parties often approach local elections can and does breed wider disengagement and wider disenfranchisement because people see it happening. We want to avoid that approach. That will require a long-term systemic and cultural change in how we do politics at local level. I reiterate that the best way forward is to increase the number of people who take part in the elections. We can do that only if we increase the number of councils and councillors. You can see how that would begin to change the culture and the dynamic around local representation.

Kenneth Gibson: I take it that you support randomisation of ballot papers, so that, for example, somebody called Jonathon Shafi does not have less chance of being elected than an Annabelle Ewing in the same ward?

Jonathon Shafi: Yes.

Kenneth Gibson: I do not know how we will get political parties to put up more candidates than they think will be elected. That will be a real issue and it is a major flaw in the system.

Mr Hinds, on my point about the Dalry and West Kilbride ward, what weighting do you put on community as opposed to numbers? It seems to be clear that numbers are the absolute overriding criterion. Although my constituency and Cunninghame South are both in North Ayrshire, in Cunninghame South, there are about 2,500 voters per councillor, whereas the figure is about 3,000 in my constituency. I do not understand why there is that difference. Your predecessor was unable to explain it. You can look at the numbers, but there seems to be an issue that communities are not prioritised over the numbers.

Ronnie Hinds: I am not familiar with the details of the ward, but I go back to my opening comments. It might well be that that is a function of the limited choice that is available under the current system, in which we can have only three-member or four-member wards. If we can also have two-member and five-member wards, we should be able to draw lines quite differently. A conspicuous problem with accessibility or transport in an area would be one of the factors that we would look at. I cannot promise anything on the specifics, but that is my general response.

On the wider question about parity versus communities, you know what the legislation says. It remains the case that parity is paramount, and that is the legislation with which we work. That occasionally leads to painful accusations that we are just number crunchers and so on, but my view is that parity is really about fairness. The objective is to ensure that, in representative terms, every person's vote in a ward for a council—to stick with local government—counts for as much as the votes of every other person, as far as possible. If there is wide disparity within a council area, that will not be the case.

That is a starting point; it is not the end point. There are other provisions in the legislation that we make use of. In Highland, some wards have disparities of over 20 per cent or even 30 per cent. We recognise the importance of special geographical circumstances, which is the tool that we have at our disposal when we try to bring communities into focus. We are also obliged not to break local ties in the course of making our ward designs, unless there turns out to be absolutely no alternative. We are cognisant of community in that sense.

To quote an academic whom we have asked about the issue, community is in the eye of the beholder. Mr Gibson will know that as well as I do. Sometimes, it is a geographical thing, sometimes it is social and economic and sometimes it is cultural. It can be all sorts of things, and nothing in the legislation that we work with gives us the sophistication to recognise those different forms of identity.

The best that we can do is to speak to the councils. Something that we are trying to get out of the work that we are doing at the moment with the island councils, and which I would like to take into the reviews in the future, once the bill is passed, is the opportunity to spend more time speaking to councils, and to local representatives other than councillors, about what "community" means for them, so that we know, to an extent, what we are talking about when we weigh that on the scales against the numbers.

Kenneth Gibson: I agree that parity is important. For example, 3 per cent of people in

North Ayrshire live on Arran. There was an argument that they should have a multimember ward, but I said no to that, because I did not want a vote in Arran to be worth two or three times what a vote on the mainland was worth. That would not have been appropriate, but there has to be some flexibility—perhaps of 5, 10 or 15 per cent—on the mainland to get community representation. How can the bill be improved in that regard, if at all, or do you think that the bill has it just about right?

Ronnie Hinds: Obviously, I have a different position from Jonathon Shafi.

Kenneth Gibson: I am asking you both.

Ronnie Hinds: The commission's position is that we will work with what the legislation says. We have made observations in our written submission about how the proposals in the bill could be improved, from our point of view.

If you are talking about bigger issues, I do not expect the Government to be able to give us a clear definition of what a community is and how best to take that into account in a quantifiable way that would then be set alongside the things that we can measure. The expectation in the Islands (Scotland) Act 2018 is that we should try to recognise the distinctive forms of community in island areas. As I said, we are doing our best to recognise that in practice, but it will always come down to judgment.

Speaking for myself—I will not be the chair of the commission for ever—I would not want to have the commission's judgment fettered. I would not want anybody's definition of "community", not even the Government's, to be the defining criterion that we had to use in weighing one issue against another. It is better to speak to people in an area to get an understanding of what community means for them, because it will vary across the country.

Jonathon Shafi: It is really good to hear that there is recognition of the tension between the question of parity and actual community representation, and that there is a discussion to be had about what we mean by "community". As has been outlined, it can mean many different things.

One thing we have found is that, in many ways, the term "community" is used as a buzzword even though a community actually might not exist. A lot has been written and said about the issue. Lots of academic texts and polling evidence show that there has been a substantial breakdown in what people understand a community to be, for all kinds of economic, social and other reasons.

We think that, as Mr Gibson said, the bill is a missed opportunity to address that, because the question of how communities develop is intrinsically and organically part of the question of how democracy functions. They work very much in

the same way; they share a dynamic that we want to enrich and nurture. The best way to do that is by taking the opportunity of the bill, which we think presently does not go far enough, to introduce the other mechanisms that I have tried to outline.

Kenneth Gibson: I realise that others want to come in, but I want to touch on one other issue. I believe in radical transformational government—full stop. I refer to what the ERS submission says about council by-elections and casual vacancies. I do not really understand the logic of the ERS's position. Basically, it says that, if there is a by-election three years after a council election,

"the next person on the party slate of candidates that failed to be elected"

should just step up. A person could have died, emigrated or joined another political party, or the whole political landscape could have changed. In the past few months, for example, a new political party—the Brexit Party—has been formed, and it did exceptionally well in the European elections, although it does not look as though it will do well in the next election. Things change, so why should that happen?

The ERS's submission also says:

"Should the seat be held by an independent or if there is no party candidate available then the ballot papers from the last election should be recounted as if the previously elected councillor was not there."

How is that democratic? I know that you are desperate to avoid anything but a first-past-the-post election, but surely the current system or even a first-past-the-post system would be better than that system, given that it is a by-election. The submission seems to me to represent the worst of all possible worlds. What was your thinking behind that?

Jonathon Shafi: We do not want to see any kind of seeping towards a first-past-the-post election, for example. We want to retain the electoral systems that we have and improve them, but we think that that can be done by engaging in the wider work that I have tried to outline in respect of other mechanisms that we want to see functioning at local level, which members can see in the document that is included with our submission. If that approach is seen alongside the issues that have been raised that come around with a council by-election, it is not as big a deal as it might seem at first, because it will come alongside a range of other democratic mechanisms. We want an holistic approach. It is not just about looking at how the proposal exists in the here and now; it is also about how it would function alongside all our other proposals.

Kenneth Gibson: I am desperate to come back on that, but I know that other people want to come

in. Thanks very much for your indulgence, convener.

Annabelle Ewing (Cowdenbeath) (SNP): Good morning, gentlemen. I have listened to the wider conversation, and I want to go back to the number of wards. In Fife, for example, there are 22 wards—Ronnie Hinds will know that well. I am afraid that I do not know the figure for Scotland. To pick up on earlier points, what is the optimal broad-brush position? Is it 22 wards for nearly 400,000 people in Fife? What should we be striving for in an ideal world?

Ronnie Hinds: I feel that I should declare an interest if we are going to use Fife as the exemplar.

That is not how I look at the issue: I do not think that there are right answers to such questions, in numerical terms. I would say that about the number of councils and the number of councillors and, by extrapolation, the number of wards. When we do our work, we do not have as an objective the outcome of having a given number of councillors in Scotland as a whole or for individual councils. That is what drives our work in ward design. The number of wards in Fife or anywhere else is a function of the methodology that we use rather than an objective.

If I reflect on my current role and what I know from previous work, I am not sure that the number of wards is a big issue for councils. It is worth raising the point that we tend to find that, by and large, councils try to map their wards on to other things that are of higher importance to them—for example, how they work with community planning partners. They will try to come to mutually convenient arrangements so that they can get the best out of relationships with health services, the police and other bodies. That is where the question of the number of wards comes sharply into focus in our work.

There is an example from the previous reviews. North Ayrshire Council was very strong on community planning, which is a key part of how it does its work. I admire that: it puts a lot of effort into that, and we can see that it gets results. I know that that is on the record. We could not come up with a result that it was absolutely happy with, because our result would not map accurately on to its arrangements. We could not do that, because those arrangements are not part of the relevant considerations that we have to take into account. However, moving forward, they will be in scope through the Islands (Scotland) Act 2018, and we will have a conversation with it about how best to achieve that.

For me, the number of wards is focused on that context. There is no right answer: a council could change its mind tomorrow and reshape how it

works with its partners. That is a factor for me. I tend to think of anything that we can do that would support that in the same way that we try to think about local ties. That is a different issue, but the same principle is involved.

Jonathon Shafi: I have been at lots of meetings in which elected representatives have been asked the same question. Often the people who have the best answers are those who work and reside in the areas that the representatives engage with. I propose that we involve people in that process. We always want more of that. Let us ask the local electorate about, and seek guidance from it on, what would be suitable and how best it could be represented. In the end, the local electorate knows far more about the geographical and community questions that we have touched on. We want to see that kind of process develop.

This is just an anecdote, but at one of the meetings that we recently ran in Leith, there was a discussion about where the boundaries of Leith are. There were different ideas about that, depending on how people relate to the area as a community. The discussion ended with really important proposals about how residents would like to see themselves represented in a geographical area that they had discussed.

10:30

Graham Simpson: I want to go back to a couple of issues, the first of which is the number of councillors per ward. In its submission, the ERS came up with—let us be nice about it—the radical idea that there could be up to nine councillors per ward. That sounds astonishing. I am not quite sure how that would work. Will Jonathon Shafi explain the rationale behind that?

Jonathon Shafi: Again, there is no magic number. We do not assume at any point that the optimal number can be scientifically calculated. We are saying that, generally speaking, the increase in the number of councillors in wards will have a positive net impact, but that, of course, comes alongside there being more councils and other democratic mechanisms. The issue has to be viewed in its totality rather than just the technical detail being looked at as if the issues were not interconnected. On that basis, we are talking about increasing representation and increasing the number of councillors alongside an increase in the number of councils. That is our approach.

Graham Simpson: I am not clear why having nine councillors as opposed to three or four would lead to a better quality of representation.

Jonathon Shafi: One thing that that would do is allow more people to put themselves forward. We can debate whether that would increase the quality of the individuals, but we are talking about the quality of engagement. There is far more likely to be increased engagement and an increased democratic dynamic if there are more councillors and more representatives who are able to respond to local people's needs. It is also about building the culture of people putting themselves forward. We are far more likely to get that if there are more councillors on offer.

Graham Simpson: Let us go for the figure of nine councillors per ward. Electors would email nine people about the same issue, and nine councillors would contact people such as Mr Hinds in his previous job on the same issue. That would create a bureaucratic headache, and things would not be better.

I live in a three-member ward, which I used to represent as a councillor, and I regard myself as a normal voter. If I was not involved in politics, I would have absolutely no idea who any of my councillors are, because none of them communicates with the electors. One of them is in my party.

Kenneth Gibson: Name and shame.

Graham Simpson: It is generally the case that most voters have no idea who their councillors are, and things will not change whether there are three, four or nine councillors. It depends on who the councillors are and how effective they are.

Jonathon Shafi: That is a very fair point. It would be wrong to say that having nine councillors instead of three or four would answer all the questions that you have put, especially with the doubling up of queries and concerns that people would put forward. Would they go to more councillors than they would need to? We have to tackle such questions.

I want to make it clear that the ideas that we have put forward are to start a discussion. If members look at the document that we have provided, they will see that we see that approach running alongside a range of other mechanisms. When, for example, big projects in an area are being decided on or carried out, we want things such as development councils and citizens assemblies to help the process and ensure that there is a broader backdrop of civic engagement at local level.

I accept what you said about issues that might arise as a result of that—a doubling up of queries, and a bureaucratic problem. That is fair comment, and we would have to look into that. We have tried to provide an overview of how we would address that using other mechanisms that would run alongside election of councillors.

Graham Simpson: Okay.

Ronnie Hinds: Graham Simpson's question touches on what I said earlier in response to

Sarah Boyack. I repeat that the Local Government Boundary Commission for Scotland is agnostic about the number of councillors, although we welcome having more choice. However, I said previously that it is worth asking where the evidence is that suggests that one form of proportional representation is better than another or that any form of it is better than the old system, in which we had single-member wards. A piece of work should be done following our introduction of a multimember ward STV system in this country over a decade ago. That work should include a look at other polities that have those systems.

Some of the bigger numbers that Jonathon Shafi has alluded to might sound large, but numbers close to them exist in other countries that are not very far from us. In Ireland, there can be up to seven councillors—in fact, that is what is recommended for the multimember ward system in Ireland. It set its face against three or four councillors. I am not saying that it is right or wrong; I am just saying that other people with comparable polities and economies have come to a different view.

I could cast my net further afield to New Zealand—although I am not offering to go there—which has looked at the issue, as well. If we are going to look at the approach, we should not just consider how it has worked in this country since we implemented it; we should look wider for comparators and lessons to be learned.

The Convener: I do not want to spend too much more time on this, although I know that Sarah Boyack and Kenny Gibson want to come in briefly. Is it fair to say that you feel that the bill is too narrowly drawn, so that your proposal is not really appropriate for it and would instead be part of the continuing conversation on local democracy? You are not suggesting that with the existing system and the bill we should put in nine councillors. That would lead to duplication and other stuff that has been mentioned.

Jonathon Shafi: Yes—exactly. We want to promote the idea that there has to be a much broader discussion; it is an evolving discussion. The opportunity exists to implement, through the bill, some of the things that we are advocating. It is important to say that our proposals have not just come from the Electoral Reform Society, as you can see, but from a coalition of people through a lot of debate and discussion with all kinds of organisations. They want to see such change. We will not get all of it in the bill—we understand that—but we want to make sure that we are present as much as possible throughout the evolution.

Sarah Boyack: Earlier, you said that tinkering is better than not making any changes. I was just reflecting on having a nine-member ward versus having that nine-member ward split into two and having a four-member ward and a five-member ward. If you are trying to increase access to representatives and access to communities, there are trade-offs that both witnesses have very eloquently described to us, as well as the boundaries that you both work with. Such a change could enable you to increase the number of members while retaining proportionality.

I totally get that parties do not put up three candidates in every five-member ward because they could end up losing all their councillors. There are calculations to be done, but it is about trying to do something that has the potential to be better— to be proportional and to provide more capacity. I am surprised, if you think that it is a key issue, that you did not seize on the opportunity to ask why we could not have slightly more people but still have proportionality and more access to representatives.

Kenneth Gibson: I represented a one-member ward in Glasgow City Council for seven years in the 1990s. I converted back to first past the post having seen the appalling flaws of the current system.

One flaw that I did not touch on is complacency. One of my concerns about the current system is that some candidates feel—Graham Simpson talked about this in relation to his ward—that even if they come third in the next election, they will still be elected. If they come fourth in a four-member ward, they will still get elected.

As long as their pals in the local branch put them forward as a candidate for party X and their party gets 16 per cent plus one in the vote for a five-member ward, 20 per cent plus one for a four-member ward, or 25 per cent plus one for a three-member ward, they are home and dry for another five years. That is a real issue.

The Convener: Kenny, move on.

Kenneth Gibson: I am just saying that there is complacency. Fewer people are being put up as party candidates, which means that younger people cannot stand or break through. There is also the issue of alphabetical ballot papers making it difficult for people and skewing the results. These are all reasons why I think that the current system has to be reviewed, as Ronnie Hinds said, and—I certainly hope—changed.

The Convener: The witnesses do not need to respond, although you should feel free to do so, if you want to.

Graham Simpson will ask the questions that he was going to ask originally.

Graham Simpson: If you want me to do that, I can, but I want to ask about something else that we have already touched on, convener.

The Convener: Do so very briefly, please, because we still have a lot of questions.

Graham Simpson: I will be brief. I think that there is an omission in the bill—I could not see this in the bill and we have mentioned it previously—to do with by-elections. There will be different views on how by-elections should be done. Should we keep the current system or should by-elections for councils be first past the post? There will be a variety of views. Should the bill tackle by-elections?

Jonathon Shafi: If we are to examine how our local democracy works, we must look at every aspect of it. We need confidence in the system that we end up with. The ERS opposes first-past-the-post elections. I hear the criticism that has been put forward and I reiterate that we do not think that any electoral system in and of itself will ever be perfect: I do not believe that there is a perfect democracy. We are always seeking to increase the extent to which representation reflects the needs of the electorate.

All aspects need to be covered. This bill will be important legislation that must have the confidence of the electorate and representatives. It should deal with all aspects that might come up as a result of the process.

Ronnie Hinds: That is a matter for the Electoral Commission rather than for the boundary commission, so I have nothing to say on that.

Graham Simpson: The committee has previously looked at a wider issue. I was quite surprised to discover that one can be registered to vote in two places. I was even more surprised to discover that if there were local elections on the same day, I could vote in Edinburgh and I could vote where I live in East Kilbride—I could vote in two places. I am not allowed to vote in two places in the general election or in the Scottish Parliament election, although I could be registered in two places. To the best of my knowledge, there is no effective system for checking whether I have abused that—for checking whether, if I choose to be registered in two places, I have voted in both places.

Annabelle Ewing: No—but you would be committing an offence. I give that helpful free advice as a lawyer.

The Convener: Stop touting for business, Annabelle, and let the man get on.

Graham Simpson: I have covered Ms Ewing's advice: I said that people are not allowed to vote twice. However, I do not think that there is an effective system for checking whether a person has done that. Are you aware of one?

Ronnie Hinds: Again, that is outwith the commission's remit. It is a matter for the Electoral Commission, so I should remain silent.

Jonathon Shafi: The matter is important. A wider discussion has taken place that involves things including voter identification, which the Electoral Reform Society sees as a mechanism that would suppress voter turnout. I absolutely understand the concern. Obviously, we do not want people to vote twice in an election or in two different areas in the same election, but we need to strike a balance in relation to the mechanism that is used to prevent that, in order to prevent the wider voter suppression that might result from things such as voter identification. I do not have a concrete answer, I am afraid. I absolutely accept that the matter has to be looked at, although what is done must not deter people from voting.

10:45

Graham Simpson: The bill does not propose to change the system whereby a person can be registered in two or maybe three places. Should it?

Kenneth Gibson: Yes, it should.

Graham Simpson: The bill tackles the issue of people voting twice in a council election. Currently, that can be done. The bill makes it clear that people should not and are not allowed to do that, which is positive. That is the case only for council elections that are on the same day. I could vote in a by-election in Edinburgh and I could vote in a by-election at home, under the bill proposals. There are a number of issues. Should people be able to register in two places?

Jonathon Shafi: I think that the answer is no, but I would like to look into the matter in a bit more detail and provide a more detailed response. You have asked an important question. I have to admit that we have not looked at that issue in any great detail, although now that you have raised it, we will certainly do so and see what we can propose to the committee for scrutiny. We would avoid a mechanism to prevent that that would create a barrier to voting for the wider electorate. I would like to circulate something on the subject.

Graham Simpson: It is easy to be registered in multiple places and we have a general election coming up. I know that that is not the committee's remit, but people will decide where they will vote based on where they think their vote will be most effective. Surely, that is wrong.

Jonathon Shafi: People feeling that their vote is wasted in one area but not in another also points to a wider flaw in the system itself. I accept that the matter should be looked at. We have to ensure that the democratic system is robust and trusted and that there is trust in who is voting. We will look into the matter as a result of the question and I will circulate a response from ERS. It is an important issue.

The Convener: Let us concentrate on the remit of the committee, which is local government.

Graham Simpson: I think that the issues affect all elections, convener. If one can be registered—

The Convener: There are different set-ups in place for parliamentary elections and local government elections.

Kenneth Gibson: On that point, convener—

The Convener: I am sorry, Kenny: Annabelle Ewing wants to come in first.

Annabelle Ewing: I suspect that the possibility of dual registration takes us back to a different era, when people worked away from home or students had to spend some time away from their homes, and it would have been more cumbersome to change one's registration to vote. That does not pertain now with online applications and so on, so now would be a good time to look again at the issue. There does not appear to be any need now—even if we could argue that there once was—for people to be able to be registered in two places.

Jonathon Shafi: Yes. This is also an opportunity to look at voter registration in the main in relation to how we engage with people. Because of the number of people who are not registered, we have to consider initiatives that will increase the number of people on the electoral roll. There is a discussion to be had about registration, which encompasses a number of different areas. We will also do some work on that and circulate a response.

The Convener: Will you write to the committee?

Jonathon Shafi: Yes—I will write with a more detailed response.

Kenneth Gibson: That is the point that I was going to make: there are far more people who are not registered to vote than are registered at two locations. In my constituency, in some of the more deprived areas, there are streets that have closes with eight flats in them and only two or three voters are registered in the entire close, which is completely unacceptable. That is a major flaw in our democratic process.

Surely, in this day and age, when a person registers at an address, that information should automatically go to their previous local authority, if it is different, and they should be deleted from the electoral register there. One would think that such a mechanism should be very straightforward and that the Convention of Scottish Local Authorities could ensure that its member councils would do that.

Being registered at two locations is an issue, but it is less of an issue than people not being registered at all. I believe that the United Kingdom Government has made it more difficult for people to register. For example, for the forthcoming general election, people can get a proxy voting form or a postal voting form, but must register online. For people who are not computer savvy, that is a disadvantage to them in relation to voting.

The Convener: Graham, do you want to come back in?

Graham Simpson: No, that has exhausted that line of questioning. Thank you.

The Convener: In the Scottish Government's consultation on the rolling review of local authority wards, 71 per cent of respondents supported the rolling review of the boundaries. What is the boundary commission's view of that? Does it support the proposals for rolling reviews?

Ronnie Hinds: You will see from our submission that we see advantages and disadvantages to that. The main disadvantage might be lack of consistency in the approach because we would not cover all 32 councils at once. I would say, as the commission's chair, that we could manage that risk because our methodology is consistent. Changes in circumstances under which the methodology was being applied might, however, give rise to at least a perception of inconsistency.

On the other side of the equation, the advantages could be quite substantial. I have already alluded to the possible opportunity to engage more fully and deeply with councils and with the electorate and/or community organisations within a council's area that have an interest in our work. To be frank, given our resources, that would be very difficult to do with all 32 councils at once. The committee can appreciate what an exhaustive process that would be. Such engagement is a potential advantage and would be in the spirit of the Islands (Scotland) Act 2018 and what lies behind some of the provisions in the bill. We would be quite happy to work in that fashion.

The question that we pose in our submission is whether the provisions in the bill will give effect to rolling reviews. It is hard to see how we could, with the timescales that are set out for review periods, in practice do rolling reviews: we might do six or seven councils at a time and then another six or seven. That is what I think is intended by the expression "rolling reviews" in the policy memorandum, but I do not think that the current provisions in the bill would actually give rise to that.

The Convener: Thank you. On that note, we conclude the public part of the meeting. I thank our witnesses for their time.

10:52

Meeting continued in private until 11:29.

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