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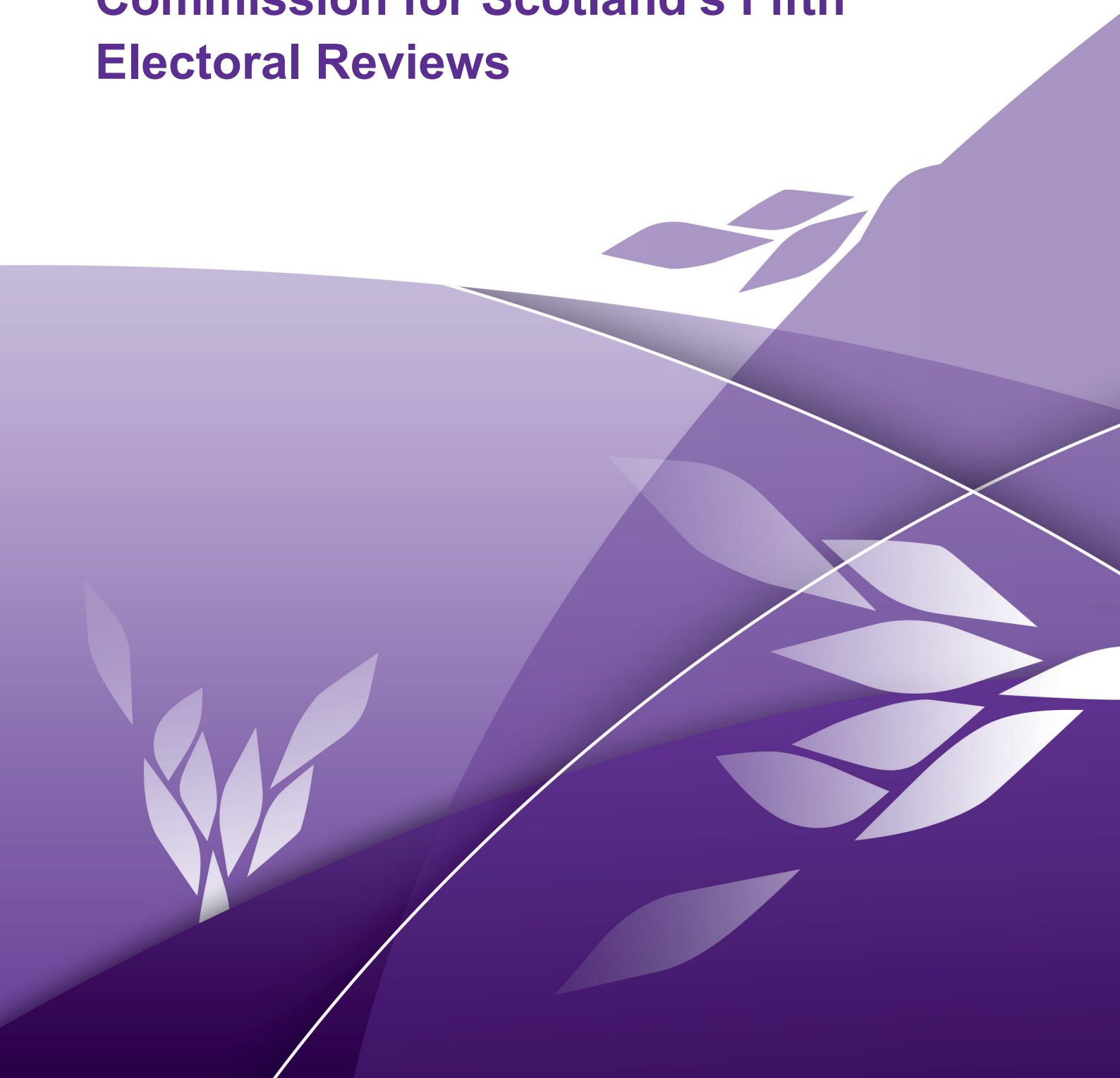
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Web

Local Government and Communities Committee

Local Government Boundary Commission for Scotland's Fifth Electoral Reviews



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Local Government and Communities Committee

Remit: To consider and report on communities, housing, local government, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities, Social Security and Equalities



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Introduction

1. The Committee reports to the Parliament as follows—
2. At its meetings on 5 and 26 October, the Committee considered the Local Government Boundary Commission for Scotland's 5th Electoral Reviews¹ and the Scottish Government's subsequent response.
3. The Committee understands that the changes to local authority arrangements came into force on 30 September 2016, however, we felt that **there were a number of issues raised during our consideration of the reviews which should be highlighted to Parliament and should help to inform and improve future reviews.**
4. We would like to thank the Local Boundary Commission for Scotland, a number of local authorities, the Electoral Reform Society, COSLA and the Minister for Parliamentary Business for providing evidence to the Committee and for helping us gain a deeper understanding of the complexities and competing priorities involved in undertaking these reviews.

Background

A brief history of the Local Government Boundary Commission for Scotland prior to 1973

Local Government (Scotland) Act 1889

5. The Local Government (Scotland) Act 1889 established a modern system of local authorities in Scotland. Section 45 of the 1889 Act established a Boundary Commission for Scotland and Sections 47 and 49 of the 1889 Act set out its powers.

Local Government (Scotland) Act 1929

6. This Boundary Commission continued to have the same role following the reform to local government in Scotland introduced by the Local Government (Scotland) Act 1929, until the Local Government (Scotland) Act 1973 (the 1973 Act) established the current Local Government Boundary Commission for Scotland.

The Local Government Boundary Commission for Scotland from 1973 onwards

7. The Local Government Boundary Commission for Scotland² (hereafter referred to as the Commission), is responsible for reviewing local government boundaries and electoral arrangements in Scotland.
8. It is an Advisory Non-departmental Public Body (NDPB) sponsored and wholly funded by the Scottish Government.
9. It is an independent, non-political body which is responsible for reviewing and making recommendations for—
 - the overall number of councillors in each local authority and number of councillors in each ward (each ward must elect either 3 or 4 councillors);
 - the number of wards for local government elections and their boundaries; and
 - the extent of council areas.
10. The current Commissioners, who were appointed by Scottish Ministers, following procedures approved by the Commissioner for Ethical Standards in Public Life in Scotland, are—
 - Ronnie Hinds, Chair;
 - Vacancy, Deputy Chair;
 - Ailsa Henderson;
 - Roland Bean; and
 - Susan Walker.

New duties for the Commission

11. At present, Schedule 1 to the Scotland Act 1998³, as amended in 2004, sets out the role of the Electoral Commission and the Boundary Commission for Scotland in relation to reviewing and proposing changes to the boundaries of Scottish Parliament constituencies and regions to the Secretary of State for Scotland.
12. As a result of the Scotland Act 2016, the Local Government Boundary Commission will gain further powers in relation to Scottish Parliament constituency boundaries.⁴ Under the provisions of the 2016 Act, responsibility for carrying out reviews of the boundaries for Scottish Parliament constituencies and regions will pass from the Boundary Commission for Scotland to the Local Government Boundary Commission. The responsibility for implementing the proposed changes will also be amended, with Scottish Ministers replacing the Secretary of State for Scotland.

13. Under the new powers, a review report will be submitted to Scottish Government ministers. As soon as practicable, after the Electoral Commission has submitted its report, Scottish Ministers are required to lay that report before the Scottish Parliament, along with any draft Orders in Council required to implement the report's recommendations. Those orders are subject to the affirmative procedure, which means that they require parliamentary approval.

Electoral reviews and the Fifth electoral reviews

14. The Commission is required to conduct electoral reviews of each local authority at intervals of 8 to 12 years. The current reviews are the 5th reviews since 1974 and the first review since 1998 to propose changes to councillor numbers.
15. The Fourth Reviews were conducted between 2004 and 2006. At that time, the Local Governance (Scotland) Act 2004 introduced multi-member wards for Scottish local government, each with either 3 or 4 members elected by the Single Transferable Vote form of proportional representation. Those reviews resulted in the introduction in 2007 of a total of 353 multi-member wards for Scottish local authorities for use in local government elections in Scotland in 2007 and 2012.
16. When undertaking these reviews, the Commission must comply with the rules set out in paragraphs 1 and 2 of Schedule 6 of the 1973 Act, as amended by the Local Government etc. (Scotland) Act 1994 and the Local Governance (Scotland) Act 2004
17. When reviewing electoral arrangements, the Commission is required to make its decisions in the interests of effective and convenient local government, and to take account of the following factors—
 - as an overriding factor, within each council, each councillor should represent the same number of electors as another councillor in the same council (known as parity) (the reasons that legislation requires regular electoral reviews is due to population, and hence, electorate changes. As a result, some councillors may represent considerably more or fewer electors than their colleagues);
 - local ties which would be broken by making a particular boundary;
 - the desirability of fixing boundaries that are easily identifiable; and
 - special geographical considerations that may need different treatment.
18. Under the Local Governance (Scotland) Act 2004, each ward must elect 3 or 4 councillors to the council and the electoral system uses the Single Transferrable Vote form of proportional representation.

Ministerial involvement in the process

19. Where Scottish Ministers agree with the Commission's recommended changes then, under section 17 of the 1973 Act Ministers give effect to those recommended changes by laying orders, Scottish Statutory Instruments (SSIs), in Parliament.
20. These SSIs are not subject to any parliamentary procedure which means that they come into effect on the date set out in the SSI and cannot be stopped by the lead Committee, the Delegated Powers and Law Reform Committee, or Parliament itself.
21. If Scottish Ministers disagree with any of the Commission's recommended changes for a local authority then they do **not** lay an SSI, in which case, **the present electoral arrangements remain in place.**

Fifth electoral reviews

Timetable and process

22. The Commission started its fifth reviews of electoral arrangements in February 2014 and submitted its report to Scottish Ministers in May 2016. The timetable was as follows—

Description	Start	Finish
Reviews commenced	21 Feb 2014	
Commission met separately with all 32 councils to provide a background to the Reviews	25 Feb 2014	2 April 2014
2 month statutory consultation period with councils on councillor numbers	21 Feb 2014	23 April 2014
Commission considered councils' responses	April 2014	May 2014
12 week public consultation period on councillor numbers	29 May 2014	21 Aug 2014
Commission considered responses and agreed councillor numbers	September 2014	January 2015
Commission developed proposals for wards	September 2014	January 2015
2 month statutory consultation period with councils on proposals for wards	19 March 2015	19 May 2015
Commission considered councils' responses	June 2015	July 2015
12 week public consultation on proposals for wards	30 July 2015	22 October 2015
Commission considered all representations and developed its final recommendations	November 2015	April 2016
Commission submitted its Reports to Scottish Ministers	May 2016	

23. The fifth reviews were conducted in two phases, with the Commission—
- consulting and deciding on councillor numbers for each council; and
 - consulting and deciding on ward boundaries.
24. The Commission used a methodology to categorise council areas and determine council sizes which was based on **deprivation and population density**. The Commission explained that deprivation was used as a factor in determining council size because it considered it to be a reasonable indicator of a range of factors that impact on council service and on the work of councillors. It also highlighted that deprivation is used by the Scottish Government when making policy decisions.

Outcome of the fifth electoral reviews

25. The Commission decided to maintain the minimum number of councillors for each area at 18, as it felt there was no reason to change this. However it extended the upper limit from 80 to 85 to give it greater flexibility when considering how to incorporate deprivation to determine councillor numbers.
26. It was concerned that a large change in councillor numbers in a council area could be disruptive, therefore it **incorporated a 10% change rule**. This meant that it did not increase or decrease the total number of councillors in a council area by more than 10% as a consequence of the reviews.
27. The Commission concluded the reviews and on 26 May 2016 made its recommendations⁵ to Scottish Ministers on the number of councillors and the electoral ward boundaries. Changes were recommended for 30 of Scotland's local authority areas, Orkney and West Lothian were not subject to any proposed changes.
28. The recommendations provided for 351 wards and 1219 councillors, which was an overall decrease of 2 wards and 4 councillors to the existing arrangements.
29. Under the final recommendations, the Commission explained that—
- the variation from parity between councillors will reduce from 6% currently to 5% and therefore representation of the electorate within council areas will be more evenly shared between councillors;
 - variations in the number of electors represented by councillors in different councils in Scotland will be reduced. At present, these range from an average of 694 electors per councillor in Na-h Eileanan an Iar to 6,283 in City of Edinburgh, a range of 5,589 forecast electors. This range will become 813 electors per councillor in Orkney Islands to 5,785 in City of Edinburgh, a range of 4,972 forecast electors. This means that there will be greater equity in electoral representation across Scotland;

- in the most sparsely populated areas of Scotland, almost 99% of the electors will be in wards which are within 15% of parity for the council, compared to less than 94% under current arrangements;
- in more than three quarters (77%) of the most deprived data zones in Scotland, people will benefit from enhanced electoral representation.

Scottish Ministers' decision on the fifth electoral reviews

30. On the 14 September 2016, the Scottish Government announced its decision on the fifth electoral review report and recommendations. It confirmed that it accepted the recommendations in relation to 25 local authority areas and accordingly laid 25 SSIs in the Parliament relating to the following local authority areas—

Aberdeen City Aberdeenshire Angus Clackmannanshire Dumfries and Galloway East Ayrshire East Dunbartonshire East Lothian East Renfrewshire Edinburgh Falkirk Fife Glasgow City	Highland Inverclyde Midlothian Moray North Ayrshire North Lanarkshire Perth and Kinross Renfrewshire South Ayrshire South Lanarkshire Stirling West Dunbartonshire
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31. These SSIs were subject to no procedure and **came into force on 30 September 2016**. These changes mean that total Councillor numbers across Scotland will change from 1223 to 1227.
32. The Scottish Government rejected the change recommendations for five council areas, namely—
- Argyll and Bute⁶:
 - existing arrangement, 36 councillors in 11 wards: 3 wards with 4 members and 8 wards with 4 members
 - proposed change, 33 councillors in 10 wards: 3 wards with 4 members and 7 wards with 3 members.
 - Dundee City⁷:
 - existing arrangement, 29 councillors in 8 wards: 5 wards with 4 members and 3 wards with 3 members
 - proposed change, 31 councillors in 8 wards: 7 wards with 4 members and 1 ward with 3 members.

- Na h-Eileanan an Iar⁸:
 - existing arrangements, 31 councillors in 9 wards: 4 wards with 4 members and 5 wards with 3 members
 - proposed change, 26 councillors in 8 wards: 2 wards with 4 members and 6 wards with 3 members.
 - Scottish Borders⁹:
 - existing arrangements, 34 councillors in 11 wards: 1 ward with 4 members and 10 wards with 3 members
 - proposed change, 32 councillors in 10 wards: 2 wards with 4 members and 8 wards with 3 members.
 - Shetland Islands¹⁰:
 - existing arrangements, 22 councillors in 7 wards: 1 ward with 4 members and 6 wards with 3 members
 - proposed change, 22 councillors in 7 wards: 1 ward with 4 members and 6 wards with 3 members. There would be changes to ward boundaries.
33. On the Commission's recommendations it had not accepted, the Scottish Government explained that—
- ” In a small number of cases - Argyll and Bute, Dundee City and Scottish Borders - we have listened to local representation and left boundaries as they currently stand, to ensure strong historic ties in particular areas and communities are maintained.
- ” Significant concerns were raised about aspects of the Commission's proposals for those areas, in particular that they would not reflect local communities. Whilst the Commission did try to address these in its final recommendations, it was clear from the responses to those recommendations that many of those concerns remained. We therefore decided that the better course would be to keep the status quo for those areas.¹¹
34. The Scottish Government also confirmed that in relation to island councils, it had committed to introduce an Islands Bill during the first Parliamentary year to provide for 1 or 2 members islands ward. Accordingly it did not propose to pre-empt this Bill and did not implement any changes in those council areas of Orkney, Shetland or Comhairle nan Eilean Siar.

The Commission's response

35. In response to the Government's decision, the Commission made the following statement, also on 14 September 2016—
- ” The Commission submitted 32 reports arising from the 5th Reviews of Local Government Electoral Arrangements to Scottish Ministers in May this year. Our

recommendations were made in the interests of effective and convenient local government, following consultation with councils and the public over the last two years, and in accordance with the statutory requirements placed upon us. It is for Scottish Ministers to decide whether to accept or reject those recommendations, and we note today's announcement by Scottish Government which accepts our recommendations in 27 council areas. We will consider the implications of the forthcoming Islands legislation at the appropriate time and are happy to undertake any further work required by Scottish Ministers.¹²

Issues considered by the Committee

Legislative requirement for 3 or 4 member wards

36. The Local Government etc (Scotland) Act 1994 created the 32 single-tier local government areas that cover Scotland. Each local government area is divided for electoral purposes into wards. As previously stated, the Local Governance (Scotland) Act 2004 introduced multi-member wards for Scottish local government, each with either 3 or 4 members elected by the Single Transferable Vote form of proportional representation.

Review methodology

Councillor numbers

37. The Commission conducted a full review of councillor numbers and wards including examining the methodology used. Taking into account views from its consultation in 2011, the Commission determined there should be a consistent Scotland-wide methodology and that it should use measures of rurality and deprivation.
38. Professor Henderson from the Commission explained that these reviews examined councillor numbers and wards together, as was not the case in the fourth review which resulted in the introduction of multimember wards for the single transferable vote.¹³
39. The Commission consulted in two stages, the first on councillor numbers and the second on ward design. Professor Henderson explained—

” The reduced range of ratios means that there is less variation in the value of one vote across Scotland. We have lower levels of deviation from parity in the aggregate, which means that representation of the electorate is more evenly shared. Specifically, more wards are within 10 per cent of parity, which means that there is less variation in the value of each vote within a council area. Furthermore, fewer electors will be underrepresented by 10 per cent or more relative to the council average.¹⁴

Evidence on requirement for 3 or 4 member wards

40. We heard that this legislative requirement for either three or four member wards made the process inflexible and more difficult to achieve electoral parity, both within a local authority area, and across all local authority areas in Scotland. Witnesses also questioned whether this requirement across all of Scotland was the most appropriate method when setting boundaries and councillor numbers. Professor Henderson acknowledged this inbuilt inflexibility telling the Committee—

” ...We have noted instances where having two-member wards and five-member wards would have been helpful to us and enabled us to capture local ties and special geographic circumstances better.¹⁵

41. On a related point, when questioned as to whether it would be better to have the same number of councillors per ward **within** a local authority, Professor Henderson did not agree. She explained that a mix of three-member wards and four-member wards allows the Commission to create boundaries based on the boundaries that are already there such as the community council boundaries, previous ward boundaries, and Scottish Parliament or UK Parliament constituency boundaries. She argued—

” I am not sure that a bunch of exactly proportioned boxes that have the sufficient number of electors to have four councillors in an area is necessarily a solution that would have been well received in all cases.¹⁶

Electoral parity

42. We explored the extent to which the legislative requirement to consider parity above local ties and existing identifiable boundaries constrained the Commission when agreeing on where to set boundaries. Professor Henderson told us—

” The rules require us to pay attention to electoral parity above all other things but, subject to that, we have regard to local ties, easily identifiable boundaries and special geographic circumstances¹⁷.

43. Professor Henderson also pointed out that there was scope to revisit decisions based on local ties—

” We consulted on ward design with councils in the first instance. Some councils wrote back to us to say that, although we had selected a particular option, they thought that another option better reflected local ties in the area. For example, we proposed an option in Dundee but the council told us that another option that we had looked at better reflected local community ties, so we changed to that version and went out to public consultation on it.¹⁸

44. Katie Gallogly-Swan, representing the Electoral Reform Society (ERS) suggested that prioritising electoral parity constrains the Commission—

The commission was necessarily constrained by outdated legislation in the form of the Local Government (Scotland) Act 1973... we think that making electoral

parity a priority is outdated. Parliament wants communities to be run by communities, but the prioritisation of electoral parity is in direct tension with that philosophy. We want more emphasis to be placed on recognising communities as units of decision making.¹⁹

45. She explained further—

” There is a spectrum that goes from electoral boundaries being mathematically and technocratically decided via electoral parity at one end to communities being on par with one another at the other end. Somewhere in the middle, because of Scotland’s diversity—as has been outlined by the other witnesses—we need to find something that works for Scotland. That is not a one-size-fits-all model, but a model that works for our diverse and different communities.²⁰

46. Charles Reppke, representing Argyle and Bute Council, did not believe that parity should be considered above other factors telling us—

” I have sympathy with the view that parity is an important consideration, but I am also aware that, politically, the council view was that parity did not achieve what we wanted, and we looked to depart from it for special reasons.²¹

47. Mr Reppke, outlined the council’s belief that their area’s unique geography and sparsity of population should have been considered over parity—

” We made a submission around that in terms of departing from the parity criterion. However, because of the pre-eminence of the concept of parity in the boundary commission’s considerations, we were not successful in our argument until the Scottish ministers’ decision. We certainly feel that there should be more flexibility to recognise unique geographical situations, particularly with regard to island communities.²²

48. We questioned the Commission on the fact that some constituencies within the same council area have differing numbers of councillor to elector ratios and whether this does actually represent parity, Professor Henderson argued—

” We try as best we can to keep the ratio of electors to councillors the same within a council area, but we get variations. Sometimes that is because we try to draw the boundaries not strictly according to parity. Working within that 10 per cent, are there places where we can draw the boundary to capture local ties and are there places where we can draw the boundary so that it is easily identifiable? In addition, we are allowed to deviate from parity subject to special geographic considerations.²³

49. The result of these reviews was a reduction in the range of ratios of electors to councillors to make them more equal and the minimum and maximum council size was amended from 18-80 to 18-85.

10% cap

50. The Committee explored the robustness of the 10% cap on changes to councillor numbers and how this figure, which could be argued is arbitrary, was decided upon. Professor Henderson explained that the aim of the 10% cap was to minimise disruption and highlighted that the Commission was also following best practice in other commissions, such as the Local Democracy and Boundary Commission for Wales. She told us—

” The 10 per cent figure surfaces twice. It surfaces because we use the Venice commission guide on variation from parity of 10 per cent and there is a separate 10 per cent figure for the cap. We felt that, given the range of council areas, 10 per cent would get us to whole numbers a lot better²⁴.

51. Councillor David O'Neill, representing COSLA, was unconvinced by usefulness of the 10% cap telling us—

” It is certainly artificial to say that we cannot move more than 10 per cent in either direction. That means ignoring good solid evidence that would lead us to move significantly in another direction.²⁵

Scottish Index of Multiple Deprivation

52. The Scottish Government's official tool to identify areas of multiple deprivation in Scotland is the Scottish Index of Multiple Deprivation (SIMD). The Commission used the 2012 SIMD version for its 5th reviews to categorise councils.

53. The seven domains in SIMD 2012, used to measure the multiple aspects of deprivation, are:

- Employment;
- Income;
- Health;
- Education, Skills, and Training;
- Geographic Access to Services;
- Crime; and
- Housing.

54. In previous electoral reviews, the two measures used to categorise councils were both measures of rurality, one on population distribution and the other density. Following a 2011 consultation and a benchmarking exercise, the Commission decided to use a population distribution measure and the SIMD to categorise councils. Professor Henderson explained—

” ...The SIMD is not a measure of poverty, as has often been assumed; it captures a range of socioeconomic and geographic circumstances in a local area. We believed that, because it was used frequently by the Scottish Government and—critically—had been used by another body that also banded councils, it was a useful measure to use.²⁶

55. Paul Vaughan representing Fife Council, questioned the relevance of using the deprivation measure—

” We did not really understand the relevance of the deprivation figure to councillor workload as it was portrayed. ...the SIMD is a geographical representation of deprivation and does not get down to the level of people. A lot of work must be done to get to the point at which one understands the deprivation that individuals and families are encountering rather than simply looking at the geographies.²⁷

56. Councillor O'Neill told us there was a lack of understanding in the use of the deprivation measure—

” There was no evidence for deprivation to be included as a factor: there was no work done and no study was carried out on whether the issues were all about deprivation. Artificial barriers have been put in place, some of which we discussed earlier. It is important to say that local government as a whole objects to the proposals not because it does not like them per se, but because the methodology that was used was not right. If we are going to include different factors, there must be an understanding of how those factors are decided on, and that did not happen in this instance. To be fair to the boundary commission, I think that it now understands that, and it has indicated that it would like to engage earlier next time round.²⁸

Involvement of Scottish Ministers and the Parliament in the process

57. During evidence, questions arose around Scottish Ministers' and Parliament's role in the process, such as the extent to which Commission's recommendations should be subject to Ministerial and Parliamentary approval or oversight. We considered the appropriateness of the current arrangements and whether the process can be improved.

58. Following the reviews, the Commission makes independent recommendations, but the final decision rests with Ministers. Councillors, other MSPs and the Parliament do not have a role in determining the final boundaries.

59. The Committee explored whether there should be checks and balances in the system of reviews such as the Ministerial approval level which exists at the

moment, whether there should be parliamentary involvement in the current system, or if the whole system needs to be changed. Mr Reppke said—

” From Argyll and Bute Council’s point of view, the Scottish ministers’ involvement was important because it got us satisfaction, as you have outlined. It was important that the campaign that was mounted was a crossparty campaign and that it was community driven...I believe that there should be a check and balance.²⁹

60. Katie Gallogly-Swan highlighted the fact that the Commission is an independent body and told us—

” The check and balance should be respected but, in this instance, although we agree with the ministers, a problem is posed for the independence of a commission and the confidence in the system.³⁰

61. Councillor O’Neill also raised the issue of the Commission’s independence. He agreed that there should be checks and balances in the system but made the point—

” Should there be checks and balances? Absolutely. My view is that the boundary commission being more independent would be better than politicians, whether they are local or national, making decisions. We can argue that the input from the minister was helpful in some instances but not in others... Much more discussion is needed about how the methodology is worked out. Again, I would prefer the boundary commission to be more independent and less subject to directions from ministers—that is a personal point of view.³¹

62. Paul Vaughan made the point that whatever process is used, it must be transparent. He told us—

” All systems can be improved. There is no way that we could not come up with a better system. It is crucial that there is much more transparency on the methodology and the criteria that are used if people are to have confidence in the approach.³²

63. Professor Henderson highlighted the fact that the process used in setting local government boundaries is not the process used in other boundary reviews—

” There are other ways of approving boundaries. With the administrative reviews that the Local Government Boundary Commission conducts, the minister also accepts, rejects or amends. However, with the Scottish Parliament boundaries, the minister has no power to direct the commission to make any changes. The same is true for Westminster boundaries, in relation to which there is an affirmative resolution procedure as opposed to a negative resolution procedure. What is distinct in this case is not only the ministerial role but the relative absence of a parliamentary role.³³

64. The Commission agreed that, in light of the changes being made to its role, following the commencement of the provisions in the Scotland Act 2016, when it will be responsible for reviewing the Scottish Parliament boundaries, the process involved in setting boundaries should be explored further. Professor Henderson told us—

” The process for approving those Holyrood recommendations will be very different. The minister will have no role in amending any boundaries that we propose, and there will be a parliamentary role. Therefore, there might well be a desire to at least make the process by which boundary commission decisions are approved the same regardless of whether we are looking at local government boundaries or Scottish Parliament boundaries. 34

65. The Commission went on to tell us—

” In future, therefore, this Commission will be responsible for local government electoral arrangements as well making recommendations for the Scottish Parliament. This may provide a useful opportunity for considering the differences in arrangements for the Ministerial and Parliamentary processes for implementation of recommendations, which, as noted during the Committee session, differ for ward boundaries, council area boundaries and Parliamentary constituencies. 35

66. These issues were raised with the Minister for Parliamentary Business. He outlined his role, referring us to the process agreed by the Scottish Parliament—

” ..Parliament has given ministers the responsibility to decide whether to accept the recommendations. That being so, it was both right and necessary that I should consider the recommendations for each area and decide in each case whether to recommend them—and that is what I did. In doing so, I took into account councils' and other stakeholders' representations on the commission's proposals as they were developed and on the final recommendations after they were submitted to ministers. 36

67. The Minister told us that there was scope to review the current process—

” It is always appropriate that we review our processes. As I said, the decision on the process for final ministerial approval predates my being an MSP. We have indicated that an elections bill will be introduced. At that point, we can look at these issues in the round and decide whether the arrangements are appropriate for the future. 37

68. When questioned as to whether he believed there was a role for Parliament, The Minister pointed out that there is nothing to stop the Committee taking evidence from the Commission on its methodology, although it is important that the Commission remains independent. On the Ministerial role, he told us—

” On whether there is a role for a ministerial decision at the end of the process, it is clear that there is not for the Scottish Parliament boundaries. There is a balancing act. As I have said, if I did not have the responsibility to make the decisions that I made, the five areas for which I did not accept the recommendations would have been less happy. I guess that, in those cases, people are grateful that I had that power. However, the issue is for Parliament to decide. The legislation was set in 1973 and the Parliament looked at it again in 2004. It must have been satisfied that it was appropriate that there should be ministerial oversight of this.³⁸

69. The Minister agreed that the time is right to look at these issues—

” As more powers come to the Parliament, it is absolutely an appropriate time for us to look at how the powers are used and to make sure that we have appropriate levels of scrutiny.³⁹

70. The Committee believes that the current legislative framework, process and methodology used in the electoral reviews is inflexible and unsatisfactory. We acknowledge that existing statutory requirements are built into the process and understand the complexities involved. When deciding on electoral boundaries, we are concerned that there is an inherent contradiction between respecting local ties and boundaries and the legislative requirement that, above all else, consideration must be given to electoral parity.

71. The Committee is aware that this is the first time that Ministers have used their power and not accepted the boundary proposals from the electoral review. The Committee acknowledges that this is within the power of Scottish Ministers. Further consideration should be given to the role of local authorities, the Parliament, and Scottish Ministers within this process while maintaining the independence of the Commission.

72. **The Committee recommends that the Scottish Government and the Local Boundary Commission for Scotland undertake detailed scrutiny of the legislative framework, process and methodology used in electoral reviews and make recommendations for improvements. The outcome of this work should be reported to the Committee and Parliament and should be completed in advance of Scotland's sixth electoral review.**

73. The Committee notes that the Commission will now be responsible for reviewing Scottish Parliament election boundaries, which will result in orders which will be subject to Scottish Parliament approval.

74. We note that the process for approving Scottish Parliament election boundaries is not the same as the process undertaken in approving local

government boundaries. We believe that, in light of these new powers for the Commission and the fact that there will be a role for Parliament in Scottish Parliament constituency boundaries reviews, it makes sense to look afresh at whether the parliamentary procedures for orders implementing changes to local government boundaries are still fit for purpose. We as a Committee have made no conclusions on this at this stage.

75. The Committee recommends that the Scottish Government and the Commission work together to explore the issues raised in this report with a view to undertaking a more fundamental review of the processes involved in setting parliamentary and local government boundaries. We recommend that the Scottish Government updates the Committee on the work being carried out in this area and that this work is completed in time for the next series of local government reviews. As the Minister indicated, the introduction of the forthcoming elections bill would be an opportunity to consider this matter further.

Annexe A

Extracts from the minutes of the Local Government and Communities Committee and associated written and supplementary evidence

7th Meeting 2016 (Session 5), Wednesday 5 October 2016

2. Local Government Boundary Commission for Scotland's 5th Electoral Review: The Committee took evidence on the Local Government Boundary Commission for Scotland's 5th Electoral Review and the Scottish Government's subsequent response from—

Professor Ailsa Henderson, Commissioner, Isabel Drummond-Murray, Secretary, and Laura Cregan, Secretariat, Local Government Boundary Commission for Scotland.

Alexander Stewart declared an interest as a Councillor in Perth and Kinross.

Supplementary Written Evidence

 [Local Government Boundary Commission for Scotland](#)

8th Meeting 2016 (Session 5), Wednesday 26 October 2016

2. Local Government Boundary Commission for Scotland's 5th Electoral Review: The Committee took evidence from—

Charles Reppke, Head of Governance and Law, Argyll and Bute Council;

Paul Vaughan, Head of Community and Corporate Development, Fife Council;

Katie Gallogly-Swan, Campaigns Organiser, Electoral Reform Society;

Cllr David O'Neill, President, COSLA;

and then from—

Joe FitzPatrick, Minister for Parliamentary Business, and Brian Peddie, Relationship Manager, Local Government Policy and Relationships Unit, Scottish Government.

Local Government and Communities Committee

Local Government Boundary Commission for Scotland's Fifth Electoral Reviews, 3rd Report, 2016
(Session 5)

Written Evidence



[Argyll and Bute Council](#)



[Fife Council](#)



[Electoral Reform Society](#)

12th Meeting 2016 (Session 5), Wednesday 23 November 2016

6. Local Government Boundary Commission for Scotland's 5th Electoral Reviews (in private): The Committee agreed a draft report subject to the agreement of amendments via correspondence.

Annexe B

List of Other Written Evidence

-  [East Renfrewshire Council](#)
-  [East Lothian Council](#)

Local Government and Communities Committee

Local Government Boundary Commission for Scotland's Fifth Electoral Reviews, 3rd Report, 2016
(Session 5)

¹ More information can be found on their website http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/ [Accessed November 2016]

² Further information can be found on their website <http://www.lgbc-scotland.gov.uk/>. [Accessed October 2016].

³ The Scottish Parliament (Constituencies) Act 2004 substituted a new Schedule 1 to the Scotland Act 1998.

⁴ Section 8 of the Scotland Act 2016 (which requires an order from the UK Government to come into force) will amend Schedule 1 of the Scotland Act 1998.

⁵ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/01_resources/News_release_260516.pdf [Accessed October 2016].

⁶ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/argyll_and_bute/ [Accessed October 2016].

⁷ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/dundee_city/ [Accessed October 2016].

⁸ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/eileanan_an_iar/ [Accessed October 2016].

⁹ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/scottish_borders/ [Accessed October 2016].

¹⁰ http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/shetland_islands/ [Accessed October 2016].

¹¹ Scottish Government, News Release. Available at: <http://news.scotland.gov.uk/News/Council-ward-boundaries-agreed-2afb.aspx>.

¹² Statement on the Commission's website http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/ [Accessed October 2016].

¹³ Local Government and Communities Committee, *Official Report*, 5 October 2016, c2.

¹⁴ Local Government and Communities Committee, *Official Report*, 5 October 2016, c3.

¹⁵ Local Government and Communities Committee, *Official Report*, 5 October 2016, c5.

¹⁶ Local Government and Communities Committee, *Official Report*, 5 October 2016, c6.

¹⁷ Local Government and Communities Committee, *Official Report*, 5 October 2016, c2.

¹⁸ Local Government and Communities Committee, *Official Report*, 5 October 2016, c7.

¹⁹ Local Government and Communities Committee, *Official Report*, 26 October 2016, c2.

²⁰ Local Government and Communities Committee, *Official Report*, 26 October 2016, c6.

²¹ Local Government and Communities Committee, *Official Report*, 26 October 2016, c8.

²² Local Government and Communities Committee, *Official Report*, 26 October 2016, c5.

²³ Local Government and Communities Committee, *Official Report*, 5 October 2016, c5.

²⁴ Local Government and Communities Committee, *Official Report*, 5 October 2016, c3.

²⁵ Local Government and Communities Committee, *Official Report*, 26 October 2016, c4.

²⁶ Local Government and Communities Committee, *Official Report*, 5 October 2016, c9.

²⁷ Local Government and Communities Committee, *Official Report*, 26 October 2016, c14.

²⁸ Local Government and Communities Committee, *Official Report*, 26 October 2016, c14.

²⁹ Local Government and Communities Committee, *Official Report*, 26 October 2016, c16.

³⁰ Local Government and Communities Committee, *Official Report*, 26 October 2016, c18.

³¹ Local Government and Communities Committee, *Official Report*, 26 October 2016, c18.

³² Local Government and Communities Committee, *Official Report*, 26 October 2016, c19.

³³ Local Government and Communities Committee, *Official Report*, 5 October 2016, c15.

³⁴ Local Government and Communities Committee, *Official Report*, 5 October 2016, c17.

³⁵ Local Government Boundary Commission for Scotland. Supplementary written evidence.

³⁶ Local Government and Communities Committee, *Official Report*, 26 October 2016, c22.

³⁷ Local Government and Communities Committee, *Official Report*, 26 October 2016, c24.

³⁸ Local Government and Communities Committee, *Official Report*, 26 October 2016, c26.

³⁹ Local Government and Communities Committee, *Official Report*, 26 October 2016, c37.

