

ANGUS COUNCIL

ANGUS COUNCIL – 14 FEBRUARY 2002

THE SIZE OF THE SCOTTISH PARLIAMENT – A CONSULTATION

Report by Chief Executive

SUMMARY

This report summarises the contents of the paper published by the Scotland Office in December 2001 entitled “The Size of the Scottish Parliament – A Consultation” and suggests a response on behalf of the Council.

1. RECOMMENDATION

1.1 The Council is asked:-

- (a) to note the terms of the report; and
- (b) to approve section 5 of the report as the basis for this Council’s response to the Consultation Paper.

2. INTRODUCTION

2.1 Section 86 of the Scotland Act 1998 removed the requirement guaranteeing a minimum of 71 Scottish seats at Westminster and required the Boundary Commission in its next report to apply the electoral quota for England. At present, the average Scottish Westminster Constituency comprises around 55,000 electors while the average for English Constituencies is around 70,000 electors. The Act also presently provides for an automatic reduction in the size of the Scottish Parliament when the number of MPs at Westminster representing Scottish Constituencies is reduced. The Boundary Commission for Scotland has a statutory duty under the Parliamentary Constituencies Act 1986 to keep under review the Parliamentary Constituencies in Scotland and to conduct a general review between 8 and 12 years from the date of its last report. Its next report is due to be submitted to the Secretary of State for Scotland between December 2002 and December 2006.

2.2 The Boundary Commission for Scotland has just published its provisional recommendations for reducing the number of Scottish constituencies at Westminster from the present 72 to 59. As a consequence of the linkage in the Scotland Act, the number of members of the Scottish Parliament would also be reduced. This reduction is likely to be from the present 129 MSPs to around 102. The Scotland Act also requires that, following its review of parliamentary constituencies in Scotland, the Boundary Commission must consider the boundaries of the regions which return additional members to the Scottish Parliament. Any change in the number of seats at the Scottish Parliament or to the boundaries for the regions for returning additional members will not take effect before the next elections to the Parliament. The next

Scottish Parliamentary elections that could, in practice, be affected would be in May 2007.

3. CONSULTATION DOCUMENT

- 3.1 The Scotland Office has therefore published a consultation paper seeking views on the case for retaining or ending the linking of Westminster and Holyrood constituency boundaries as provided in the Scotland Act, particularly in the light of the experience now gained of the Scottish Parliament's operation. The consultation paper makes clear that there are no plans to review the issue of the number of Scottish Constituencies at Westminster and the existing position on the future reduction in the number of MPs representing these constituencies is not therefore part of this consultation.
- 3.2 The government also has no plans to change the electoral system to the Scottish Parliament but, as will be seen later in this paper, it is our view that changes to the electoral system for the Scottish Parliament should, indeed, be considered.

4. ISSUES

- 4.1 The Consultation Paper sets out a number of arguments in favour of the existing linkages between the boundaries of the Scottish Parliament constituencies and the Scottish constituencies for Westminster but recognises too that a number of working practices have evolved during the 3 years of the Scottish Parliament's existence that could be adversely affected by a reduction in the size of the Parliament.
- 4.2 In particular, the Scottish Parliament's committee system now comprises 17 standing and select committees and it is generally accepted that this is one of the Scottish Parliament's great strengths enabling greater scrutiny and more detailed consideration of Parliamentary business. A reduction in the membership of committees could affect the appropriate balance of representation between the various parties. In addition, a Ministerial team, currently of 20 members plus the Presiding Officer and Deputy Presiding Officers have all to be appointed from the ranks of MSPs and there is concern that a reduction in numbers could limit the pool of suitable candidates for these posts.
- 4.3 It is clear also that a reduction in the number of MSPs would inevitably lead to an increase in each member's case load of constituency work as it is likely that more time would have to be spent attending committees or the Parliament itself.

5. CONSULTATION

- 5.1 In responding to the Consultation paper, 3 key questions have been set out by the Scotland Office and these are dealt with as follows:-

Question 1

- **What would be the consequence of the reduction required by the Scotland Act on the operation of the Scottish Parliament and in particular on the committee system, the workload of MSPs, the service provided to constituents and the role of members elected from the list system?**
- 5.2 It is difficult to disagree with the issues highlighted in the Consultation Paper itself. Reducing the number of MSPs will inevitably reduce the pool from which Ministers and Parliamentary Officers can be appointed but this is not a strong argument in itself

for not proceeding with the required reduction. More significant however, are the implications for the Committee system and the time available to a reduced number of MSPs to serve on these and undertake constituency work at the same time. There is no indication that the volume of work being dealt with by the Parliament will reduce – on the contrary, the volume of legislation and other initiatives appears to be increasing.

Question 2

- **What practical effect and issues would arise in their relationship as constituency representatives between MPs, MSPs and Councillors if the present number of MSPs were to be retained and non-coterminous boundaries between Westminster and the Scottish Parliament constituencies created and how could any difficulties be overcome?**

- 5.3 In August 2001, the Scottish Parliament Procedures Committee conducted an enquiry into the application of the Consultative Steering Group principles in the Scottish Parliament. One of the questions raised by the Committee sought views on how Members were rising to their responsibilities of representing their constituents and constituencies in Parliament. The Council responded by acknowledging that while, generally, at least in this area, constituent MSPs appeared to be very accessible to their electorate, the activities of List MSPs, and the resulting publicity, caused confusion. There was a lack of clarity, therefore, between the respective roles of Constituency MSPs, List MSPs, MPs, MEPs, and local Councillors.
- 5.4 The Council stated then that any steps that the Parliament could take to clarify the respective roles would be helpful and it is suggested that this is now an opportune time to do that.
- 5.5 The Council re-affirms its support for the idea of a local consultative forum involving the local MSPs, MPs and local Councillors being held in a public setting to air new policy initiatives and matters of local concern which would enhance accountability and open up a further route for “sharing the power” between the Scottish Executive, legislators and the people of Scotland.
- 5.6 If the Boundary Commission proceeds to re-draw the Scottish Westminster boundaries to reduce the number of Scottish MPs to 59 with electorates averaging 70,000 each, it is suggested that the principles that were applied to Local Government in 1975 could be adopted to ensure that the Westminster and Scottish Parliament boundaries remain co-terminous. That is, each Westminster constituency would elect 1 MP as at present, and two MSPs using the Single Transferable Voting system (STV).
- 5.7 Such a system would ensure proportionality between political parties but having two directly elected MSP’s would make a greater percentage of the Parliament directly accountable to the local electorate. Clearly, 118 MSPs would be elected this way (59 constituencies).
- 5.8 If the Parliament wished to retain the present size of the Parliament for the sound reasons set out in the Consultation Paper then the balance of members would continue to be appointed using the List system. There are options available here also. At present Scotland is divided into 8 regions (European Parliamentary Constituencies) each of which appoint 7 MSPs but since STV would have already been used to appoint 118 members, each region could appoint a further 2 each using proportional representation as at present. This would give a total membership of

134, an increase of just 5 members. It would of course be open to decide to appoint more than two per region or even just one if this was thought necessary/desirable.

5.9 Alternatively, the regional system could be abandoned and the remaining 16 (or however many) List MSPs appointed on an all-Scotland basis. The Regional divisions are not readily recognised, particularly by the electorate. If the List MSPs were appointed on an all-Scotland basis it could be argued that this would be seen to be more inclusive by supporters of the smaller parties as voters for that party would feel they had a representative at Parliament. At present such MSPs are appointed from only one of the Regions but often regard themselves as representing supporters across the country in any event.

5.10 The advantages of such a system would include:-

- Co-terminosity between Scottish Westminster constituencies and Scottish Parliament constituencies.
- Greater direct accountability to the electorate of a greater proportion of MSPs.
- Easier liaison between MPs and MSPs (and local Councillors) which would allow them to better co-ordinate constituency work and provide more focussed representation of community interests at both Westminster and Holyrood.
- Reduce the confusion in the roles between constituency MSPs and List MSPs.
- Eliminate the fears expressed about reducing the size of the pool from which the Ministerial Team and Parliamentary Officers could be appointed.

5.11 Although the size of the constituency has increased, there are two MSPs to deal with constituency business which could either be divided by agreement geographically (particularly where they are of the same political party) or by allowing self-selection by the electorate which happens to an extent in any event at present.

Question 3

- **What are the implications where shared constituency boundaries are not in place for electoral administrators and local authorities in relation to the registration of voters and the conduct of electors and what would need to be done to ensure the effective and efficient running of the democratic process?**

5.12 There is no doubt that not having co-terminous boundaries creates a greater administrative burden on the conduct of elections particularly where these are held on the same day but perhaps, more importantly, it is more confusing to the electorate. Such confusion is made worse if the parliamentary boundaries are not co-terminous with local government boundaries and for that reason, it is suggested that the building blocks for the new boundaries should be local government wards.

5.13 As, on average, these have approximately 3-5000 electorate each, it should be possible to achieve Parliamentary constituencies of approximately 70,000 electors reasonably easily even adhering to the principle of not splitting communities unnecessarily.

- 5.14 Given the complexities of the STV system and the system for electing the List MSPs it would be essential that the elections are adequately resourced and that full training was available to electoral administration staff. If Local Government Elections are to be held on the same day as Scottish Parliamentary and/or Westminster Elections then the timing and resourcing of the various counts would also have to be addressed. This would perhaps be an opportune time to consider the use of electronic voting and counting systems to speed up results particularly if the List MSPs were to be appointed on an all-Scotland basis where ballot papers could be large and require to be counted at a central location.
- 5.15 The advantages for communities can readily be seen. Each constituency would have a clearly identified team of MP/MSPs and local Councillors to represent them at the three levels of Government and the disadvantages of having different electoral boundary areas would be avoided. This should reduce the burden on the Boundary Commission also since any adjustments made through appeals etc would automatically apply across the board.

6. "THE FOURTH QUESTION"

- 6.1 **"Although not a matter for the Government to consider, comments are invited, if appropriate, on the implications for the structure and operation of political parties if boundaries cease to be co-terminous and on how any difficulties could be overcome."**

No attempt has been made to comment specifically on this aspect but adopting the above proposals would presumably be of benefit to political parties also since geographical areas would be more clearly defined and apply to all levels of Government ie Westminster, Holyrood and local government.

7. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

8. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising directly from this report.

9. CONSULTATIONS

The Directors of Finance and Law and Administration have been consulted on the terms of this report.

A B Watson
Chief Executive

Note: The undernoted background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973, was relied on in preparing this paper:-

The Size of the Scottish Parliament – A Consultation (Scotland Office)

ABW/GM/BAK

5 February 2002