



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 86/12

14 May 2012

NIAR 379-12

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Electoral Constituencies

Further Information on Decoupling in Scotland

1 Introduction

Following presentation to it of a paper entitled 'Electoral Constituencies', the Assembly and Executive Review Committee, at its meeting on the 8 May, agreed to commission further research seeking '...any evidence to suggest that the electorate in Scotland and Wales finds the separate boundaries for local/regional/Westminster elections (a 'three-tiered system') confusing'.

This paper provides information relating to coterminosity of electoral boundaries in Scotland, where the Local Governance (Scotland) Act 2004 decoupled Scottish Parliament constituencies from Westminster constituencies. Westminster elections based on the number of constituencies being reduced from 72 to 59, following the Boundary Commission's Fifth Periodic Review, took place in 2005 and 2010. The paper also contains information on turn out at elections in Scotland.

As regards Wales, the Parliamentary Voting System and Constituencies Act 2011 decoupled National Assembly for Wales constituencies from Westminster constituencies. The Boundary Commission won't report on the new constituencies, however, until October 2013 and from then on the two sets of constituencies will be different.

2 Coterminosity of Boundaries

This section of the paper highlights information relating to consideration of the issue of coterminosity from the following sources:

- Consultation on the size of the Scottish Parliament (2001)
- Responses to consultation on the size of the Scottish Parliament (2001)
- Statement on the future size of the Scottish Parliament (2002)
- 'Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change' (The Scottish Affairs Select Committee Report 2004)
- Putting Citizens First: Boundaries, Voting and Representation in Scotland (the 'Arbuthnott' Commission Report 2006)
- Report on the First Periodic Review of Scottish Parliament Boundaries (2010)

Consultation exercise on the size of the Scottish Parliament¹

On 6 November 2001, the then Secretary of State for Scotland, Helen Liddell, announced that there would be a consultation exercise on the size of the Scottish Parliament.

The consultation document indicated that it would be important, in considering whether to retain or end the link between Westminster and Holyrood constituencies, to address the practical issues of how elected representatives could function if they did not have the common identity of constituency boundaries. In particular, views were sought on three questions:

- 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?
- 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

¹ Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION
<http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Final.pdf>

- boundaries between Westminster and the Scottish Parliament constituencies created, and how could any difficulties be overcome?
- 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 elections, and what would need to be done to ensure the effective and efficient running of the democratic process?

Responses to Consultation exercise on the size of the Scottish Parliament²

Responses were received from 28 civic organisations and bodies, representing a wide range of interests across Scotland, and from 95 individual members of the public. Representations were also made by 7 individuals or bodies representing electoral administrators, including the Electoral Commission, and by 21 councils and COSLA. The Scottish Parliament and the Scottish Executive, 2 Parliamentary party groups and 27 individual MSPs replied, as did 1 Westminster party group and 18 MPs, and 3 other Parliamentarians (2 Lords and 1 MEP). Thirty two responses were received from political parties and local constituency organisations.

Civic Organisations and bodies

Amongst the comments set out in the '129 Reflection Group' response (which was endorsed by Action of Churches Together in Scotland, the Committee on Church and Nation of the General Assembly of the Church of Scotland, the Educational Institute of Scotland, the Methodist Church in Scotland, the Royal Incorporation of Architects in Scotland, the Scottish Pensioners' Forum, the United Free Church of Scotland, and the United Reform Church) was the view that:

Boundaries not being coterminous should not be a fundamental problem – as shown by considerable evidence from other countries. Scotland had a politically aware electorate that had long accepted that constituencies vary with the character of elections.

Other organisations which argued along the lines that there was no evidence that people in Scotland were unduly confused by non-coterminous boundaries and that existing electoral arrangements in Scotland already required electoral administrators to cope with non-coterminous boundaries included: the Institute of Governance, Edinburgh University; Professor John Curtice, of the Department of Politics, Strathclyde University; the Electoral Reform Society; Canon Kenyon Wright, Chair of the People & Parliament Trust and former Executive Chair of the Scottish Constitutional Convention; UNISON; the Scottish Council for Development and Industry; the Royal Institution of

² Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION
<http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Responses%20draft%20b.pdf>

Chartered Surveyors in Scotland; the Third Sector Policy Officers Network; and the Equality Network

The Association of University Teachers (Scotland), however, argued that ‘...non-coterminous boundaries already made attempting to place universities in their appropriate constituencies confusing, and further differences would produce a chaotic system that would undermine the organisation of the democratic process’. The Scottish Episcopal Church argued that ‘ Non-coterminous boundaries would increase the bureaucratic burden on electoral administrators and local authorities, and lead to greater costs and waste money that could more usefully be applied elsewhere’. The Humanist Society of Scotland also believed that different boundaries for parliamentary constituencies could cause confusion for the electorate.

Electoral Administrators

Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission. The paragraphs in the responses document relating to these are included for reference in their entirety in Appendix 1 to this paper.

The Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority.

The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act (coterminous boundaries) as was the Election Working Group of the Society of Local Authority Lawyers.

The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries.

One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives and that non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed.

Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated.

Another Returning Officer’s view was that in any situation where the number of wards straddling Parliamentary boundaries increased, then the potential for error also increased.

The Executive

The Executive noted that the concerns about separate boundaries were legitimate, but in its view they were far from decisive. Electors, Returning Officers and the political parties, the Executive argued, already had to contend with different boundaries (and different electoral systems) for local, Parliamentary and European elections. There was no evidence that in practice this has led to any significant problems. In practical terms, therefore, the Executive did not see any reason why different constituency boundaries between Westminster and Holyrood should give rise to any serious difficulties either for political parties or for the constituents they served.

Parliamentary Groups and MSPs

Summarising responses from the Parliamentary Groups and MSPs the report states:

The general view was that there was no need for coterminous boundaries. While this would not be ideal or convenient, there were already differences and whatever problems would be created should not be insurmountable. It was believed that there was little evidence of significant problems or confusion for constituents and electors, although it was argued by some respondents that improved communications would be important and electors and constituents needed clear information on the boundaries and their representatives. The co-ordination of boundaries between Scottish Parliament constituencies and local government areas were seen by some to be more important for effective representation. It was acknowledged that there would be problems for political parties in organising themselves if there were differing Westminster and Scottish Parliament constituencies, but these could be limited by developing a more flexible or regional system. While coterminosity would be considerably more straightforward for the purposes of party organisation, these respondents said that the convenience of political parties should not be a significant consideration in deciding on such an important issue as the size of the Scottish Parliament and its stability. Parties and administrators should be able to adapt to circumstances without any real problems. Maintaining an effective Parliament must take precedence.

Statement on the future size of the Scottish Parliament³

On the 18 December 2002 the then Secretary of State for Scotland (Mrs.Helen Liddell) made a statement to the House of Commons on the future size of the Scottish Parliament. In the statement she stated that:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present

³ Hansard 18 December 2002: Columns 859-60

http://www.scotlandoffice.gov.uk/scotlandoffice/files/Hansard%2018%20Dec%2002%20_2_.pdf

number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation.

Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation.

... I have weighed up carefully all the responses, and in view of the overwhelming body of opinion in favour of maintaining the current number of MSPs, I propose in the interests of stability to seek to amend the Scotland Act accordingly. However, I also take very seriously the concerns about the operation of different boundaries for Westminster and Holyrood. I therefore propose that an independent commission should be established to examine and make recommendations on issues caused by different boundaries for Westminster and Holyrood constituencies.

The Scottish Affairs Select Committee Report

In February 2004, the House of Commons Scottish Affairs Committee published the report '*Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change*⁴ and in it the Committee noted that:

Both of the politically-neutral expert organisations in these matters, the Electoral Commission and the Association of Electoral Administrators, urge caution. The Commission's view was that:

"...there will be a need to explain to the public the different constituency boundaries. In order to mitigate against the potential confusion arising from the proposed changes, we believe that it will be essential to provide effective advertising and other public awareness activities at national and local levels..."

The AEA said:

"The lack of coincidence between Parliamentary Boundaries in Scotland is more likely to cause bewilderment for electors, especially those who reside in cross-boundary areas..."

10. The Committee concurs with the Electoral Commission that, should the proposed changes be adopted, an education campaign would be needed to explain the new boundaries to electors. However, the Committee believes that

⁴ <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmselect/cmselect/77/77.pdf>

the best way to obviate any possible confusion is not to introduce the changes in the first place.

11. The Committee considers the convenience of the electorate to be paramount. Based on the evidence we have received, we recommend that, in order to avoid possible confusion, the constituency boundaries in Scotland for elections to the United Kingdom and to the Scottish Parliament should remain coterminous.

Commission on Boundary Differences and Voting Systems⁵

The Commission on Boundary Differences and Voting Systems was established to look into the consequences of having four different voting systems in Scotland, and different boundaries between Westminster and Holyrood. The Commission was chaired by Sir John Arbuthnott and the Commission published its report 'Putting Citizens First: Boundaries, Voting and Representation in Scotland' on 19 January 2006. Providing context to the work of the Commission the report noted that:

In 2005, boundary changes made as a result of devolution saw the number of Scottish constituencies returning members to the UK Parliament reduced from 72 to 59, whilst legislation was passed to ensure that the Scottish Parliament retained its 73 constituencies. As a result, virtually all Westminster and Scottish Parliament constituency boundaries are now different, having previously been the same. A different voting system will also be adopted from 2007 for Scottish local government elections (the single transferable vote). The Commission's report assesses the impact of these developments on voter participation and on relations between MPs/MSPs and Scottish public bodies and authorities; as well as the implications for representation of constituents by different elected members.

The Commission consulted widely: publishing a consultation document; commissioning primary research; holding meetings across Scotland; meeting with elected representatives; and interviewing a wide range of experts. Addressing the issue of coterminosity the Commission's report stated that:

We have heard no convincing argument that the boundaries for all Parliamentary contests in Scotland need to be the same. However, we do think there is a strong case for rationalising the very wide range of boundaries that apply to elections, to the delivery of services, and to the organisation of public bodies. We recommend therefore that the boundaries of all electoral divisions should be based on local authority areas, which should enable people to understand who represents them at every level of government. In addition, we want to see changes in the way constituency and regional MSPs operate. In

⁵ <http://www.scotlandoffice.gov.uk/scotlandoffice/files/Final%20version%20of%20report.pdf>

particular, the existing Scottish Parliament regions need to be redrawn to provide a new basis for electing regional members in more relevant and serviceable areas. We recommend that a similar exercise should also be undertaken to redraw the boundaries of the existing Scottish Parliament constituencies. We expect this to provide a clearer service to people and to be in the interests of constituency and regional development.

Addressing the issue of coterminosity further, the Commission's report stated that:

Although the main evidence (rather than speculation) suggested to us that having different boundaries was not a critical issue, in view of there being some strong support for aligning these, the Commission thought it important to look at various options for achieving this.

- 2 MSPs for each new Westminster constituency (2 x 59), with 11 additional MSPs
- 60 constituency members and 60 (or 69) members from a regional or a national list
- A hybrid system, with single member rural constituencies and multi-member seats in the cities and urban areas

Having examined these options and considered the information gathered during the consultation process the Commission report set out the following 'Conclusions on Coterminosity'

3.16 Having reviewed the possible alternative structures, the Commission concluded that, even if having coterminous boundaries between Westminster and Holyrood constituencies were to be accepted as a desirable objective, none of the options considered above could provide an appropriate or positive solution to the range of concerns which we had been asked to address. In particular, they would either reduce proportionality in the Parliament to an unacceptable extent, lead to an unacceptable reduction in the number of MSPs, or potentially increase tensions between constituency and regional members. They would also all lead to subsequent changes to the Scottish Parliament constituencies being inevitably and, as we argue below, inappropriately Westminster-led. We therefore rejected them all.

3.17 The Commission also came to the conclusion that no convincing case had been made that having the same boundaries for Scottish Parliament and Westminster constituencies was of such importance that there was a need to realign them, or that this concern should be the driving force behind change to the present electoral system for the Scottish Parliament.

3.18 In particular, there is no convincing case that having different sets of boundaries, as such, lead to any significant confusion for voters during elections, or to constituents being unclear when seeking advice and support from their elected representatives. (So far as representation is concerned, whether in constituencies with or without the same boundaries, each constituent still has one MP, one constituency MSP and the choice of 7 regional MSPs to represent him or her.)

3.19 While we acknowledge that having the same boundaries for Holyrood and

Westminster would avoid some difficulties for political parties, party workers and electoral administrators – who we certainly see as important to the proper operation of the democratic process – we do not accept that issues of administrative convenience should be a determining factor in deciding on the appropriate electoral system and structure for our nation’s democracy. In any event, the evidence considered by the Commission persuaded us that whatever additional difficulties might arise from having different sets of Westminster and Holyrood boundaries should not be insurmountable and could be addressed through improved voter education, training, and restructuring of electoral administration and organisation.

3.20 However, we do strongly believe, in agreement with many who gave evidence to us, that having a more coherent approach to the overall structuring of boundaries could lead to significant benefits. But we do not accept that Westminster constituencies are the best basis for delivering these improvements as they are the least likely to reflect communities and their needs.

Based on these findings, the Commission made the following four ‘Boundaries Recommendations’.

- Having the same constituencies for the Scottish Parliament and Westminster is desirable but not essential and should not be a driver of change to the electoral system for the Scottish Parliament.
- The boundaries for Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.
- The Scottish Parliament regions should be revised to reflect natural local communities and identity and should be built on local authority areas.
- The functions of the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland should be combined to enable the constituencies and regions for the Scottish Parliament and local authorities to be reviewed together. Consideration should also be given to integrating the review of Westminster constituencies in Scotland into this process.

The Secretary of State for Scotland response to these recommendations stated that:

The Government is pleased to note that the Commission was able to confirm that having different boundaries between the constituencies of the House of Commons and those of the Scottish Parliament is not a matter which requires further action and should not drive change to the electoral system for the Scottish Parliament.

Regarding greater alignment between the Scottish Parliament constituencies and local authority areas in Scotland, these matters are covered in the Scottish Government response. Any action which might need to be taken by the UK Government will depend on the outcomes of work being taken forward by the Executive. Consideration of possible new

structures for the regions for Scottish Parliament elections and the future review of constituency boundaries would also follow from this.⁶

Report on the First Periodic Review of Scottish Parliament Boundaries⁷

Under Schedule 1 to the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, the Boundary Commission for Scotland is responsible for reviewing the constituencies and regions of the Scottish Parliament, and making recommendations to the Secretary of State for Scotland. The Commission submitted its Report on the First Periodic Review of Scottish Parliament Boundaries to the Secretary of State for Scotland on 26 May 2010; on the same day a copy was laid before the Scottish Parliament and before the UK Parliament on 1st July. Amongst the recommendations and analysis section of the report the Commission noted that of the 73 recommended constituencies, 61 were each contained within a single council area, while the others each include parts of 2 council areas. Fifty seven of the constituencies existing at the start of the review were each contained within a single council area, 14 included parts of 2 council areas, while the other 2 included parts of 3 council areas.

⁶ <http://www.scotlandoffice.gov.uk/scotlandoffice/10198.html>

⁷ Boundary Commission for Scotland - Report of the first periodic review of Scottish Parliament boundaries (26 May 2010)
http://www.bcomm-scotland.gov.uk/1st_holyrood/1st_holyrood.asp

3 Turnout at Scottish Elections

| | Local Government | Scottish Parliament (constituency vote) | Westminster |
|------|--|--|-------------|
| 1997 | | | 72.6** |
| 1999 | *59.4 | 58.2** | |
| 2001 | | | 58.1** |
| 2003 | *49.2 | 49.4** | |
| 2004 | The Local Governance (Scotland) Act 2004 changed the existing electoral system used for local government elections in Scotland from first past the post system to a Single Transferable Vote (STV) system of proportional representation. The Act also decouples Scottish Parliament Constituencies from Westminster Constituencies | | |
| 2005 | | | 60.8** |
| | First election based on number of Westminster constituencies reduced from 72 to 59 following recommendation of Boundary Commission Fifth Periodic Review | | |
| 2007 | 52.8*** | 51.7** | |
| | Third set of elections to the Scottish Parliament and local government to be held on the same day. Some significant changes were implemented at these elections: the elections to local councils saw the introduction of the single transferable vote (STV) system, while the Scottish Parliamentary election saw the introduction of a combined ballot sheet on which both the regional and constituency ballot papers were included. Both elections were counted electronically for the first time. Problems, including high number of spoilt votes, at these elections were subject to reviews by Electoral Commission and an independent review of the electoral processes and administration of the election conducted by Mr Ron Gould. | | |
| 2009 | Scottish Local Government (Elections) Act 2009 decoupled local government elections in Scotland from elections to the Scottish Parliament | | |
| 2010 | | | 63.8** |
| 2011 | | 50.4** | |
| 2012 | Local Government elections held May but turnout not collected centrally | | |

*Plymouth University <http://www.research.plymouth.ac.uk/elections/elections/turnouts.htm>

** Scottish Parliament Information Center (SPICe)

http://www.scottish.parliament.uk/Electionresults/2011%20election/5_Turnout_Region.pdf

***Scottish Parliament Information Center (SPICe)

<http://www.scottish.parliament.uk/SPICeResources/Research%20briefings%20and%20fact%20sheets/SB08-12.pdf>

Appendix 1 – Responses to consultation on the size of the Scottish Parliament

Response of electoral administrators

Electoral Administrators

40. Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission.

41. The new Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the appropriate number of MSPs nor on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority. It recognised that non-coterminous boundaries between Westminster and Scottish Parliament constituencies could create administrative problems that would need to be overcome. But of more importance, it stated, was ensuring a structure under which the electorate could exercise the franchise without undue difficulty or confusion.

42. The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act. In its view, if constituencies did not remain coterminous, an additional burden would be placed on electoral registration officers and returning officers in the production of the electoral register and conduct of elections, for which additional resources might be required for these to operate effectively. This problem would be exacerbated if there were to be combined elections for Westminster and Scottish Parliament constituencies. Electors might have to vote at different polling places, depending on the type of election, which could lead to voter confusion. More polling districts would be required to prevent this.

43. The Election Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) was of the unanimous view that coterminous boundaries should be retained since these facilitated both the conduct of elections and the registration of voters. It stated that the absence of this link between the two boundaries would lead to difficulties in the preparation for and conduct of elections, and had concerns about different geographical boundaries, different registers of electors, different absent voters lists and the need for greater cross boundary working.

44. The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries. Having Westminster and Scottish Parliament boundaries the same would significantly reduce the confusion that existed about representation. He reported that at present every property on file had a polling area indicator, ward indicator, Parliamentary Constituency indicator, European Parliamentary Constituency indicator and, in most cases a Community Council indicator, plus the potential National Park Ward indicator. Adding yet another indicator would provide further room for confusion. All these divisions had to be shown on Electoral Registers and poll cards. Further, the more that parliamentary boundaries of different descriptions crossed local government areas, the more fragmented became the process of producing an Electoral Register and of running an election or by-election.

45. One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives. Also, non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed. This would lead to fragmentation of local government wards and smaller polling districts, with the consequence of an increase in polling places to be staffed and the costs of running elections. To ensure the effective and efficient running of the democratic process, this Returning Officer argued that the following principles and practices were essential, whether or not there were coterminous boundaries:

- electoral wards should be the smallest unit from which all constituencies are built
- accessible information must be published on elected representatives and their areas of responsibility
- there should be pre-election voter information programmes
- increased resources should be made available for IT systems to support all areas of the electoral process
- increased training for all elections staff.

46. Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated. Where more than one Council area was involved, every stage of the procedure was more complex - the designation of polling places, the posting up of election material, the staffing of polling places, the issue and receipt of postal votes, the briefing of candidates and their agents, the separation of ballot papers prior to the verification and count, and the accounting procedure itself. He acknowledged, however, that although administering combined polls on the basis of existing constituency boundaries was difficult, it was not impossible, as had been demonstrated at the combined poll in 1999. However, operating cross-boundary elections was considerably more complex and more prone to error.

47. Another Returning Officer's view was that in any situation where the number of Wards straddling Parliamentary boundaries increased, then the potential for error also increased. In order to reduce the capacity for errors, Returning Officers needed to be involved in an additional level of co-ordination and training of polling staff to avoid confusion at polling stations which served more than one constituency. Care needed to be taken so as to ensure that electors received the correct ballot papers and, at close of Poll, arrangements needed to be made to ensure that the separate local government and parliamentary votes were delivered to the appropriate Returning Officer – all of which could lead to delays.