

Interim Reviews

Purpose

1. This paper explains the Commission's powers for interim reviews, considers how they have been used in the past and outlines issues for their future use.

Background

Legislation

2. The Local Government (Scotland) Act 1973 (the "1973 Act") sets out the Commission's duty to review the electoral arrangements of all local government areas every 12 years (s.16(2)) and its power to review areas at any time (s.16(3)):

s.16 (2) It shall be the duty of the Boundary Commission not less than eight nor more than twelve years after the submission of the report on the first review of electoral arrangements for a local government area under section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9) and thereafter, so far as is reasonably practicable, at intervals of not less than eight nor more than twelve years from the submission of the last report of the Commission under this subsection in relation to that area, to review the electoral arrangements for that area for the purpose of considering whether to make proposals to the Secretary of State for a substantive change in those arrangements and what proposals, if any, to make, and the Commission shall formulate any such proposals accordingly.

(3) Without prejudice to subsection (2) above, the Boundary Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a local government area for the purpose of considering whether to make proposals to the Secretary of State for a substantive change in those arrangements and what proposals, if any, to make and the Commission shall formulate any such proposals accordingly.

3. Use of the power under s.16(3) to conduct what are referred to as interim reviews is generally considered at the mid-way point between full reviews. The last set of reviews conducted under s.16(2) of the Act were submitted in May 2016 and under current arrangements the next set would be submitted in May 2026.

Methodology

4. The Commission last reviewed its methodology for deciding whether to conduct an interim review in 2010 and its agreed process is set out in Appendix A. It relies on a series of measures of variation from parity, trends and electorate change and four tests which must be met for an interim review to be triggered. Its focus is on wards that can be adjusted, either by ward boundary change or addition or subtraction of a councillor, to bring it back within acceptable parity.
5. In England, the Local Government Boundary Commission for England have a duty to review all principal councils "from time to time" which parallels the s.16(2) duty in the 1973 Act but without a time limit. Reviews under this duty, known as Periodic Electoral Reviews, were last conducted between 1996 and 2004. Instead, LGBCE conduct reviews under their power to review, either at the

request of the local authority; or if the local authority meets the Commission's intervention criteria:

- a) If one ward has an electorate of $\pm 30\%$ from the average electorate for the authority
 - b) If 30% of all wards have an electorate of $\pm 10\%$ from the average electorate for the authority.
 - c) The imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.
6. LGBCE monitor the levels of electoral imbalance across all principal local authorities in England annually, and those that meet the above-mentioned criteria will be included in their review programme.
 7. This approach is designed to prioritise whole-area reviews which have a problem with parity, rather than to respond to ward-level problems.

Previous interim reviews

8. In 2010, following application of the methodology outlined in Appendix A, 10 wards across 8 council areas were considered as candidates for Interim Reviews. The councils involved were: Aberdeen City, City of Edinburgh, Dundee City, Fife, Glasgow City, Perth and Kinross, South Lanarkshire and West Lothian.
9. The Secretariat met with the 8 councils individually to discuss the review process, possible outcomes and also received information from each council with a view to creating accurate 5 year electorate forecasts. These forecasts and information provided then informed the discussion papers for the 10 wards and 8 council areas that met the criteria and each was discussed by the Commission at their next meeting. Once each ward had been considered in turn the Commission then agreed a course of action. Whilst all areas considered went through the complete interim review process only West Lothian was subject to changes with all others retaining the status quo.
10. The review process was broadly similar to any other review undertaken by the Commission in that there were Initial Proposals considered by the council in question. These were then considered by the public and after taking note of any representations the Commission then published Revised proposals for public consultation. Finally the Commission published a report that was submitted to Ministers. Although the process was similar, the timescale (around 12 months) was quicker than in the 5th Reviews because the focus was on rectifying ward issues, there was no separate consultation for councillor numbers, and because fewer councils were being looked at.

Timing of reviews

11. As noted in paragraph 3, interim reviews are generally considered at the mid-point between full electoral reviews. The Commission may therefore wish to use December 2018 data (publication expected in March 2019) to consider which areas might be looked at. Commencing a small number of reviews in 2019, if any are deemed necessary, would enable completion by May 2021, in time for implementation of any changes at the 2022 local government elections. This would be in advance of the Electoral Reform Bill timetable which the Secretariat understands may not complete its parliamentary passage and be in force until Spring 2020.

Relationship to rolling reviews

12. One issue that will have a bearing on either decisions to conduct interim reviews at this time or how interim reviews are approached more generally will be the possible introduction of rolling reviews. Following its recent consultation on electoral reform, the Scottish Government may introduce a requirement to review all 32 authorities over a set period rather than all 32 at the same time – for example within three electoral terms (15 years if there is a move to 5 year terms). Within that 5 year period it would be open to the Commission to prioritise those areas that had particular issues, perhaps using a methodology closer to that utilised by LGBCE.

Consideration of the current variation from electoral parity across Scottish council areas

13. Appendix B summarises the current position across Scotland's councils when considering variation from electoral parity greater than $\pm 10\%$. The summary was produced using current ward boundaries and the ward electorate of July 2018.

14. 23 out of 32 council areas have at least one ward with a variation from parity figure in excess of $\pm 10\%$.

15. The island councils and those councils with populated islands account for a large percentage (32%) of those in excess of $\pm 10\%$ and it is expected that these variations will be addressed by the Commission as part of its ongoing Islands Reviews.

16. Of the two council areas where there have been no changes to ward boundaries: Scottish Borders council area has variation of parity of $\pm 10\%$ in three wards; and Dundee City council area has one ward with variation of parity of $\pm 10\%$.

17. Other differences are simply the legacy of the Commission's application of special geographic circumstances during the 5th Reviews and due to probable differences with student electoral registration.

Summary

18. The Commission is invited:

- to consider its previous approach to interim reviews and whether it is content with the methodology agreed in 2010 as a trigger for interim reviews
- to decide whether it wishes
 - to pursue interim reviews in time for changes to be implemented for the 2022 local government elections in which case the Secretariat proposes to run the methodology using December 2018 data and bring a further paper forward in 2019; or
 - to postpone any interim review consideration at this stage and await Scottish Government proposals for rolling reviews which might necessitate a different methodology for prioritising reviews.

Secretariat
October 2018

Ward electorate assessment – methodology 2010

Background

This methodology has been agreed by the Commission for use between general statutory reviews of electoral arrangements. It is for selecting which wards should be the subject of an interim review of their electoral arrangements.

The methodology has been developed by the Commission in April 2010 while preparing for interim reviews of the wards arising from the Fourth Statutory Reviews of Electoral Arrangements, which reported in 2006.

Interim reviews are considered 5 years after the start of a general statutory review of electoral arrangements.

Methodology

Wards are selected as candidates for an interim electoral review by applying 4 criteria.

The criteria use:

- the electoral disparity of the ward from the council area average, using the December 2009 electorate;
- the electoral disparity that was forecast for 2009 at the time of the Fourth Reviews of Electoral Arrangements;
- the linear trend line (“least squares”) of electoral disparity in the years 2004, 2007, 2008, 2009, generated using MS Excel. The gradient of the trend is an indicator of whether the disparity was increasing, static or decreasing, and therefore, the extent to which a ward was likely to self-correct in time. The trend is used to calculate a future forecast disparity by assuming that the trend continues for the next 5 years; and
- the average annual change in electorate for the ward from 2004 to 2009.

Criteria

1. The electoral disparity of the ward from the council area average is more than 10%.
2. The electoral disparity of the ward is more than 5% different from the forecast disparity for the ward.
3. The ward's future forecast disparity is more than 15% from the council area average.
4. The magnitude of the average annual change in electorate for the ward is more than 20 electors per year.

Only those wards which meet all 4 criteria will be the subject of an interim review.

Consideration of Interim Reviews

This table shows the number of wards in each council area that have a variation from parity in excess of $\pm 10\%$. This figure is calculated using current ward boundaries and July 2018 electorate figures.

Council Area	Wards at plus or minus 10% parity	Total Number of Wards in Council Area	% of wards in council area in excess of $\pm 10\%$
Aberdeen City Council	4	13	31%
Aberdeenshire Council	1	19	5%
Angus Council	1	8	13%
Argyll and Bute Council	1	11	9%
City of Edinburgh Council	2	17	12%
Clackmannanshire Council	0	5	0%
Comhairle nan Eilean Siar	6	9	67%
Dumfries and Galloway Council	0	12	0%
Dundee City Council	1	8	13%
East Ayrshire Council	0	9	0%
East Dunbartonshire Council	0	7	0%
East Lothian Council	0	6	0%
East Renfrewshire Council	1	5	20%
Falkirk Council	0	9	0%
Fife Council	4	22	18%
Glasgow City Council	8	23	35%
Highland Council	9	21	43%
Inverclyde Council	1	7	14%
Midlothian Council	2	6	33%
Moray Council	2	8	25%
North Ayrshire Council	0	10	0%
North Lanarkshire Council	2	21	10%
Orkney Islands Council	2	6	33%
Perth and Kinross Council	3	12	25%
Renfrewshire Council	1	12	8%
Scottish Borders Council	3	11	27%
Shetland Islands Council	2	7	29%
South Ayrshire Council	0	8	0%
South Lanarkshire Council	4	20	20%
Stirling Council	2	7	29%
West Dunbartonshire Council	1	6	17%
West Lothian Council	0	9	0%
	63	354	18%