

Minutes of Meeting held by videolink at 10.00am on Monday 7 February 2022**Present**

Mr R Hinds, Chair
Prof. A Henderson, Deputy Chair
Mr R Bean
Mr J Collins
Mr G Macmillan
Dr S Walker

Ms I Drummond-Murray, Secretary
Mr C Wilson
Mr D Campbell
Mr D Logue
Mrs Y Croll

Apologies:

None

Declaration of Interests

1. There were no declarations of interest.

Minutes of previous meeting

2. The Commission agreed the minutes of its 29 November 2021 meeting without amendment.

Matters arising

3. The Secretary advised the Commission that with respect to working from home or in offices, Scottish Government civil servants are beginning a transition to hybrid working, but that the Secretariat is constrained by the restrictions on the number of people who can be in each floor of its building set by its landlord the Scottish Legal Aid Board. Some staff are working primarily from the office, but it is not yet possible for Commission meetings to take place in the office. The Commission asked the Secretariat to keep this under review, and examine the possibility of holding hybrid video / in-person Commission meetings in future.
4. Following the publication of the Auditor General's audit of the work of the Commissioner for Ethical Standards in Public Life, the Commission asked the Secretary to write to the Commissioner to enquire whether there were likely to be any implications for the complaint the Commission had lodged about a councillor in 2021.
5. The Secretary noted that the 2022-25 Corporate Plan was still undergoing final revision.

Business Update

6. The Secretary noted that the Boundary Commission for Scotland (BCS) had published responses from the public consultation on its initial proposals for constituencies for the UK Parliament. The BCS would begin its secondary consultation on those proposals on 10 February, and hold public hearings on in February and March 2022.

Future scrutiny of Commission proposals (oral)

7. The Commission noted that the Deputy First Minister had written to the Convener of the Scottish Parliament's Local Government and Housing and Planning Committee (LGHPC) to advise that he would not ask Boundaries Scotland to carry out a further review of Argyll and Bute council area and Highland council area until he had worked with Boundaries Scotland and Parliament to learn from the recent experience and see where the process could potentially be improved.
8. The Commission noted that the Chair, the Deputy Chair and the Secretary had met with the Convener of the LGHPC on 27 January 2022 to discuss the decision to recommend rejection of the Commission's proposals for Highland and Argyll and Bute council areas.
9. The Commission also noted that it expected the Deputy First Minister to write to the Presiding Officer of the Scottish Parliament concerning the process for scrutinising Commission recommendations.
10. The Secretary advised the Commission that the Scottish Government is planning to consult on a further electoral reform bill in the summer, which would include changing the date by which the next set of local authority electoral reviews must be complete from 2028 to 2031. The Commission agreed to consider any other legislative changes it may wish to suggest, including the approvals process for the forthcoming review of Scottish Parliament boundaries, as well as future reviews of local government electoral arrangements.
11. The Commission considered that there was scope for significant improvement in the way the LGHPC went about considering the Commission's recommendations under the existing legislation. The Commission asked the Secretariat, with the assistance of Professor Henderson, to give further consideration to the approvals process for electoral boundaries reviews in other parts of the UK and the best practice in other countries, with a view to comparing this to the current process in Scotland and identifying potential improvements.

Appointments (oral update)

12. The Commission noted that the Scottish Government had advised that it would be unlikely to be able to complete the process to appoint a new Chair and new Commissioners until Autumn 2022. The Chair told the Commission that he had enquired whether in the circumstances further terms of appointment could be made for those members of the Commission whose terms are due to end in May, but had been advised that this would not be possible due to their already having been appointed for two terms, but a short extension to September 2022 may be permitted. The Commission expressed dissatisfaction that a full Commission may not be in place in good time for the start of the Second Periodic Review of Scottish Parliament Boundaries.
13. The Commission considered the implications of beginning the Scottish Parliament Review without a new Chair and only three Commissioners and asked the Secretariat to update the Risk Register to this effect.
14. The Commission agreed to write to the Deputy First Minister with regard to the appointment of new Commissioners highlight the risk of starting the Second Review without a Chair and full Commission.

UK Commissions Meeting (oral)

15. The Commission discussed the recent meeting of the UK Boundary Commissions held by videoconference on 26 January 2022. They were interested to note the different approaches to publicising consultations. The Secretary advised she would follow up with the Local Government Boundary Commission for England once they have completed their work on customer satisfaction and on council size.

Scottish Parliament Boundary Review – Planning (Paper BS 007)

16. The Commission discussed Paper BS 007 and the draft timetable in comparison with the timetable of the First Scottish Parliament Boundary Review, and made suggestions for a future draft of a similar paper.

17. The Commission discussed legal advice it had received about whether consultations on proposals for constituencies and regions could be conducted at the same time, and agreed to continue to plan for them to be held separately, at least at the initial proposals stage.

18. The Commission asked the Secretariat to obtain additional legal advice on whether local inquiries could be held in a hybrid online / in-person format. This could potentially be added to electoral reform legislation if not.

19. The Commission asked the Secretariat to prepare for the next meeting a draft project plan for the Scottish Parliament Review, updated electorate data, constituency maps, a Risk Register and to explore the process for recruiting Sheriff Principals for Local Inquiries.

Finance Update (Paper BS 008)

20. The Commission noted the Finance Update.

Analysis of website traffic (Paper BS 009)

21. The Commission noted the analysis of website traffic, and asked the Secretariat to check the analysis with respect to direct referrals, and the appearance of some website papers on Android devices.

Future meetings (oral)

22. The Commission asked the Secretariat to canvass for dates in mid-April 2022 for its next meeting.

Any other business

23. There was no other business.