

Minutes of Meeting held in person and by videolink at 1.30pm on Thursday 7 April 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

Apologies:

None

Declaration of Interests

1. There were no declarations of interest.

Minutes of previous meeting

2. The Commission agreed the minutes of the meeting of 7 February 2022 without amendment.

Matters arising

3. The Secretary advised the Commission that homeworking is still the norm for the Secretariat, though some members are working from the office. She advised that the Secretariat would continue to observe Scottish Government guidance with respect to working arrangements.
4. The Secretary advised the Commission that the Acting Ethical Standards Commissioner had acknowledged the Commission's letter regarding the complaint about the behaviour of a councillor during the Islands Reviews. The Acting Commissioner will keep the Secretary informed of any review of the handling of that case.
5. The Secretary advised the Commission that she expects the 2022-25 Corporate Plan to be agreed with the Commission's sponsoring department in the Scottish Government soon. She noted that there was budgetary pressure on the second year of the plan, 2023-24, and that the sponsoring department wanted expenditure not to exceed £437,000. The Secretary has advised the sponsoring department that she considered this would be achievable, but was seeking assurance in writing that emergency funding would be made available in that year if required.
6. The Secretary advised the Commission that she had contacted the Local Government Boundary Commission for England (LGBCE) regarding their work on customer satisfaction and council size and hoped to bring an update to the next meeting.

Business Update

7. The Secretary advised the Commission that local authority elections are due to be held on 5 May, and that the civil service is in pre-election period. No politically sensitive announcements are planned.
8. The Secretary advised the Commission that there are around 18 wards which are uncontested in the upcoming local authority elections, including in Shetland and Na h-Eileanan an Iar council areas.
9. The Secretary advised the Commission that the Boundary Commission for Scotland (BCS) held five public hearings during its secondary consultation on its Initial Proposals for the 2023 Review of UK Parliament constituencies in February and March. These were poorly attended but the contributions made were helpful. The Secretariat is considering what lessons can be learned from this for BCS, and will draw upon these in preparing for the statutory local inquiries which are likely to be held by the Commission during the upcoming review of Scottish Parliament boundaries.

Future scrutiny of Commission proposals (oral)

10. The Commission noted that the Deputy First Minister had met the Presiding Officer of the Scottish Parliament on 17 March 2022. While the Commission is awaiting follow up from that meeting, feedback from Scottish Government suggested that it had been positive, and that the Presiding Officer would get in touch with the Commission with a view to considering the Commission's concerns regarding the Parliament's approval process for its reviews.
11. The Commission noted that there is a planned SG consultation upcoming on possible contents for a future electoral reform bill, and that this would provide an opportunity to suggest that the legislation governing the approvals process for Scottish Parliament reviews be amended, perhaps to reflect the automatic process recently introduced for the BCS's reviews of UK Parliament boundaries.
12. The Commission noted that such a bill could not be completed prior to its commencement of the Scottish Parliament boundaries review later this year.
13. The Commission agreed that it would make a submission to the future electoral reform consultation with a view to amending the way in which its proposals are considered or implemented.
14. The Commission asked the Secretariat to consider and circulate actions the Commission may wish to take in preparation for a future meeting with the Presiding Officer.

Scottish Parliament review: project plan (Paper BS 010); and oral update

15. The Commission noted that the latest electorate data had only just been published by National Records for Scotland. The Secretariat will present maps with electorate data at the next Commission meeting.
16. The Commission noted that it had received legal advice on carrying out local inquiries during the Scottish Parliament Review remotely, and agreed to plan on the basis of holding physical meetings which people could also participate in remotely in order to maximise the number of people who could take part. The Commission asked the Secretariat to investigate ways in which this could be

done, including liaising with the other UK boundary commissions to learn from their experiences of using videolinks in public meetings.

17. The Commission discussed the project plan, and agreed to start the Scottish Parliament Review in Autumn 2022.

18. The Commission agreed that it and the Secretariat would give further consideration to the content of its pre-consultation engagement with stakeholders.

19. The Commission asked the Secretariat to consider project management software to assist it in managing the Scottish Parliament Review.

Risk register for Scottish Parliament Boundary Review (Paper BS 011)

20. The Commission discussed the risk register and asked the Secretariat to make some modifications: to risk 2 to incorporate commissioner vacancies and recruitment; to risk 3 regarding the legality of hybrid local inquiries; to risk 7 to reflect that the effect would be failure of the proposals, and a revised target date; to risk 11 to make it clear that the Commission welcomes scrutiny, but wants this scrutiny to reflect the criteria for the reviews and the commission's conduct of the reviews, not outcomes which MSPs and councillors may themselves be affected by; and to risk 12 to investigate changes to legislation to confirm the legal position on hybrid or remote meetings as a mitigating action.

21. The Commission agreed that the Secretary would raise risk 11, relating to political scrutiny and decision making, with the Scottish Government as per the risk management policy, as it remains high after mitigation.

Appointments (oral)

22. The Commission reported that the appointments of the Chair, Mr Bean and Dr Walker have all been extended until 31 May 2023.

Appraisals (oral)

23. The Chair advised the Commission that he would schedule appraisals for each Commissioner in the next few months and asked the Secretariat to circulate any available guidance on the appraisal process.

Finance Update (Paper BS 012)

24. The Commission noted the Finance Update. The Chair noted the Commission should be confident that it will be able to obtain additional funding from Scottish Government if this is required to complete its work.

Future meetings (oral)

25. The Commission asked the Secretariat to canvass for dates in July 2022 for its next meeting.

Any other business

26. There was no other business.