



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 1 October 2020

Session 5



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Pàrlamaid na h-Alba

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
17th Meeting 2020, Session 5

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

*Patrick Harvie (Glasgow) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*John Scott (Ayr) (Con)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Graeme Dey (Minister for Parliamentary Business and Veterans)

Alison Fraser (Scottish Government)

Kenneth Pentland (Scottish Government)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 1 October 2020

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Bill Kidd): Good morning, and welcome to the 17th meeting in 2020 of the Standards, Procedures and Public Appointments Committee. The first item of business is a decision on whether to take in private at future meetings our consideration of correspondence relating to public appointments and a consultation on ministerial appointments to public bodies in Scotland. Do members agree to take that business in private?

Members indicated agreement.

Subordinate Legislation

Scottish Parliament (Constituencies and Regions) Order 2020 [Draft]

09:30

The Convener: Item 2 is for the committee to take evidence on the draft Scottish Parliament (Constituencies and Regions) Order 2020. Joining us today are Graeme Dey, the Minister for Parliamentary Business and Veterans, Alison Fraser and Kenneth Pentland. I invite the minister to make a short opening statement.

The Minister for Parliamentary Business and Veterans (Graeme Dey): I am pleased to be here to present the draft Scottish Parliament (Constituencies and Regions) Order 2020. Paragraph 3 of schedule 1 to the Scotland Act 1998 requires the Local Government Boundary Commission for Scotland to keep the boundaries of the constituencies under review, and the draft order is part of that process. In fulfilling that duty, on 17 March 2020, the commission submitted to the Scottish ministers its interim review of the Scottish Parliament's boundaries at Cardowan by Stepps, between the Glasgow Provan constituency and the Coatbridge and Chryston constituency, and between the Glasgow and Central Scotland regions.

The report recommends changes to address a misalignment between council area boundaries and Scottish Parliament boundaries in that vicinity, which has arisen since the council area boundaries were redefined in 2018. The recommended changes would have the effect of transferring 319 electors from Glasgow Provan constituency to Coatbridge and Chryston constituency. The commission consulted fully on the change before making its recommendation to the Scottish ministers and it found respondents to be generally in favour of its proposals.

The Scotland Act 1998 requires me to lay before Parliament the commission's report and a draft order in council giving effect to the commission's recommendations. If the Parliament approves the draft order, it will be submitted to the Privy Council to make the order. I recommend that the committee approves the draft order, so that it can be sent to the Privy Council.

The Convener: Thank you very much, minister. Do members have any questions?

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Good morning to you and your team, minister. You said that electors had been consulted. Given that there were so few of them, were they all mailed? How were they

consulted? Similarly, how will they be made aware of the change?

Graeme Dey: There was a public consultation online. As I understand it, 23 members of the public responded; 17 were identified as being local residents. Ten of those were in favour of the proposals, four were against and three answered, “Don’t know”.

I will bring in Kenny Pentland to say how the electors will be made aware of the change.

Kenneth Pentland (Scottish Government): The Local Government Boundary Commission for Scotland has certain statutory duties regarding writing to MSPs, councillors and electors in the area, so that is how it informed them of the review. I will not give an answer that I am not entirely sure about, but I imagine that the commission has similar statutory duties to make people aware of the change once it is given effect. I would be happy to confirm that in writing once I have spoken to the commission.

Maureen Watt: Given that we are almost in election mode for the 2021 Scottish Parliament elections, it is particularly important that electors know about the change at an early stage, once the order is made. They need to be made aware that they will be in another constituency.

I am not sure whether they will be moving into Glasgow and out of North Lanarkshire or the other way round.

Kenneth Pentland: Approximately 319 electors will move from the Glasgow Provan constituency, where the boundary will be redrawn, to the Coatbridge and Chryston constituency.

Maureen Watt: Will they be moving from the Glasgow City Council area to the North Lanarkshire Council area?

Kenneth Pentland: Yes.

Maureen Watt: Thank you.

Neil Findlay (Lothian) (Lab): You would need to be a bit of an anorak to go raking around for that information, so how are people made aware of the fact that somebody is about to draw a map in a different way and put them into a different constituency?

Graeme Dey: That has been an on-going process since the changes were made to the council boundaries, so the area—a housing estate—has been alive to the process; there will be a degree of awareness, but it is a reasonable point, Mr Findlay.

Kenneth Pentland: That goes back to an earlier question. I am looking at the consultation summary and the commission wrote to 230 properties advising them of the review, but I take

the point. I said before that I imagine that similar processes are in place for advising them of the outcome, but I can check that and advise the committee on it.

The Convener: Thank you very much and thank you for the reply.

Gil Paterson is indicating that his question has been covered already.

Jamie Halcro Johnston (Highlands and Islands) (Con): What is the point of doing this so close to an election? We are talking about a relatively small number of people, less than a year away from an election. I appreciate that the commission has an on-going role, but it would be interesting to know what the reasons are for making the change now and what costs are involved in the review and in promoting and advertising it to people. I appreciate that that may be difficult to answer, but it seems to be quite a lot of additional cost, work and change for people so close to an election.

Graeme Dey: I do not think that the issue is that it is so close to an election; it is part of an on-going process. Schedule 1 to the Scotland Act 1998 says that

“so far as is practicable, regard must be had to boundaries of the local government areas”.

There was a preceding change to the local government set-up; it therefore followed that one would seek to bring about a change to the constituency and region. Yes, there is an election next year, but that is just part of that on-going process and the change sits within that.

Jamie Halcro Johnston: Has it been delayed for any reason because of Covid or could it have been brought about sooner while still undergoing a normal consultation process?

Graeme Dey: My understanding is that the process has followed the normal timeframe. There may have been a slight delay internally in the Government in relation to bringing the order forward by a handful of months, perhaps, because we were focused on the urgent business of Parliament, but the process that lies behind it has followed a calendar.

Kenneth Pentland: I add that the recommendation came to the Scottish ministers on 17 March, which was right at the outset of the Covid outbreak and lockdown. I am not suggesting that that delayed it significantly, but we have a target from the Gould recommendation of trying to enforce changes six months ahead of an election, and we are set to meet that target if the order is approved by Parliament and the Privy Council. The local government review that created the misalignment was put into effect in April 2019 and the commission notified ministers that it was

conducting its consultation and making its recommendations in March. It has followed a kind of schedule timeframe and any slippage has probably been due to the legislative programme and coronavirus, but that has not put at risk making the changes in advance of the next Scottish Parliament election.

Jamie Halcro Johnston: You may or may not be able to answer this one, either, but are there any concerns about making this kind of change at a relatively late stage in the process? Is there any evidence that it creates confusion for residents with regard to the area that they are meant to be voting in and so on?

Alison Fraser (Scottish Government): I can explain some of the legal detail behind it. As Kenny Pentland said, Scottish statutory instrument 2018/308, which reorganised the local government boundaries, came into force on 1 April 2019. That was within the competence of the Scottish Parliament. Changes to the Scottish Parliament constituency boundaries were not in the competence of the Scottish Parliament until the Scotland Act 2016 devolved that power. In 2018, we simply could not have made these changes. This SSI, which aligns the boundaries, is within the competence of the Scottish Parliament.

On the issue of the timing, the report was made to the Scottish Government in March 2020. Paragraph 3(9) of schedule 1 to the Scotland Act 1998 provides that, as soon as practicable after the commission has submitted the report, the Scottish ministers must lay the report and a draft of the order before Parliament. Of course, there is an argument that, under those terms, the order should have been laid a bit before now, but I think that members will all appreciate that quite a lot of other stuff has been going on, and the commission has not raised concerns or urged the Government to hurry up.

There are processes to go through in the preparation of the order. For example, we had to submit it in advance to officials of the Privy Council to ensure that they were happy with it. They confirmed that they were, so we fully expect it to be approved by the Privy Council.

Essentially, although it might seem like a long time, there are various things to be done in that time.

Jamie Halcro Johnston: I appreciate that. Thank you for that clarification.

Graeme Dey: With regard to the information on costs, we will get back to the committee if we can get a determination on that.

The Convener: Thank you.

John Scott (Ayr) (Con): I want to make sure that the MPs, MSPs and councillors who are

affected by the changes have been made aware of them. Can we assume that they have? Who are the MPs and MSPs? I am sure that you will know who they are, even if you do not know who the councillors are.

Graeme Dey: I am certainly aware that the constituency MSPs are Ivan McKee and—oh, the name has gone right out of my head; it is one of my colleagues, too. It is Fulton MacGregor. There are two sets of regional list MSPs who will also be affected, and also the councillors in the area. They will all be made aware.

John Scott: And the MPs, as well, presumably. I am not seeking to catch you out.

Graeme Dey: There is a process by which people are made aware of the consultation and the outcome.

The Convener: I will make sure that I remember to tell Fulton MacGregor how things went today.

As there are no further questions on this section, I thank the minister, Kenneth Pentland and Alison Fraser for their contributions.

The minister will remain for item 3, under which I invite him to move motion S5M-22601.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Constituencies and Regions) Order 2020 [draft] be approved.—[*Graeme Dey*]

Motion agreed to.

The Convener: That is the end of the public part of the committee meeting.

09:45

Meeting continued in private until 10:42.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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