Preface

This report has been commissioned from the authors by the Commission on Boundary Differences and Voting Systems in Scotland (The "Arbuthnott Commission"). The Commission was established to investigate the consequences of having different electoral systems in Scotland operating within different electoral boundaries – in particular for voter participation, engagement between public bodies and representatives, and representation of constituents.

The report primarily addresses the third of these questions. It is based on evidence collected between 2000 and 2005 on three different research projects undertaken by the authors. Two of these projects were funded by the Leverhulme Trust's 'Nations and Regions' programme and the third by the ESRC's 'Devolution and Constitutional Change' programme. The evidence in the report is based on three rounds of postal surveys and interviews with MPs and MSPs over this period.

- The ending of coterminosity will make local relationships more complex, and seems likely to result in more tensions and confusion at local level. This will apply to some extent in all constituencies where there are multiple members present, compared to the two that existed in the past. However, it seems particularly likely to affect those areas where local members are drawn from competing political parties. After the 2005 general election there are 30 Westminster constituencies affected in this way, compared to the previous 10. In total 21.7% of the Scottish electorate is now living under 'split' political control, compared to 14.6% previously.

The operation of the Additional Member System

- The operation of AMS for the Scottish Parliament has been strongly influenced by the pattern of party representation that has resulted. Labour wins most of its seats through the constituencies, whilst other parties are strongly represented on the lists. This has create

- Whilst there is some support among MSPs for a re

- Another means of discouraging local competition, particularly with respect to list members, would be to introduce new bars on standing for election. A bar on MSPs standing for Westminster seems unduly restrictive and could be seen as an infringement of democratic rights. However, a bar on members standing for list and constituency seats simultaneously in the Parliament is a more serious option and could be kept under review.

Table 1 shows MPs' responses to our 2004 survey, with respect to the importance they attach to particular roles. This demonstrates how highly MPs rate constituency duties, and especially that of conducting casework. Almost 90% of MPs considered that 'helping solve constituents' problems' was 'very important'. This compared to 67.2% of me

Table 3: Change in constituency caseload of Scottish MPs since devolution

parliament at Westminster. But both sets of members also report a high proportion of correspondence relating to local government matters – around 40% by MSPs and 25% by MPs. .[8]

Of course there are some matters where the division of responsibilities between different institutions is not clear. This is the case, for example, where there are issues of funding, taxation or welfare benefits in relation to a service controlled by the Scottish Parliament. It is also the case with respect to some cross-border matters. In such cases MPs and MSPs would ideally work together on behalf of their constituencies and individual constituents.

Table 4: Mean proportion of constituency correspondence received by Scottish MPs relating to four levels of government

	2000	2002	2004
Westminster	48.1%	55.9%	59.9%
Local government	29.1%	23.7%	20.7%
Scottish Parliament	18.8%	15.7%	16.5%
European Parliament	3.6%	3.9%	4.1%

2000, N = 16; 2002, N = 27; 2004, N = 27.

Table 5: Mean proportion of constituency correspondence received by MSPs relating to four levels of government

	2000	2002	2004
Westminster	14.2%	10.2%	10.2%
Local government	36.3%	45.6%	43.1%
Scottish Parliament	45.3%	41.5%	43.2%
European Parliament	5.3%	5.5%	2.8%

2000, N = 55; 2002, N = 42; 2004, N = 56

So with respect to constituency casework there have been important developments in Scotland since devolution in 1999. MPs' burden of work has been lifted to some extent, but perhaps not as much as might have been expected. More than a third of the correspondence received by Westminster MPs continues to relate to policy either within th43.2%

sometimes split be

Table 9 and Table 10 summarise responses from MPs and MSPs on this question, showing figures for both 2000 and 2004 for comparative purposes. These seem to demonstrate some fairly clear patterns.

Table 9: MPs' actions when approached about devolved matters

When approached about a matter where responsibility rests with the Scottish Parliament do you …		
	2000	2004
Pass the letter on to the constituency AM/MSP?		
Always		

The fact that the majority of cases are passed on to a member of the relevant institution is further illustrated by Table 11, which shows MPs' and MSPs' reporting of receiving constituency correspondence that has been passed to them by the other representative of their seat. Almost all members reported receiving such correspondence at least sometimes, and a large majority reported that this happened often.

Table 11: Extent to which MPs and constituency MSPs report being passed constituency correspondence by each other, 2004

Do MPs/MSPs pass you correspondence from constituents relating to Scottish Parliament/Westminster matters?	MP responses	MSP responses
Often	17 (68.0%)	21 (72.4%)
Sometimes	7 (28.0%)	6 (20.7%)
Never	1 (4.0%)	2 (6.9%)
Total	**25 (100%)**	**29 (100%)**

In interviews we explored in greater detail with members how these relationships generally work. By early 2005 most had well-established systems for dealing with individual constituents' enquiries, both at surgeries and when raised by correspondence or by telephone. With respect to surgeries, some members explained that they held joint sessions, with a receptionist who directed constituents to whichever of the two representa

Table 13: Forw

properly, but that this pattern generally broke down as election time approached. Thus, for example, the relationship had moved from a co-operative to a competitive one from 2000-2001, before the Westminster election, became more co-operative again from 2001-2002, but then broke down again as the Scottish Parliament election approached. This was a relatively positive story in comparison to others, however. In some seats there was never any co-operation – instead with a battle for local profile, through casework, work with local organisations, and through the local media, throughout the electoral cycle.

In such seats it is clear that constituency cases are often being pursued by representatives who are not fully qualified – for example by MSPs writing to UK ministers about immigration problems, or MPs about

Public Understanding

The fact that members receive enquiries about policy matters which are not within the remit of their institutions suggests that, at the very least, there are gaps in the public's understanding of the devolution settlement. Where elected members are acting co-operatively, this contributes to attempts to improve public understanding about responsibilities of different levels of government. However, in cases where members are seeking to compete locally – in terms of casework, liaison with local interest groups and through the local media – their actions are only likely to add to public confusion.

It is difficult to test the extent to which the public understand the responsibilities of the Scottish Parliament and the government at Wee

Table 17: Is advice to the public relating to the differing responsibilities of MPs and MSPs adequate? MSPs' responses 2004

	Strongly agree	Agree	Neither	Disagree	Strongly disagree	**Total**

suggestion that departments should withhold replies, however, and this sanction alone may prove ineffective. In contrast at the Scottish Executive end there is no distinction made between letters received from MPs and MSPs and all such correspondence will receive an equivalent ministerial reply.

We asked MPs and MSPs whether they felt that the current guidance regulating their relationships was adequate. As shown in Table 18 and Table 19, this question attracted a mixed response. Almost half the MPs responding believed that the current guidance was not adequate, whilst just over 40% believed that it was. Amongst MSPs views were similarly divided, though slightly more in this group thought the guidance was adequate than inadequate. But there was also a clear party split on this question in both institutions. A majority of Labour MPs, and a large majority of Labour MSPs, thought the current guidance inadequate. This appears to reflect concerns about the behaviour of list members, as discussed on page 51. In particular Table 46 shows that list MSPs tend to defend the guidance, whilst constituency MSPs (who are mostly Labour) think it inadequate. It is the view of the latter group that is shared by many Labour MPs.

Table 18: Are guidelines regulating MP-MSP relations adequate? MPs' responses 2004

	Strongly agree	Agree	Neither	Disagree	Strongly disagree	**Total**
Labour	1 (5.3%)	6 (31.6%)	2 (10.5%)	5 (26.3%)	5 (26.3%)	**19 (100%)**
Conservative		1 (100%)				**1 (100%)**
Lib Dem		1 (25%)		3 (75%)		**4 (100%)**
SNP		2 (66.7%)	1 (33.3%)			**3 (100%)**
Total	**1 (3.7%)**	**10 (37%)**	**3 (11.1%)**	**8 (29.6%)**	**5 (18.5%)**	**27 (100%)**

the appropriate institution would do. Thus, for example, an MP could approach a minister in a corridor of the House of Commons to discuss a difficult constituency problem, in a way that an MSP could not. Thus a degree of accountability is lost, as ministers are ultimately responsible to members of their own institutions, and cannot ultimately be challenged in the same way through the parliamentary process by members from elsewhere.

MPs and MSPs expressed frustrations to us about their counterparts becoming involved in matters that fell within the remit of their own institutions. Various suggestions w5ed in the sam ponsrobpononsc.12 0 0

Table 20: Should identical constituency boundaries be retained? MPs' responses

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	**Total**
2002						
Lab	17 (70.8%)	4 (16.7%)	2 (8.3%)	1 (4.2%)		**24 (100%)**
Con						
LD	1 (33.3%)	2 (66.7%)				**3 (100%)**
SNP	1 (100.0%)					**1 (100%)**
Total	**19 (67.8%)**	**6 (21.4%)**	**2 (7.1%)**	**1 (3.6%)**		**28 (100%)**
2004						
Lab	14 (73.7%)	14 (73.7%)				

reported here, along with our own interpretation of the information gathered above, and what this suggests to us about how matters will develop once coterminosity is ended.

First, it is useful to rev cMw

relationship and have established systems for sharing local duties. However, the added complexity for members in organising such co-operation once coterminosity has ended, coupled with the greater likelihood of individual tensions, suggests that this will be more difficult to achieve in future.

In contrast, it is important to note that our interview evidence from MSPs s

This situation, considered in the light of the evidence that we have collected, means that competitive relations between members are likely to become far more widespread than was previously the case. This prediction was also confirmed to us by members that we interviewed. In our 2004-5 interviews we spoke to many members who were likely to face members from different parties in their seats post-May 2005. These members were remarkably frank with us about how they intended to proceed. Several who currently enjoyed perfectly co-operative relations with their counterparts of the same party – passing on correspondence and co-ordinating local work – stated openly that they did not intend to follow this pattern in future in the part of their constituency that was represented by an opposing party. Similarly, members who currently shared their constituency with a representative of an opposing party, but anticipated gaining at least one colleague from their own party once the boundaries had changed, looked forward to building a far more collaborative relationship in that part of the constituency. Members saw no contradiction in the fact that they would pass on correspondence from one part of the constituency, but pursue cases in another part of the constituency even where these did not fall within the responsibility of their own institution. The party political orientation of members is such that this seemed a quite natural arrangement (and indeed one which already often applies with respect to co-operation with councillors). Indeed some members told us that they would in future actively seek to campaign on local issues in the areas of their constituency that were opposition controlled, in order to undermine the representative of the other party.

Again, this could be argued to keep representatives on their toes, and increase the incentive to constituency service, with potentially beneficial effects for constituents. From other perspectives, however, it seems hard to interpret it as a positive development. What is likely to result is more members taking up matters that lie outside the control of their own institutions, with a resultant erosion of lines of accountability and public understanding of who is responsible for what. Meanwhile, regulation aimed at limiting this behaviour on the part of members seem

Part 2: List and Constituency Members – the Operation of the Additional Member System

We now turn to the operation of the additional member system in the Scottish Parliament in terms of its impact on local representation. First, we explore what roles regional list MSPs have developed and how these compare with those of constituency MSPs. Secondly, we question the nature of the relationships between list and cons-0.6 p8erm

Table 24: Percentage of list and constituency MSPs ranking local and other roles as 'very important', 2004

	List MSPs	Constituency MSPs	All MSPs
Help solve constituents' problems	77.4%	96.6%	86.7%
Hold government to account	75.9%	76.7%	76.3%
Have good contacts with local interest groups	66.7%	72.4%	69.5%
Attend local community meetings/functions	50.0%	65.5%	57.6%
Work on parliamentary committees	53.3%	42.9%	48.3%
Provide leadership to the local party	30.0%	31.0%	30.5%
Promote business and government funded projects in the constituency/electoral region	16.7%	37.9%	27.1%

List MSPs, N = 30-31; Constituects in

Table 27: **Number of communications (letters/emails/phone calls) per week received by MSPs from individual constituents**

	2002	2004
Constituency MSPs		
0-49	3 (23.1%)	5 (18.5%)
50-99	5 (38.5%)	9 (33.3%)
100-149	3 (23.1%)	8 (29.6%)
150+	2 (15.4%)	5 (18.5%
Total	**13 (100.0%)**	**27 (100.0%)**
Mean average	81.5	110.0
Median average	60.0	80.0
Regional MSPs		
0-49	10(40.0%)	13(46.4%)
50-99	4 (16.0%)	4 (14.3%)
100-149	6 (24.0%)	4 (14.3%)
150+	5 (20.0%)	7 (25.0%)
Total	**25 (100.0%)**	**28 (100.0%)**
Mean average	124.0	147.6
Median average	75.0	60.0

In exploring this issue we took two key indicators of supply and demand, namely surgery holding and communications received, and compared the experience of pure list members and those who had fought a constituency contest at the previous election Table 28 appears to suggest that the differences were quite stark in showing the relatively much smaller level of activity among 'pure' list members compared to that of other list members. However on closer examination only the difference in number of surgeries held proves to be statistically significant.[17]

Table 28: Levels of casework activity by different types of List MSPs, 2004

	Did not stand for constituency in 2003 election	S5G9 /Sm(ce of)Tj0 not star

Socialist Party representatives in both groups, the numbers are too small to allow meaningful comparison.

Table 29: Party affiliation and type of list member amongst 2004 survey respondents

Party affiliation	Did not stand in constituency	Stood in constituency	**Total**
Labour	1	1	**2**
Liberal Democrat	1	1	**2**

sometimes this resulted from an explicit targeting of a marginal constituency for future election purposes. Often, however, list members claimed that it resulted from a less partisan-based mixture of forces of supply and demand. On the one hand some list members claimed that it was simply convenient to organise their local representation from an office – sometimes the local party office, and not the party regional list office – that was in the constituency in which they lived and which they may have contested before and probably would again. They had no particular expectations of gaining constituency victory through this, but simply considered it rather perverse to organise their local work as well as their parliamentary work from locations where they did not actually live. Thus the supply of constituency services could be geographically concentrated. But there were also demand factors, as many list members had council or other political experience in particular areas in their region, usually their ‘home’ constituencies, and with some name recognition in those areas would attract constituent casework.

ultimately left to a contested debate. One should not under-estimate the conviction with which both Labour constituency members and list members of other parties respectively held their views on how list members organised themselves.

Relations between MSPs over Local Representation

It follows from this discussion that the obvious immediate context to bear in mind in exploring relations between list and constituency members is party representation. Table 30 shows that the election results of both 1999 and 2003 created a strong inter-meshing of party interest with the different types of MSP. Party groups were made up of either predominantly constituency or list members, with constituency MSP views in particular being strongly related to Labour Party interests. Thus, in analysing the views and behaviour of MSPs it must be borne in mind that the views of Labour members are particularly influenced by the experience of being a constituency MSP, and vice versa, whilst the views of members of other parties are far more influenced by the experience of representing regions, and vice versa. This means that arguments about the behaviour of list and constituency MSPs have taken on a distinctly partisan tone.

Table 30: Results of elections to the Scottish Parliament, 1999 and 2003

	Constituency	Regional List	Total
1999 Elections			
Conservative		18	18
Labour	53	3	56
Liberal Democrat	12	5	17
Scottish National Party	7	28	35
Scottish Socialist Party		1	1
Green		1	1
Others	1		1
Total	**73**	**56**	**129**
2003 Elections			

members tend to go their separate ways in providing surgeries and dealing with constituency cases. This does not in itself denote a lack of co-operation. As noted earlier in the discussion of MP-MSP same-party relationships, many members offered different surgeries but on a co-ordinated basis so as to maximise party representative coverage. Dealing with individual constituents by its very nature generally does not lend itself to representatives working together.

Table 31: Perceptions of co-operation and competition in relationships betweend4.737 Tm(elf)Tj-0.0007

members of the targeting activities of list members considered in the previous section it will come as no surprise that perceptions of relations among Labour constituency members remained so high.

Table 33: **Constituency MSPs' perceptions of co-operation and competition in relationships with list MSPs from other parties**

	2002 N (%)	2004 N (%)
Very co-operative		
Fairly co-operative	2 (12.5%)	3 (11.5%)
Sometimes co-operative/ sometimes competitive	4 (25.0%)	8 (30.8%)
Fairly competitive	4 (25.0%)	10 (38.5%)
Very competitive	6 (37.5%)	5 (19.2%)

would be less visible. And whilst there may be variations in what regional members offer, they are potentially as competent on council or Scottish Parliament issues as constituency members. The competition that they provide to constituency MSPs in local representation could also be seen as healthy, both for offering constituents more choice and in gingering up constituency MSPs who might otherwise occupy monopoly positions and have less incentive as time went on to offer proactive services to constituents.

Table 35: Specific co-operation between list and constituency MSPs of different parties in the same electoral region, list member responses 2004

	A great deal	Quite a lot	Some	Not very much	Not at all	**Total**
On issues raised by individual constituents		1 (3.5%)	13 (44.8%)	10 (34.5%)	5 (17.2%)	**29 (100%)**
On issues raised by local interest groups		2 (6.9%)	17 (58.6%)	5 (17.2%)	5 (17.2%)	**29 (100%)**

prevent constituency members from attempting to diminish the status of list members in the eyes of the electorate. Third, list members were required to provide evidence of conducting constituency work in more than two constituencies – through an appropriate activity such as holding a surgery or dealing with a constituent inquiry. List members were obliged under the guidance to ask constituents who made an inquiry with them whether they would rather take the matter to the appropriate constituency MSP. They were also then obliged to inform constituency members of any constituent inquiries that they dealt with, subject to the constraints of the data protection act.[19] Such rules placed special constraints on list members not seen in the operation of AMS in Germany or New Zealand, or even nearer at hand in Wales.

Clearly there were strong frictions primarily between Labour constituency MSPs and non-Labour regional MSPs, evidenced by views over the competitiveness of relations and opinion over each other's roles in providing local representation. Did such frictions matter to how the operation of the guidance was perceived? To explore this, MSPs were asked their view on the adequacy of the Parliament's guidance on the roles of constituency and list members. Table 36 and Table 37 show that support for the adequacy of the guidance was stronger among list than constituency members, and became stronger among the latter group over time. In 2002 constituency MSPs overwhelmingly did not believe the guidance to be adequate, a view predominantly of Labour and Liberal Democrat members. In 2004, although there was a larger minority of constituency members who accepted the adequacy of the guidance, a majority of constituency MSPs remained opposed, a number largely accounted for by Labour members.

Table 36: **MSPs' views on whether the guidelines relating to responsibilities of list and constituency MSPs are adequate, 2002**

	Strongly agree N (%)	Agree N (%)	Neither agree nor disagree N (%)	Disagree N (%)	Strongly Disagree N (%)	**Total**
All members	1 (2.2%)	13 (28.3%)	8 (17.4%)	13 (28.3%)	11 (23.9%)	**46 (100%)**
Constituency		2 (11.8%)	2 (11.8%)	7 (41.2%)	6 (35.2%)	**17 (100%)**
Regional	1 (3.4%)	11 (37.9%)	6 (20.7%)	6 (20.7%)	5 (17.2%)	**29 (100%)**
Conservative		5 (55.5%)	1 (11.1%)		3 (33.3%)	**9 (100%)**
Labour		2 (14.3%)	2 (14.3%)	7 (50.0%)	3 (21.4%)	**14 (100%)**
Lib Democrat		1 (25.0%)		1 (25.0%)	2 (50.0%)	**4 (100%)**
SNP	1 (5.9%)	4 (23.5%)	5 (29.4%)	4 (23.5%)	3 (17.6%)	**17 (100%)**
Others		1 (50.0%)		1 (50.0%)		**2 (100%)**

In 2004 we introduced more detailed questions, asking members whether they agreed or not with a series of statements that corresponded to some of the individual components of the guidance. Table 38 reveals that list members strongly supported the assertion of equal status, but disagreed with key aspects of the guidance. They disagreed strongly with unequal allowances and, five years into devolution, a majority still disagreed with the requirement that they work in more than two constituencies. This suggested that the data on list members' views of the adequacy of the guidance did not reflect support *per se* but a position of defence for fear of anything worse. Meanwhile, constituency MSPs remained divided over the question of equal status, largely along party lines. Labour and Liberal Democrat constituency members strongly agreed with the components of the guidance that prescribed unequal allowances and list members being required

[19] Scottish Parliament (1999), *Code of Conduct*; Winetrobe, B. (2001), *Realising the Vision: A Parliament with a*

to work in more than two constituencies. The fact of such a large minority of constituency MSPs not agreeing with equal formal and legal status between constituency and list MSPs confirmed their desire for a stiffer form of guidance constraining list members. The one area of possible consensus between constituency and list members was over the rule that members should term themselves as the ‘constituency’ or ‘regional list’ member.

Table 37 : **MSPs’ views on whether the guidelines relating to responsibilities of list and constituency MSPs are adequate, 2004**

Strongly agree N (%)	Agree N (%)	Neither agree nor disagree

Table 38: MSPs' views on status, allowances and activities of list and constituency members, 2004

(i) Constituency and regional list members should have equal formal and legal status
(ii) Members' allowances for constituency and regional list members should be the same
(iii) MSPs should always call themselves 'constituency' or 'regional member' as appropriate but never the 'local' member
(iv) Regional list members should be required to work in more than two constituencies

	(i)Equal status N (%)	(ii) Equal allowances N (%)	(iii) Specific Member titles N (%)	(iv) Regional MSPs in 2+ constituencies N (%)
All MSPs				
Strongly agree				

different roles for each type of member, or debate new Parliament guidance that in effect gave substance to that idea.

Interviews in late 2004 and early 2005 did not indicate that the substance in the critiques of the guidance and its enforcement had changed. Constituency members continued to suggest that the issue of what list members were supposed to do had not been properly addressed, and that this was something the Parliament could usefully re-discuss after the experience of several years of devolution in action. Nevertheless, some of the urgency of the issue among constituency members may have dissipated. The matter had not been discussed in the Parliament after the 2003 elections, and interviewees indicated that such matters became overwhelmed by the sheer volume of work that MSPs had to get through. Meanwhile list members demonstrated substantial continuity with earlier views. The guidance could be viewed as an irritant, but where list members wanted to be particularly active at the local level – and by no means all of them did – it was easily met or ignored without constraining their intentions, particularly in the context of targeting a specific seat. Guidelines caused them few practical problems and, particularly given that the majority of constituencies where control changed hands in 2003 fell to a former list member, there was some recognition that to change the guidance would raise the issue of the role of list members up the agenda again. Overall, therefore, resentments remained on both sides. Constituency members resented the practice of the list member acting as a ‘shadow’ constituency member, not informing the constituency member of their exact activities. List members resented the prevailing sense of them not being treated as equals. Nevertheless, such resentme

Table 39: MSPs' views on whether list members should be elected from a single national list, rather than regional lists

	2002 N (%)	2004 N (%)
All MSPs		
Strongly agree	5 (10.9%)	4 (6.9%)
Agree	5 (10.9%)	4 (6.9%)
Neither agree nor disagree	10 (21.7%)	5 (8.6%)
Disagree	12 (26.1%)	27 (46.6%)
Strongly disagree	14 (30.4%)	18 (31.0%)
Total	**46 (100%)**	**58 (100%)**
Constituency MSPs		
Strongly agree	4 (23.5%)	4 (14.8%)
Agree	2 (11.8%)	1 (3.7%)
Neither agree nor disagree	5 (29.4%)	2 (7.4%)
Disagree	4 (23.5%)	13 (48.1%)
Strongly disagree	2 (11.8%)	7 (25.9%)
Total	**17 (100%)**	**27 (100%)**
Regional MSPs		
Strongly agree	1 (3.4%)	
Agree	3 (10.3%)	3 (9.7%)
Neither agree nor disagree	5 (17.2%)	3 (9.7%)
Disagree	8 (27.6%)	14 (45.2%)
Strongly disagree	12 (41.4%)	11 (35.5%)
Total	**29 (100%)**	**31 (100%)**

How did such views relate to broader approaches to the future of the electoral system? Interview evidence suggested that the principal alternative canvassed was that of STV. The basis for in9.3en9.i822 322.0 0 12 219.2014ws(? InWl.89c -0.99 ku19990679.02012(s(? Injl.89c -0.99 ku201844BD02

cited the point that the complexities of having different electoral systems at council, Parliament and Westminster levels once STV elections were introduced for local government in 2007, was an added stimulus to moving towards STV.

Table 40: MSPs' views on whether the size of the Scottish Parliament should be increased, decreased or stay the same

	2002 N (%)	2004 N (%)
All MSPs		
Increased	8 (17.0%)	7 (11.9%)
Decreased	8 (17.0%)	12 (20.3%)
Stay the same	31 (66.0%)	40 (67.8%)
Total	**47 (100%)**	**59 (100%)**
Constituency MSPs		
Increased	3 (17.6%)	3 (10.3%)

The effects of STV on local representation in the Scottish Parliament would most likely provide a combination of the expectations of both list and constituency members. On the one hand, it would largely solve the current problem of a lack of parity of esteem between constituency and list members as all members would be elected on the same basis. (There is always the possibility of a different hierarchy of members being perceived, based on the votes cast for particular candidates – however, this is not as institutionalised a difference as one finds with AMS, and nowhere near as significant in structuring relationships between members.) On the other hand, given the general orientation of list members to provide constituency representation under AMS one could expect that the deep political culture of local representation which this suggests would be very strongly manifest in the context of STV. This could be seen as advantageous to constituents in creating even sharper competition among members to represent them. Yet, as with AMS there are potential problems of duplication of service and the ineffective use of MSP time in such competition. Indeed, if one took a wider view of what should MSPs be doing with their time, and viewed time spent on constituency representation as important but a potential distraction, STV becomes problematic. In this respect there may be key differences in using STV for local elections, where councillors do not have parliamentary and legislative roles, and in the Scottish Parliament, where they do.

MPs' Relations with List MSPs

Although the main impact of the Additional Member System is within the Scottish Parliament itself, and relationships between constituency and list members, there is also some contact between MPs and list members. In many ways these mirror the relationships outlined above with respect to relationships between different kinds of MSPs.

Like constituency MSPs, Scottish MPs also each exist within a region that is represented in the Parliament by a number of list MSPs. Until May 2005 this was uniformly seven members. Now that coterminosity has ended, there are 14 MPs who have seats spanning not only different Scottish Parliament constituencies, but also different electoral regions. Therefore all MPs have either seven or 14 list MSPs representing their area, as well as between one and five constituency MSPs. Examination of our evidence about relationships between MPs and list MSPs can therefore throw further light on the operation of the AMS system in term

Table 44: Specific forms of co-operation between MPs and list MSPs from opposing parties, MP responses 2004*

	A great deal	Quite a lot	Some	Not very

see list member activity locally. In these cases it was often only the list member from the second ranked political party in the constituency who had any real presence. In some cases, as with constituency MSPs, list members were direct electoral rivals. Thus, for example, several Conservative list members fought seats in the 2005 Westminster election and one (David Mundell) was successfully elected. List members were therefore likely to have a presence in the area as the election approached, using their position as a regional MSP as a platform. MPs were relatively relaxed about such activity where their majorities were comfortable, but less so when they felt their seat might actually be under threat.

Finally, it is interesting to consider members' views about the guidelines regulating relations between MPs and MSPs through separate lenses with respect to list and constituency members. Our survey question on this did not distinguish between the two types of MSP. Thus the figures shown earlier in Table 18 – which showed that Labour and Liberal Democrat MPs were on balance unhappy with the guidance, whilst SNP members were on balance happy – presumably relates in part to MPs' experience of list members. When the same question was asked of MSPs, it could however be broken down by different types of member. The responses are shown in Table 46. This shows that the majority of list members claim that they are happy with the guidelines governing MP-MSP relations, whilst a majority of constituency members are not. This again suggests that the issue of relations between constituency and list members, not only within the Scottish Parliament but also in terms of local relations with MPs, is a difficult and tense one which is strongly connected to party competition.

Table 46: Are guidelines regulating MP-MSP relations adequate? Constituency and list MSPs' responses 2004

	Constituency members	List members	**All members**
Strongly agree	2 (6.9%)	3 (10%)	**5 (8.5%)**
Agree	7 (24.1%)	15 (50%)	**22 (37. 3%)**
Neither agree or disagree		10 (33.3%)	**10 (16.9%)**

‘List MSPs certainly have more time than us…so what should they be doing with that time? More time on the committees? Perhaps some work needs to be done on what the official role of the list MSP is?’ (Labour constituency MSP, interviewed 4/11/2004)

‘I don’t think anybody has ever resolved this issue of what list members are for. I’m not convinced that members actually have ever resolved this issue and I suspect that many list members do what I do and pretend that they are constituency members.’ (Conservative list MSP, interviewed 13/1/2005)

‘You do not have the same status as constituency MSPs. I don’t know what constituency members have to complain about. If they are doing the job properly they will dominate the local press and they are the official recognised members for the area. They get all the invitations to the high profile events.’ (SNP list MSP, interviewed 4/11/2004)

2. Guidance on member relationships and electoral reform

The tensions produced in the operation of the electoral system mean that two specific issues have emerged for continued debate. First, views on the guidance governing the roles of constituency and regional list members have not settled down. Our data suggests that list members generally do not support any of the specific constraints imposed by the guidance, except for the issue of how members term themselves. Nevertheless, they accept the guidance as a package largely, it seems from interviews, because they view it as either easily ignored or easily conform

Ultimately, how important the perceived problems of the current working of AMS is judged to be also needs to be considered in the light of the performance of AMS in other respects – not just in respect of local representation, and against the background of the full range of criteria originally considered when the system was first introduced. At the same time any consideration of the possible advantages of STV need to be clear on the criteria being used to judge its potential effectiveness. In this part of the report we have provided some discussion of MSP views on STV r the constituency role of MSPs. The evaluation of such effects nevertheless needs to be seen in the context of how it meets other criteria for evaluating electoral systems deemed relevant by the Commission.

Part 3: Policy Options

The issue of elected members' local representative roles has been key to the bedding down of the new devolution settlement in Scotland. It has affected significantly the views of policy makers, at Westminster and in Holyrood, and also has important implications for the quality of representation enjoyed by the citizens of Scotland. Given the traditional centrality of the local representative role in British politics

that many of these members are very unhappy with aspects of the current system, and even more so with the ending of coterminosity.

As with so much of the detail that we have reported here, views on this matter have been coloured by partisan interests, which cannot be adequately separated from genuine constitutional concerns. The fact is that most Scottish MPs, and most holders of constituency seat

other important considerations when designing future electoral systems, from the perspective

the relevant MSP. It is difficult to envisage a regulatory system that could prevent these kinds of problems.

Managing the Additional Member System

Our research shows that on the whole relations between constituency and regional list members of the Scottish Parliament have been characterised by tensions over the perceived roles taken by list members. On the one hand, (primarily Labour) constituency MSPs allege unfair shadowing activities by list members, largely for party political purposes. List members specifically resent this characterisation and generally resent the questioning of their right to conduct local representative work. Perceived problems in the operation of the Additional Member System as it impacts upon local representation focus policy debate on two different aspects of how the current system could be managed better: first, the possibility of changes to the Scottish Parliament

constituency member resentments at the roles pursued by list members, which currently appear to have become less urgent between the first and second terms.

The second option would have a similar effect in potentially significantly inflaming opinion among list members. In considering more extensive guidance as a regulatory approach, it is also interesting to place the Scottish parliament approach to guidance into some comparative perspective. In the classic German version of AMS there is no such guidance – an approach followed by Wales, where the presiding officer has simply asserted the principle that all members are equal. In New Zealand, similarly, there is no attempt to regulate the roles of members, except that the expected lesser role of list members (elected on a national basis) in providing local representation is reflected in lower allowances. In the electoral reform projects in Canada which have consid

sensible to allow such ‘bedding in’ of opinion on member roles and the rules that guide it to continue. A more pragmatic approach would therefore focus on sustaining guidance as it is, whilst possibly considering issues of enforceability and sustaining a watching brief on the Welsh Labour policy of legislating against dual candidacy.

Possible New Voting Systems

The perceived difficulties with the Additional Member System have led some to suggest that there should be a change to the voting system for the Scottish Parliament. Arguments in favour of change include dealing with the ‘problem’ of list members, avoiding confusion with the changed Westminster boundaries, and bringing the system into line with the that being introduced for Scottish local government – i.e. the Single Transferable Vote (STV).

Any of the available systems have implications for members’ local work, and links between them, citizens and outside groups. Our data can throw some light on the possible options.

- The **Single Transferable Vote** has been seen by some as a po

on the basis of the present numbers would requi

Appendices

Appendix 1: Methods and Survey response rates

This research draws primarily from two sources: questionnaire surveys and interviews.

Three postal surveys were conducted of MPs and three of MSPs, in 2000, 2002 and 2004 respectively. These were based largely on closed multiple choice questions, with some open questions and opportunities for members to write in comments. Many identical questions were asked of MPs and MSPs, and many questions were repeated in surveys in more than one year. The MP survey was also sent to English and Welsh MPs (with English MPs sent a shorter version omitting the questions that did not apply) and the same questionnaire sent to MSPs was also sent to Welsh Assembly Members.

The response rates for the questionnaire surveys are shown in the following tables. In both cases the percentage given shows the response rate within each grou22 618.98059 Tml50085 Tm(in eac0 12 hE 12 4

Table 50: Response rates to MSP surveys

	2000 N (%)	2002 N (%)	2004 N (%)
Constituency MSPs	27 (37.0 %)	17 (23.3 %)	29 (39.7 %)
Labour	18 (32.7 %)	13 (25.0 %)	18 (39.1 %)
Conservative	1 (100 %)		2 (66.7 %)
Liberal Democrat	5 (41.7 %)	2 (16.7 %)	5 (38.5 %)
SNP	3 (42.9 %)	2 (28.6 %)	3 (33.3 %)
Others			1 (50.0 %)
Regional List MSPs	36 (64.3 %)	30 (53.6 %)	31 (55.4 %)
Labour	2 (66.7 %)	1 (33.3 %)	2 (50.0 %)
Conservative	12 (66.7%)	9 (67.9 %)	9 (60.0 %)
Liberal Democrat	2 (40.0 %)	2 (40.0 %)	2 (50.0 %)
SNP	19 (67.9 %)	18 (57.1 %)	8 (44.4 %)
Others	1 (50.0 %)	2 (100 %)	10 (66.7 %)
All MSPs	63 (48.9 %)	47 (36.4 %)	60 (46.5 %)
Labour	20 (36.4 %)	14 (25.5 %)	20 (40.0 %)
Conservative	13 (68.4 %)	9 (47.4 %)	11 (61.1 %)

Appendix 2: Party control of Scottish seats in Westminster and Scottish Parliament

The information in this appendix is drawn from D. Denver, C. Rallings and M. Thrasher, *Media Guide to the New Scottish Westminster Parliamentary Constituencies*, Plymouth: Local Government Chronicle Elections Centre, University of Plymouth (2004).

A. Westminster constituencies

Seats where all MSPs are of the same party as the MP

1. **Airdrie and Shotts: Lab**

comprises:	*party control*	*shared population*
Airdrie and Shotts	Lab	55519
Coatbridge and Chryston	Lab	410
Hamilton North and Bellshill	Lab	7380

2. **Angus: SNP**

comprises:	*party control*	*shared population*
Angus	SNP	35969
North Tayside	SNP	28622

3. **Ayrshire North and Arran: Lab**

comprises:	*party control*	*shared population*
Cunninghame North	Lab	55548
Cunninghame South	Lab	17634

4. **Berwickshire, Roxburgh and Selkirk: Lib Dem**

comprises:	*party control*	*shared population*
Roxburgh and Berwickshire	Lib Dem	44846
Tweeddale, Ettrick and Lauderdale	Lib Dem	27584

5. **Caithness, Sutherland and Easter Ross: Lib Dem**

comprises:	*party control*	*shared population*
Caithness, Sutherland and Easter Ross	Lib Dem	40731
Ross, Skye and Inverness West	Lib Dem	5802

6. **Coatbridge, Chryston and Bellshill: Lab**

comprises:	*party control*	*shared population*
Coatbridge and Chryston	Lab	47990
Cumbernauld and Kilsyth	Lab	553
Hamilton North and Bellshill	Lab	19124

7. **Dunbartonshire West: Lab**

comprises:	*party control*	*shared population*
Clydebank and Milngavie	Lab	35186
Dumbarton	Lab	36524

8. **Dunfermline and West Fife: Lab**

comprises:	*party control*	*shared population*
Dumfermline East	Lab	16374
Dumfermline West	Lab	53999

9. **East Kilbride, Strathaven and Lesmahagow: Lab**

comprises:	*party control*	*shared population*
Clydesdale	Lab	10028
East Kilbride	Lab	67229

10. **East Lothian: Lab**

comprises:	*party control*	*shared population*
East Lothian	Lab	59410
Edinburgh East and Musselburgh	Lab	11878

11. **Glasgow**

20. **Kirkcaldy and Cowdenbeath: Lab**

comprises:	*party control*	*shared population*
Dumfermline East	Lab	30901
Kirkcaldy	Lab	43262

21. **Lanark and Hamilton East: Lab**

comprises:	*party control*	*shared population*
Clydesdale	Lab	44968
Mab		

Seats where one other party is represented amongst MSPs

1. **Aberdeen South: Lab**

comprises:	*party control*	*shared population*
Aberdeen Central	Lab	10770
Aberdeen South	Lib Dem	58562

2. **Aberdeenshire West and Kincardine: Lib Dem**

comprises:	*party control*	*shared population*
Aberdeen North	SNP	47
Aberdeenshire West and Kincardine	Lib Dem	60896
Gordon	Lib Dem	1271

3. **Argyll and Bute: Lib Dem**

comprises:	*party control*	*shared population*
Argyle and Bute	Lib Dem	49839
Dumbarton	Lab Lab	19732

4. **Ayr. Carrick and CumlP /MCID 11 B0003 547.760BDC.u:2.53999 603.98029 Tm( )T58.1T0 1 Tf-0.0**

11. **Edinburgh East: Lab**

comprises:	*party control*	*shared population*
Edinburgh Central	Lab	19726
Edinburgh East and Musselburgh	Lab	47970
Edinburgh North and Leith	Lab	498
Edinburgh South	Lib Dem	6311

12. **Edinburgh North and Leith: Lab**

comprises:	*party control*	*shared population*
Edinburgh Central	Lab	7525
Edinburgh North and Leith	Lab	62213
Edinburgh West	Lib Dem	5024

13. **Edinburgh West: Lib Dem**

comprises:	*party control*	*shared population*
Edinburgh Central	Lab	12996
Edinburgh West	Lib Dem	57607

14. **Falkirk: Lab**

comprises:	*party control*	*shared population*
Falkirk East	Lab	24050
Falkirk West	Ind	54231

15. **Fife Nort 54231**

22. **Ochil and South Perthshire: Lab**

comprises:	*party control*	*shared population*
North Tayside	SNP	2315
Ochil	SNP	45303
Perth	SNP	24120

23. **Ross, Skye and Lochaber: Lib Dem**

comprises:	*party control*	*shared population*
Inverness East, Nairn and Lochaber	SNP	14977
Ross, Skye and Inverness West	Lib Dem	34567

24. **Stirling: Lab**

comprises:	*party control*	*shared population*
Ochil	SNP	12477
Stirling	Lab	53916

Seats where two other parties are represented amongst MSPs

1. **Aberdeen North: Lab**

comprises:	*party control*	*shared population*
Aberdeen Central	Lab	39639
Aberdeen North	SNP	29225
Aberdeen South	Lib Dem	728

2. **Dumfriesshire, Clydesdale and Tweeddale: Con**

comprises:	*party control*	*shared population*
Clydesdale	Lab	10067
Dumfries	Lab	34747
Galloway and Upper Nithsdale	Con	6589
Tweeddale, Ettrick and Lauderdale	Lib Dem	13734

3. **Dunbartonshire East: Lib Dem**

comprises:	*party control*	*shared population*
Clydebank and Milngavie	Lab	17347
Coatbridge and Chryston	Lab	3070
Strathkelvin and Bearsden	Ind	46307

4. **Edinburgh South: Lab**

comprises:	*party control*	*shared population*
Edinburgh Pentlands	Con	11298
Edinburgh South	Lib Dem	57586

5. **Edinburgh South West: Lab**

comprises:	*party control*	*shared population*
Edinburgh Central	Lab	25971
Edinburgh Pentlands	Con	49264
Edinburgh South	Lib Dem	552

13. **East Kilbride: Lab**
comprises: *party control* *shared population*

26. **Glasgow Shettleston: Lab**

comprises:	*party control*	*shared population*
Glasgow Central	Lab	28476
Glasgow East	Lab	21346
Glasgow South	Lab	985

27. **Greenock and Inverclyde: Lab**

comprises:	*party control*	*shared population*
Inverclyde	Lab	48408

28. **Hamilton North and Bellshill: Lab**

comprises:	*party control*	*shared population*
Airdrie and Shotts	Lab	7380
Coatbridge, Chryston and Bellshill	Lab	19124
Lanark and Hamilton East	Lab	15576
Motherwell and Wishaw	Lab	11713

29. **Hamilton South: Lab**

comprises:	*party control*	*shared population*
Lanark and Hamilton East	Lab	15629
Rutherglan and Hamilton West	Lab	31472

30. **Kilmarnock and Loudoun: Lab**

comprises:	*party control*	*shared population*
Kilmarnock and Loudoun	Lab	61699

31. **Kirkcaldy: Lab**

comprises:	*party control*	*shared population*
Glenrothes	Lab	8179
Kirkcaldy and Cowdenbeath	Lab	43262

32. **Linlithgow: Lab**

comprises:	*party control*	*shared population*
Linlithgow and Falkirk East	Lab	44139
Livingstone	Lab	11095

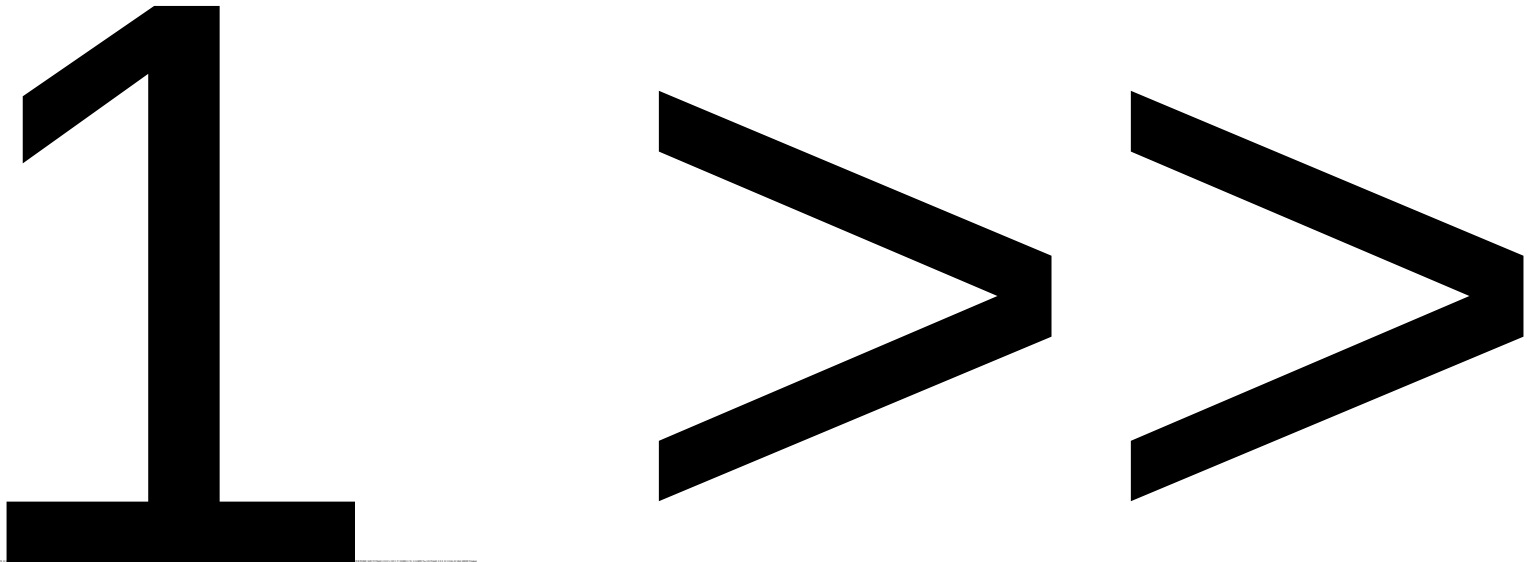
33. **Livingston: Lab**

comprises:	*party control*	*shared population*
Linlithgow and Falkirk East	Lab	54
Livingstone	Lab	65204

34. **Midlothian: Lab**

comprises:	*party control*	*shared population*
Midlothian	Lab	49286

35.



39. **Paisley North: Lab**

comprises:	*party control*	*shared population*
Paisley and Renfrewshire North	Lab	39953
Paisley and Renfrewshire South	Lab	7896

40. **Paisley South: Lab**

comprises:	*party control*	*shared population*
Paisley and Renfrewshire North	Lab	192
Paisley and Renfrewshire South	Lab	52954

41. **Renfrewshire West: Lab**

comprises:	*party control*	*shared population*
Inverclyde	Lab	17077
Paisley and Renfrewshire North	Lab	28497
Paisley and Renfrewshire South	Lab	7188

42. **Ross, Skye and Inverness West: Lib Dem**

comprises:	*party control*	*shared population*
Caithness, Sutherland and Easter Ross	Lib Dem	5802
Inverness, Nairn, Badenoch and Strathspey	Lib Dem	15930
Ross, Skye and Lochaber	Lib Dem	34567

43. **Roxburgh and Berwickshire: Lib Dem**

comprises:	*party control*	*shared population*

Berwickshire, Roxburgh and Selkirk9 Tm(Berwickshire,Tw 12 0 0 12 441.72 496.94028 Tm(shared pop

5. **Clydesdale: Lab**

comprises:	*party control*	*shared population*
Dumfriesshire, Clydesdale and Tweeddale	Con	10067
East Kilbride, Strathaven and Lesmahagow	Lab	10028
Lanark and Hamilton East	Lab	44968

6. **Coatbridge and Chryston: Lab**

comprises:	*party control*	*shared population*
Airdrie and Shotts	Lab	410
Coatbridge, Chryston and Bellshill	Lab	47990
Cumberland, Kilsyth and Kirkintilloch East	Lab	735
Dunbartonshire East	Lib Dem	3070

7. **Dumbarton: Lab**

comprises:	*party control*	*shared population*
Argyll and Bute	Lib Dem	19732
Dunbartonshire West	Lab	36524

8. **Dumfries: Lab**

comprises:	*party control*	*shared population*
Dumfries and Galloway	Lab	28768
Dumfriesshire, Clydesdale and Tweeddale	Con	34747

9. **Dundee East: SNP**

comprises:	*party control*	*shared population*
Dundee East	SNP	45395
Dundee West	Lab	11440

10. **Dundee West: Lab**

comprises:	*party control*	*shared population*
Dundee East	SNP	1495
Dundee West	Lab	52929

11. **Edinburgh Central: Lab**

comprises:	*party control*	*shared population*
Edinburgh East	Lab	19726
Edinburgh North and Leith	Lab	7525
Edinburgh South West	Lab	25971
Edinburgh West	Lib Dem	12996

12. **Edinburgh Pentlands: Con**

comprises:	*party control*	*shared population*
Edinburgh South	Lab	11298
Edinburgh South West	Lab	49264

13. **Edinburgh South: Lib Dem**

comprises:	*party control*	*shared population*
Edinburgh East	Lab	6311
Edinburgh South	Lab	57586
Edinburgh South West	Lab	552

14. **Edinburgh West: Lib Dem**

comprises:	*party control*	*shared population*
Edinburgh North and Leith	Lab	5024
Edinburgh West	Lib Dem	57607

15. **Falkirk West: Ind**

comprises:	*party control*	*shared population*
Falkirk	Lab	54231

16. **Fife Central: Lab**

comprises:	*party control*	*shared population*
Fife North East	Lib Dem	3565
Glenrothes	Lab	55666

17. **Galloway and Upper Nithsdale: Con**

comprises:	*party control*	*shared population*
Dumfries and Galloway	Lab	46548
Dumfriesshire, Clydesdale and Tweeddale	Con	6589

18. **Glasgow Maryhill: Lab**

comprises:	*party control*	*shared population*
Glasgow North	Lab	37970
Glasgow North East	Speaker	16372

19. **Glasgow Springburn: Lab**

comprises:	*party control*	*shared population*
Glasgow North East	Speaker	54527

20. **Gordon: Lib Dem**

comprises:	*party control*	*shared population*
Aberdeenshire West and Kincardine	Lib Dem	1271
Banff and Buchan	SNP	8857
Gordon	Lib Dem	44357
Moray	SNP	6011

21. **Inverness East, Nairn and Lochaber: SNP**

comprises:	*party control*	*shared population*
Inverness, Nairn, Badenoch and Strathspey	Lib Dem	51860
Ross, Skye and Lochaber	Lib Dem	14977

22. **North Tayside: SNP**

comprises:	*party control*	*shared population*
Angus	SNP	28622
Ochil and South Perthshire	Lab	2315
Perth and North Perthshire	SNP	30790

23. **Ochil: SNP**

comprises:	*party control*	*shared population*
Ochil and South Perthshire	Lab	45303
Stirling	Lab	12477

24. **Perth: S53 Tm212 0 0 12 503.2i67 S**

2. **Strathkelvin and Bearsden: Ind**

comprises:	*party control*	*shared population*
Cumberland, Kilsyth and Kirkintilloch East	Lab	17165
Dunbartonshire East	Lib Dem	46307

3. **Tweeddale, Ettrick and Lauderdale: Lib Dem**

comprises:	*party control*	*shared population*
Berwickshire, Roxburgh and Selkirk	Lib Dem	27584
Dumfriesshire, Clydesdale and Tweeddale	Con	13734
Midlothian	Lab	13501