

Agenda Item	14
Report No	HC/18/19

The Highland Council

Date: 9 May, 2019

Report title: Electoral Review of Island Council Areas

Report by: The Chief Executive

Purpose/Executive Summary

The purpose of this report is to provide the Council with an overview of the provisions of the Islands (Scotland) Act 2018 that relate to the requirement for the Local Government Boundary Commission for Scotland to review the electoral arrangements for Argyll and Bute Council, Comhairle Nan Eilean Siar, Highland Council, North Ayrshire Council, Orkney Islands Council and Shetland Islands Council.

1. Recommendations

1.1 Council is invited to

- Agree that the Chief Executive write to the Local Government Boundary Commission seeking a meeting to explore the possibility of the Commission broadening the scope of their current review to include rural wards of super sparsity.
- Agree that the Council write to the Cabinet Secretary for Communities and Local Government to highlight issues around the methodology used in boundary reviews and to make the case for additional flexibility over the number of members for rural wards.

2. Background

- 2.1 The Local Government Boundary Commission for Scotland and the Scottish Ministers are obliged, under section 28(2) of the Local Government (Scotland) Act 1973 to implement electoral arrangements in accordance with section 1 of the Local Governance (Scotland) Act 2004. Currently this includes the requirement for there to be three or four councillors returned per electoral ward in Scotland.
- 2.2 The Islands (Scotland) Act 2018 amends the 2004 Act to provide an exception to the usual three or four member rule for electoral wards in relation to wards which consist either wholly or partly of one or more inhabited islands. In these circumstances the Local Government Boundary Commission for Scotland has the flexibility to propose wards of one or two members.
- 2.3 This new power now forms part of the existing framework of rules for the consideration of local electoral arrangements, set out in section 13 and schedule 6 of the 1973 Act, which require the Commission and Ministers to take into account:
- the interests of effective and convenient local government;
 - that each councillor should as near as possible represent the same number of electors;
 - the desirability of fixing boundaries that are easily identifiable;
 - any local ties which would be broken by making a particular boundary; and
 - special geographic considerations that may need different treatment.
- 2.4 The Islands (Scotland) Act 2018 requires the Local Government Boundary Commission for Scotland to review the electoral arrangements for those local government areas mentioned in subsection 2 of the Act as soon as practicable after the provisions of the Act come into force.
- 2.5 Those local government areas mentioned in the Act are:
- Argyll and Bute Council
 - Comhairle Nan Eilean Siar
 - Highland Council
 - North Ayrshire Council
 - Orkney Islands Council
 - Shetland Islands Council
- 2.6 The Commission have confirmed that where a ward contains an inhabited island the Commission can recommend that it elects between one and four councillors. In all other circumstances a ward must return

either three or four councillors.

3. Review of Electoral Arrangements

- 3.1 The Local Government Boundary Commission for Scotland announced on 20 March, 2019 that they will be undertaking the review in two phases, focusing firstly on Comhairle Nan Eilean Siar, Orkney Islands and Shetland Islands. Initial consultation with those Councils will run until 20 May followed by a public consultation in the summer of 2019.
- 3.2 The Commission will then review Argyll and Bute, Highland and North Ayrshire.
- 3.3 The Commission have confirmed that these reviews will result in recommendations for the number of councillors on each council and the number and boundaries of wards for the election of those councillors. The Commission will not look at the external boundaries of Council areas.
- 3.4 The Commission will make their recommendations to Scottish Ministers by May 2021, in order that the resulting wards will be available for the local government elections in May, 2022

4. Highland Issues

- 4.1 At the Council meeting on 8 March, 2018 members considered a report on the public consultation on Electoral Reform in Scotland.
- 4.2 While it was agreed that rather than submitting a Council response, it should be left to individual Groups and Members to submit a response separately if they so wished, there were some aspects of that report which could be relevant in the context of considering this new review by the Local Government Boundary Commission.
- 4.3 The report recommended that the Council supports a programme of review which involved a more transparent consultation process and methodology and one whose conclusions better reflect the local evidence that had been presented.
- 4.4 It also recommended that Scottish Ministers should not be able to change the recommendations of the Commission on constituencies and council wards. However the Scottish Parliament should be able to challenge the Commission's recommendations on constituencies and wards. It was also suggested that recommendations should not be implemented without change.
- 4.5 Finally the report recommended that the Council supports flexibility to recommend wards which have between 2 and 5 councillors, instead of 3 or 4 councillors as at present particularly for areas of super sparsity such as parts of the Highlands.

4.6 The reports stated that it would not be appropriate to consider two member wards in urban settings. However the Highlands has too many rural wards covering huge geographical areas and this proposal would allow those wards to be split in to two wards each with two members.

5. Conclusion

5.1 There could be a case for engaging with the Local Government Boundary Commission for Scotland to explore the possibility for broadening the scope of their current review to include rural wards of super sparsity. In addition given that issues over methodology and flexibility have been raised previously, there could be merit in highlighting these issues directly with the Scottish Government. However it is acknowledged that any changes may require legislation.

Date: 29 April, 2019

Author: Gordon Morrison, Parliamentary Officer

Background Papers:

The Islands (Scotland) Act 2018

Press release from the Local Government Boundary Commission

Highland Council report: Public Consultation on Electoral Reform in Scotland