Local Government and Communities Committee

Local Government Boundary Commission for Scotland’s 5th Electoral Review

Written Submission from Argyll and Bute Council

1.0 EXECUTIVE SUMMARY

This report provides written information in respect of the Local Government Boundary Commission for Scotland (LGBC) Fifth Review of Electoral Arrangements in relation to Argyll & Bute Council.

Argyll and Bute Local Authority Area has the highest number of inhabited islands and has the second largest mainland area of all of Scotland’s 32 local authority areas. The recommendations proposed a reduction in Councillor Numbers from 36 to 33 and a reduction in wards from 11 wards (eight 3-member wards and three 4-member wards) to 10 wards (seven 3-member wards and three 4-member wards) with significant change to all ward boundaries with the exception of one – Oban South and the Isles.

The Council was opposed to the proposals on a number of key areas which included:

- Insufficient weight given to facility to depart from the strict application of electoral parity guidelines to reflect geographical considerations with a consequent failure to fully address the rurality and sparsity issues which are largely unique to Argyll and Bute
- The inhabited islands of Argyll and Bute were not seen on a par with other Scottish islands
- Impact on existing communities which would see a number of major changes to the current arrangements, and would lead to the break-up of existing community connections and cohesion
- Increased burden and challenge in ensuring effective representation of rural and island communities and in ensuring parity of access to elected members, particularly at a time of significant change in the delivery of local government.
- Risk of impact of new ward arrangements in attracting a diverse range of councillors.
- Concerns in relation to methodology, in particular the use of SIMD data on deprivation as a key factor in determining numbers

During the period of the review the Council consistently requested maintenance of the status quo in terms of councillor numbers and existing ward boundaries and made representations to the LGBC and MSPs in this regard.

Following the decision of the Scottish Ministers to not make any changes to the electoral arrangements the Leader of the Council has written to the Minister for Parliamentary Business to record the appreciation of the Council and the people of Argyll and Bute, for responding positively to the concerns raised.
2.0 INTRODUCTION

2.1 This report provides written information in respect of the Local Government Boundary Commission for Scotland (LGBC) Fifth Review of Electoral Arrangements in relation to Argyll & Bute Council.

During the period of the review the Council consistently requested maintenance of the status quo in terms of Councillor numbers and existing ward boundaries and made representations to the LGBC and MSPs in this regard.

Given that Argyll and Bute has the highest number of inhabited islands and has the second largest mainland area of all of Scotland’s 32 local authority areas the Council was opposed to the proposals on a number of key areas which included:

- Insufficient weight given to facility to depart from the strict application of electoral parity guidelines to reflect geographical considerations with a consequent failure to fully address the rurality and sparsity issues which are largely unique to Argyll and Bute
- The inhabited islands of Argyll and Bute were not seen on a par with other Scottish islands
- Impact on existing communities which would see a number of major changes to the current arrangements, and would lead to the break-up of existing community connections and cohesion
- Increased burden and challenge in ensuring effective representation of rural and island communities and in ensuring parity of access to elected members, particularly at a time of significant change in the delivery of local government.
- Risk of impact of new ward arrangements in attracting a diverse range of councillors.
- Concerns in relation to methodology, in particular the use of SIMD data on deprivation as a key factor in determining numbers

The council’s consideration of these issues and response is detailed in the report.

3.0 DETAIL

3.1 Number of Councillors

The LGBC started its Fifth Review of Electoral Arrangements on 21st February 2014. The first phase of this review looked at councillor numbers for each Scottish local authority and the public consultation for this stage ended on 21st August 2014. For Argyll and Bute, the LGBC proposed a reduction in councillor numbers from 36 to 33.

3.2 In responding to this the Council highlighted the facility within the review guidelines “to depart from the strict application of electoral parity to reflect geographical considerations”. It considered that Argyll and Bute should fall into this category for although not an island authority it had the characteristics of one with 23 inhabited islands and approximately 17% of our population living on island communities.
3.3 On the basis of criteria set out in the review guidance A&B fell into Category 4 of the area types with the “ideal” proposed ratio of councillors to electors as 1:2,800 whereas the Island Council’s equivalent ratio was 1:800. In the Council’s view this did not give the impression that island communities were treated equally or consistently across Scotland.

3.4 Other considerations related to the geography of the area and population dispersion which presents a unique set of challenges in terms of travel times and face-to-face engagement with local communities and 54 Community Councils.

3.5 The Council response also highlighted the difficulty with using level of deprivation as a key determinant for councillor numbers when applied to a rural authority as there was a major challenge associated with dealing with significant pockets of deprivation in communities of low population density when spread across a wide area as opposed to dealing with larger more compact communities within an urban council. The Council response is attached at Appendix 1.

3.6 In concluding the consultation on Councillor Numbers the LGBC maintained the recommendation for a reduction of three councillors which ultimately set the parameters for ratio of councillors to electors in determining the ward boundaries.

3.7 Review of Ward Boundaries - initial consultation phase

Following this first review phase, the LGBC embarked on phase 2 of the Fifth Electoral Review, looking at proposals for ward boundaries. This started with a two-month statutory consultation with all Scottish local authorities running from 19th March to 19th May 2015 and a second phase public consultation running from 30th July to 22nd October 2015.

3.8 Throughout the consultation phases the Council was consistently clear in its objection and opposition to the changes proposed by the LGBC. While stating this opposition to in principle to the proposed ward structure at Phase 1 it also submitted a technical submission which sought to address matters relating to polling district boundaries and proposed a more administratively convenient set of arrangements to minimise the impact of the proposals.

3.9 The Council advised the LGBC that it was not assured of the ability of the LGBC proposals to best serve communities in that they did not adequately address representation in the islands, or the rurality and sparsity issues faced by Argyll and Bute. A summary of the key reasons for the Council’s opposition to the proposed ward boundaries is as follows:-

- impact on existing communities which would see a number of major changes to the current arrangements, and would lead to the break-up of existing community connections and cohesion
- increased difficulty for communities to be represented due to the problems of travel on and off Islands, the lack of regular public transport links across all or at least some of the new wards and the difficulty in attending community council meetings which are generally held in the evening when transport options are at their most limited.
- Challenges associated with very substantial distances to be travelled within a number of wards and this would be more challenging during the winter months when adverse weather can make travel difficult and somewhat risky.
- Increased burden and challenge in representing rural and island communities and in ensuring parity of access to elected members.
- Belief that the proposals would not be well received by those communities that will be adversely affected by the proposed changes and this reaction was likely to be widespread given that all but one of the existing Council wards would have been altered by the proposals.

The Council response at this stage is attached at Appendix 2.

3.10 Review of Ward Boundaries - Public Consultation phase

The LGBC Public Consultation Phase proposed an electoral arrangement for Argyll and Bute of 33 Councillors representing seven 3-member wards and three 4-member wards, reducing the number of wards by one and the number of Councillors by three.

3.11 The revised proposals included the adoption of suggestions from the Council to improve polling district boundary alignment and provide a more administratively convenient set of arrangements.

3.12 The Council considered the proposals at the Policy & Resources Committee on 20th August 2015 and agreed the following:

- Agreed to maintain its objection in principle to the proposals that will reduce councillor numbers in Argyll and Bute by 3, notwithstanding the previous submission of a technical response.

- Agreed to further reinforce the Council’s position regarding the apparent disregard by the Local Government Boundary Commission to deprivation, rurality and Island issues as well as natural community links within the boundaries of Argyll and Bute.

- Agrees to support community engagement activity to encourage a wide response to the Public Consultation.

- Agreed that a letter be issued to all 16 MSPs who represent Argyll and Bute signed by the Leader, Depute Leader, and Leader of the main opposition group requesting that they support the Council’s position and asking that, when the matter comes before Scottish ministers by way of an order before finalisation by the Scottish Parliament, the status quo is maintained for Argyll and Bute in terms of councillor numbers and ward boundaries.

3.13 The level of public concern in relation to the public consultation phase proposals was evidenced by the submission of 292 responses, including 4 petitions containing over 500 signatures. There was near unanimous support for rejection of the proposals and concerns largely reflected those raised by the Council.
3.14 Methodology

The Council also noted concerns had been raised nationally in relation to the methodology used by the LGBC to determine councillor numbers and in particular COSLA has seriously questioned the use of deprivation as a factor in arriving at councillor numbers and took the view that the LGBC has not proven a clear link. The COSLA Convention made a decision in October 2015 as follows:

i) re-affirmed its view that any link between Councillor numbers and deprivation must be evidenced;

(ii) agreed that COSLA continue to seek to influence the Local Government Boundary Commission;

(iii) agreed that the change COSLA would ideally seek is a clear, comprehensive and evidence based review;

(iv) agreed that if such a shift was not possible at this stage, the focus of effort should be shifted to working with Ministers to seek a satisfactory solution for those Councils who were unhappy with the process and that the Presidential team and Group Leaders be authorised to undertake those discussions on Convention’s behalf;

(v) noted that COSLA believed that Local Government boundaries should be determined by Local Government itself, within reasonable parameters, agreed with national government, to meet local needs and thus empower communities’

3.15 The Council endorsed the concerns that there remained an underlying belief that the methodology on which the review was founded was flawed and that there continued to be a concern that they did not fully address the rurality and sparsity issues which are largely unique to Argyll and Bute and which present significant challenges in underpinning effective representation, particularly at a time of significant change in the delivery of local government. The Council response to this stage of the consultation is attached at Appendix 3.

3.16 Council also agreed a further letter to be issued to Scottish Ministers (Appendix 4) and agreed a joint letter signed by all Councillors (Appendix 5).

3.17 Decision of Scottish Ministers

In September the Council was advised that they were one of the local authority areas for which Ministers have not accepted the Commission’s recommendations for change. Notification of the decision advised that “as regards the Argyll and Bute, Dundee City and Scottish Borders local authority areas, Ministers are again aware of the strong local concerns have been expressed about the recommendations and the impact it is felt that the recommendations would have on local community ties. In particular, there has been strong local opposition to the proposed changes to ward boundaries affecting parts of the Argyll and Bute area, the West Ferry/Broughty Ferry areas of Dundee City, and around Hawick in the Scottish Borders. Ministers
have therefore decided to take account of those concerns by not making any changes to the electoral arrangements for these council areas.

4.0 CONCLUSION

Argyll & Bute Council was opposed to the recommendations put forward by the LGBC on a number of grounds which have been highlighted in this report. During the period of the review the Council consistently requested maintenance of the status quo in terms of councillor numbers and existing ward boundaries and made representations to the LGBC and MSPs in this regard.

Following the decision of the Scottish Ministers to take account of the concerns raised in respect of the proposed changes and not make any changes to the electoral arrangements the Leader of the Council has written to the Minister for Parliamentary Business to record the appreciation of the Council and the people of Argyll and Bute, for responding positively to the concerns raised.

Douglas Hendry
Executive Director of Customer Services

APPENDICES

Appendix 1 - Response to LGBC – Councillor Numbers

Appendix 2 – Response to LGBC – Initial stage consultation on ward boundaries

Appendix 3 - Letter to LGBC – Public Consultation on Proposed Electoral Wards

Appendix 4 – Letter sent to Minister for Parliamentary Business – the Leader, Depute Leader and SNP Group Leader of Argyll and Bute Council in relation to the Local Government Boundary Commission’s Fifth Electoral Review

Appendix 5 – Letter sent to Minister for Parliamentary Business – Unified Representation from the Elected Members Argyll and Bute Council
Appendix 1 - Response to LGBC – Councillor Numbers

Response to Local Government Boundary Commission for Scotland: Fifth Reviews of Electoral Arrangements

Local Authority: Argyll and Bute Council
Proposals: Decrease of 3 councillors to 33

The Guidance booklet states that “We may depart from the strict application of electoral parity to reflect social geographical considerations” - Argyll and Bute clearly fall into this category. The authority is not designated as an island council but has the characteristics of one. We have 23 inhabited islands which is more than any other local authority in Scotland with around 17% population living on island communities. Our area also has the third sparsest population density of the 32 local authority areas, with an average population density of just 13 persons per square kilometre. Delivering services to our island communities and our dispersed/remote communities as a whole is very challenging and it is similarly demanding for our councillors to serve these communities. On the basis of the criteria set out in the review guidance Argyll and Bute falls into Category 4 of the area types and the ‘ideal’ proposed ratio of councillors to electors is 1:2,800. When you compare this to the three Island Councils this equivalent ratio is 1:800, which clearly gives the impression that island communities are not treated equally or consistently across Scotland.

The size of the area and population dispersion can result in many councillors being on the road for days at a time to attend community council/Parent Council meetings, and to carry out their daily duties of being a councillor. Due to the distance between settlements, travel is often undertaken by road, sea and in some cases by air, which creates its own unique set of challenges. Where possible, the Council are very proactive in using the technologies available to them to reduce travel time for councillors, however this is not suitable in all circumstances and cannot replace the need to engage with some communities in person. Councillors in Argyll and Bute are often the face of the council as it is not easy for many residents in our communities to, for example, get a bus to the local council office. Each of our towns have customer service points which residents can be contacted in a number of ways, however, these do not replace the role of a local councillor.

Being a Councillor in a rural authority like Argyll and Bute is very different to other more urban authorities with a larger number of constituents. This is due to the more personal nature of our business and the fact that everyone in your community knows who you are and where you live. There is a degree of anonymity in large urban council areas that does not exist within Argyll and Bute, and which increases the level of expectation placed upon you as a local councillor and your workload.

There are also significant pockets of deprivation in Argyll and Bute that require additional levels of support, which need to be taken account of as part of the review process. The recommendations for some urban councils is an increase in councillors due to the levels of deprivation that exist, but it can be argued that it is easier for them to service large, compact communities than it is for us to service communities of low population density across a very wide spread area.

The existing Councillors have to support some 54 Community Councils and this can mean that in some wards there are 13 individual Community Councils to attend along with the associated work that such interaction can generate. It is important that democracy can be accessible and for many people in Argyll and Bute face to face
contact with a councillor is still the preferred method of such engagement and can involve extensive travel within the ward as stated above.
Appendix 2 – Response to LGBC – Initial stage consultation on ward boundaries

Dear Ms Drummond-Murray

I refer to your letter of 18th March 2015 and would advise that the Council would wish to make the following response to the consultation.

The Council has determined that it is opposed in principle to the proposed ward structure as presented by the Commission and I will say more about that shortly. However the Council would ask you to accept a technical submission which seeks to address matters relating to polling district boundaries and proposes a more administratively convenient set of arrangements to minimise the impact of the proposals. I will arrange for a GIS file to be sent in addition to the map based representation attached electronically.

The Council is not assured of the ability of the LGBC proposals to best serve communities in that they do not adequately address representation in the islands, or the rurality and sparsity issues faced by Argyll and Bute. The key reasons for the Council’s opposition to the proposed ward boundaries are as follows:-

1-There is significant concern at the impact these proposals will have on existing communities which will see a number of major changes to the current arrangements, which will lead to the break-up of existing community connections and cohesion and which the Council believes very strongly will be the subject of much public outcry and concern, when you consult with them later this summer.

2-There is concern that the proposals will make it more difficult for communities to be represented due to the problems of travel on and off Islands, the lack of regular public transport links across all or at least some of the new wards and the difficulty in attending community council meetings which are generally held in the evening when transport options are at their most limited. This will mean that candidates standing for election in 2017 will be disadvantaged if they aren’t able to drive or easily stay away from home overnight because of family commitments.

3-There are very substantial distances to be travelled within a number of wards and this will be more challenging during the winter months when adverse weather can make travel difficult and somewhat risky.

4-The Council previously made representation on the complexity of representing rural and island communities and the additional burden this places on elected representatives, and it is believed that these proposals will increase the challenge of representing communities and making sure that each has a parity of access to elected members.
5-The Council believes that the proposals will not be well received by those communities that will be adversely affected by the proposed changes and this reaction is likely to be widespread given that all but one of the existing Council wards has been altered by your proposals.

I attach a map that details the technical submission for your consideration and will send the related GIS file under separate cover.

Yours Sincerely

Head of Governance and Law
Appendix 3 - Letter to LGBC – Public Consultation on Proposed Electoral Wards

Isabel Drummond-Murray  
Secretary  
Local Government Boundary Commission for Scotland  
Thistle House  
91 Haymarket Terrace  
Edinburgh EH12 5HD

Dear Ms Drummond-Murray

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND – PUBLIC CONSULTATION ON PROPOSED ELECTORAL WARDS

I refer to the Local Government Boundary Commission (LGBC) Public Consultation in respect of the Fifth Electoral Local Government Boundaries for Argyll and Bute.

Following our initial response to the first phase of consultation I would advise that Argyll and Bute Council remain strongly opposed to the LGBC proposals for the Argyll and Bute Council area. The Council is not assured of the ability of the LGBC proposals to best serve communities in that they do not adequately address natural community links, representation in the islands, or the rural and sparsity issues faced by Argyll and Bute. It should be noted that the potential impact on communities is even more significant when considered in the context of the LGBC’s earlier proposals to reduce the number of Argyll and Bute councillors from 35 to 33 – proposals which Argyll and Bute Council also opposed.

Since the commencement of the Public Consultation by the LGBC the extent of the opposition by the communities across Argyll and Bute has become much clearer. The Council remains opposed to the LGBC proposals for changes to Argyll and Bute’s electoral ward boundaries, due to significant concern about the impact on our communities and on our island and rural areas in particular.

The proposals based on council wards that will generally be made of around 2,000 electors in each ward do not support effective representation in an area as geographically diverse as Argyll and Bute. The Council remains unconvinced of the ability of these proposals to best serve our communities and is of the view that due to the special geographical issues pertaining to Argyll and Bute that the appropriate provisions within the Local Government (Scotland) Act 1973, should be invoked to provide for greater flexibility in terms of numbers of electors.

The Council has significant concerns about the impact of these proposals on communities, particularly in terms of the break-up of existing natural community connections and
cohesion. Community links and identity are valued at all levels - by national and local government and, most of all, by local people themselves. In partnership with other agencies we are doing all that we can to build stronger, more vibrant communities, and maintaining those links is a key part of that. The Council would advocate for proposals which seek to strengthen natural community bonds rather than fracture them.

There is considerable potential for difficulty in representation due to the problems of travel and of the proposed new wards, and the difficulty of attending community council meetings, usually held in the evening when transport options are at their most limited.

Repealing rural and island communities brings considerable challenges for Elected Members in any case. There are already very substantial distances to be travelled within the number of Argyll and Bute wards. The proposals will exacerbate this, increasing the challenge of travelling during the winter months when adverse weather brings additional difficulties and risks. Again this poses a clear threat to our councillors' ability to effectively represent local people and to ensuring that communities have parity of access to elected members.

The Council also made it clear in its earlier response to the LGBC that we anticipate strong and widespread opposition from those communities who would be adversely affected by the proposals. This has proved to be the case. We understand that many community councils from across Argyll and Bute have responded to the LGBC during the current public consultation and have made very clear not only their opposition to, but their deep anxiety about, the proposals.

We know that they are deeply concerned and have organised campaigns in their local communities, to make sure that local people are fully aware of the implications of these proposals and to encourage them to make their feelings known to the LGBC. People across Argyll and Bute are passionate about their strong community identities, natural and historical links and bonds within the wider region and, given that strength of feeling it is no surprise to hear that opposition is indeed vociferous and widespread.

The Council believes it is immensely important to strive for parity of access to elected representatives for everyone, and does not believe that these proposals will achieve that. With this in mind, it calls on the LGBC to conclude that for Argyll and Bute Electoral arrangements that the status quo in terms of member numbers and ward boundaries can and should be maintained.

Yours Sincerely

Charles Rempke
Head of Governance and Law
Appendix 4 – Letter sent to Minister for Parliamentary Business – the Leader, Depute Leader and SNP Group Leader of Argyll and Bute Council in relation to the Local Government Boundary Commission’s Fifth Electoral Review

Fifth Statutory Review of Electoral Arrangements – Argyll & Bute

Since the Local Government Boundary Commission’s proposals for Argyll and Bute were first made known to all Scottish local authorities last year, Argyll and Bute Council has been clear in its objection and opposition to the suggested changes. We remain opposed to the final recommendations as outlined in the report to Scottish Ministers. We have made this clear formally to the LGBC as part of its consultation and also to the parliamentarians who represent Argyll and Bute. We therefore seek your support in maintaining the status quo in terms of councillor numbers and existing ward boundaries within Argyll and Bute in the interests of ensuring effective and convenient local government.

Our opposition to the LGBC proposals has been strenuous and consistent, given that Argyll and Bute has the highest number of inhabited islands and the second largest mainland area of all of Scotland’s 32 local authority areas. The people our councillors represent are scattered across thousands of square miles of land and sea. We have previously made representation on the existing complexity of representing our rural and island communities which have unique and diverse needs, and the additional burden that this places on committed local councillors. We believe that the final recommendations only serve to increase that challenge and, of more concern, will significantly impact on our communities’ parity of access to true local representation. All but one of the existing Argyll and Bute Council wards will be affected by the proposals which seek not only to reduce councillor numbers but alter the very make-up of the wards themselves.

The proposed boundary changes and the significant travel demands they would bring also risk preventing from standing in next year’s council elections anyone who cannot drive or who has family commitments with a consequent impact on encouraging diversity in representation. There are very substantial distances to be travelled within a number of wards, which will be even more challenging during times of adverse weather. There is a lack of regular public transport links across a significant number of the recommended new wards.

As well as creating difficulty in attending community council meetings (generally held in the evening when transport is even more limited) there may also be a disadvantage for current or potential councillors who are not able to drive or easily stay away overnight.

You will be aware that concerns have been raised by COSLA in relation to the methodology used by the LGBC to determine councillor numbers and in particular the use of SIMD data on deprivation as a key factor in arriving at these numbers. Best practice dictates that such data should be used carefully in rural areas, such as Argyll and Bute, where deprivation may be hidden and consequently we are concerned that this untested approach has had a significant detrimental impact on
Argyll and Bute with a maximum reduction of 3 councillors. We would prefer an approach where the evidence base has been accepted by local government and which has overarching support in meeting the statutory requirement to act in the interests of effective and convenient local government.

We acknowledge that the LGBC has amended some of the proposals through the process of consultation but the basis for setting councillor numbers which is a key determinant in establishing boundaries is flawed. The matter has already created considerable disquiet and concern for our local communities, who see the revised boundary arrangements as fracturing existing community connections and cohesion. It is therefore highly disappointing that the proposals from the Commission have now become recommendations.

Our priority is serving the communities we have been elected to represent as well as we possibly can. We are convinced that these recommendations will seriously hamper that priority because they do not adequately address representation in our remote, rural and island communities.

Our concerns are echoed and shared by local people, by our community councils, by our fellow elected members and by constituency MSPs. Given that strength of feeling and opposition to the LGBC’s proposals we would urge you to reconsider and to maintain the status quo which respects and strengthens natural community bonds and boundaries, maintains community links and identity and supports local democracy.

Councillor Dick Walsh - Leader
Councillor Ellen Morton - Depute Leader
Councillor Sandy Taylor - SNP Group Leader
Argyll and Bute Council
Appendix 5 – Letter sent to Minister for Parliamentary Business – Unified Representation from the Elected Members Argyll and Bute Council

Dear Mr Fitzpatrick


Unified Representation from the Elected Members of Argyll and Bute Council
We, the undersigned, are all elected members of Argyll and Bute Council.
We acknowledge the work of the Local Government Boundary Commission in reviewing and making proposals for revised electoral arrangements for Argyll and Bute.

We note the opposition to the Commission’s draft proposals from the council and the near unanimous rejection of those proposals from communities and individuals in the council area.

We are now concerned that the final proposals would, if implemented, fail to provide an effective arrangement for the efficient delivery of local services, undermine democratic accountability and have a detrimental impact on natural communities in Argyll and Bute.

We also understand that the Scottish Government intends to bring forward proposals for more community empowerment during this Scottish Parliamentary term, but are concerned that the proposals for electoral arrangements run counter to that ethos. Accordingly, we ask the Scottish Government to set aside the Commission’s proposals for Argyll and Bute in their entirety.

[Note from Scottish Parliament Local Government and Communities Committee Clerks - Signatures of all Elected Members of Argyll and Bute Council provided, but not reproduced here.]