

Local Government, Housing and Planning Committee

6th Meeting, 2021 (Session 6)

28 September 2021

SSI cover note for Electoral Arrangements Regulations

Procedure for Affirmative instruments

1. The Regulations for consideration today are subject to affirmative procedure (Rule 10.6). It is for the Local Government, Housing and Planning Committee to recommend to the Parliament whether the Order should be approved.
2. The Minister for Social Security and Local Government, Ben Macpherson, has proposed, via motions set out in the agenda, that the Committee recommends the approval of the regulations.
3. In addition, the Scottish Government has written to the Presiding Officer outlining the Scottish Government's and Scottish Parliament's roles in giving effect to the proposals of Boundaries Scotland.

Recommendation

4. At the meeting, the Committee will take evidence from the Deputy First Minister, John Swinney, on the regulations.
5. It will then debate each set of regulations. A separate motion has been lodged for each regulation on each council area and these will be debated separately.
6. The Committee must decide whether or not to agree to the motions, and then report to Parliament accordingly, by 8 October 2021.

Background

7. The Committee will consider draft laws on changes to electoral arrangements in six council areas. These local authorities all contain inhabited islands and are:

- Comhairle nan Eilean Siar (Western Isles Council)
- Orkney Islands Council
- Shetland Islands Council
- Highland Council
- Argyll and Bute Council
- North Ayrshire Council

8. The [Islands \(Scotland\) Act 2018](#) placed a duty on Boundaries Scotland to review the electoral boundary arrangements for the six local authorities in Scotland which contain inhabited islands “as soon as practicable”.

9. The [review](#) formally commenced in January 2019 and Boundaries Scotland reported to the Scottish Government in May and June 2021. The reports are:

- [Na h-Eileanan an Iar Council Area](#)
- [Orkney Islands Council Area](#)
- [Shetland Islands Council Area](#)
- [Highland Council Area](#)
- [Argyll and Bute Council Area](#)
- [North Ayrshire Council Area](#)

10. The submission of proposals was timed to allow for implementation by the local government elections in May 2022, subject to Parliamentary approval.

Legislation

11. The Scottish Government is mandated to give effect to the proposals from Boundaries Scotland in draft legislation and cannot amend or reject the proposals. The Deputy First Minister wrote to the Presiding Officer (**Annexe A**) outlining this process.

12. The instruments are:

- [Draft SSI 2021/Na h-Eileanan an Iar \(Electoral Arrangements\) Regulations 2021](#)
- [Draft SSI 2021/ Orkney Islands \(Electoral Arrangements\) Regulations 2021](#)
- [Draft SSI 2021/ Shetland Islands \(Electoral Arrangements\) Regulations 2021](#)
- [Draft SSI 2021/ Highland \(Electoral Arrangements\) Regulations 2021](#)
- [Draft SSI 2021/ Argyll and Bute \(Electoral Arrangements\) Regulations 2021](#)
- [Draft SSI 2021/ North Ayrshire \(Electoral Arrangements\) Regulations 2021](#)

13. A copy of the Scottish Government’s Explanatory and Policy Notes are included at **Annexe A**.

14. The Committee received correspondence from Highland Council and North Ayrshire Council which can be found at **Annexe B**.

Delegated Powers and Law Reform Committee consideration

15. At its meeting on 7 September 2021, the Committee considered the instruments and determined that it did not need to draw the attention of the Parliament to any of the instruments on any grounds within its remit. You can read the report of the Committee below:

- [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 7 September 2021](#)

Local Government, Housing and Planning Committee consideration

16. The Committee has taken evidence on the instruments at two previous meetings. It heard from:

- 14 September 2021 – [Local Authorities impacted by the proposals](#)
- 21 September 2021 – [Boundaries Scotland](#)

17. The Committee also sought views of those living in relevant council areas on the proposed changes via an online questionnaire. The results of this have been summarised at **Annexe C**.

Clerks

Local Government, Housing and Planning Committee

Draft SSI 2021/Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021

| | |
|--|--|
| Title of Instrument: | Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 26 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00961 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |
| Reporting deadline: | 8 October 2021 |

Draft SSI 2021/Orkney Islands (Electoral Arrangements) Regulations 2021

| | |
|--|--|
| Title of Instrument: | Orkney Islands (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 26 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00960 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |
| Reporting deadline: | 8 October 2021 |

Draft SSI 2021/ Shetland Islands (Electoral Arrangements) Regulations 2021

| | |
|--|--|
| Title of Instrument: | Shetland Islands (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 26 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00959 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |

Draft SSI 2021/ Highland (Electoral Arrangements) Regulations 2021

| | |
|--|--|
| Title of Instrument: | Highland (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 27 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00974 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |

Draft SSI 2021/ Argyll and Bute (Electoral Arrangements) Regulations 2021

| | |
|--|---|
| Title of Instrument: | Argyll and Bute (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 27 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00973 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |

Draft SSI 2021/ North Ayrshire (Electoral Arrangements) Regulations 2021

| | |
|--|--|
| Title of Instrument: | North Ayrshire (Electoral Arrangements) Regulations 2021 |
| Type of Instrument: | Affirmative |
| Laid Date: | 27 August 2021 |
| Circulated to Members: | 30 August 2021 |
| Meeting Date: | 28 September 2021 |
| Minister to attend meeting: | Yes |
| Motion to approve: | S6M-00975 |
| Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? | No |

Annexe A

Scottish Government Explanatory Notes

Comhairle nan Eilean Siar

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of Comhairle nan Eilean Siar. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3 divide the area of Comhairle nan Eilean Siar into 11 electoral wards as described in the schedule of the Regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in Na h-Eileanan an Iar by reference to maps held by Boundaries Scotland and marked with specified information. Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 11 electoral wards are shown in smaller scale on one map (the Na h-Eileanan an Iar area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the Na h-Eileanan an Iar area map and the individual electoral ward map are the same but are shown to different scales.

Orkney Islands Council

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of Orkney Islands Council. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3 divide the area of Orkney Islands Council into 6 electoral wards as described in the schedule of the Regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in the Orkney Islands by reference to maps held by Boundaries Scotland and marked with specified information.

Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 6 electoral wards are shown in smaller scale on one map (the Orkney Islands area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the Orkney Islands area map and the individual electoral ward map are the same but are shown to different scales.

Shetland Islands Council

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of Shetland Islands Council. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3 divide the area of Shetland Islands Council into 7 electoral wards as described in the schedule of the regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in the Shetland Islands by reference to maps held by Boundaries Scotland and marked with specified information. Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 7 electoral wards are shown in smaller scale on one map (the Shetland Islands area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the Shetland Islands area map and the individual electoral ward map are the same but are shown to different scales.

Highland Council

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of Highland Council. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3, divide the area of Highland Council into 20 electoral wards as described in the schedule of the Regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in Highland by reference to maps held by Boundaries Scotland and marked with

specified information. Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 20 electoral wards are shown in smaller scale on one map (the Highland area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the Highland area map and the individual electoral ward map are the same but are shown to different scales.

Argyll and Bute Council

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of Argyll and Bute Council. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3, divide the area of Argyll and Bute Council into 12 electoral wards as described in the schedule of the Regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in Argyll and Bute by reference to maps held by Boundaries Scotland and marked with specified information.

Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 12 electoral wards are shown in smaller scale on one map (the Argyll and Bute area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the Argyll and Bute area map and the individual electoral ward map are the same but are shown to different scales.

North Ayrshire Council

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the area of North Ayrshire Council. The proposals were made in a report by Boundaries Scotland submitted to the Scottish Ministers under section 17(1) of the Local Government (Scotland) Act 1973 and in accordance with section 20 of the Islands (Scotland) Act 2018.

The Regulations apply only for the purposes of local government elections held on or after 5 May 2022.

Paragraphs (1) to (3) of regulation 3 divide the area of North Ayrshire Council into 9 electoral wards as described in the schedule of the Regulations and specify the number of councillors in each ward as described in the schedule.

Paragraphs (4) and (5) of regulation 3 describe the boundaries of the electoral wards in North Ayrshire by reference to maps held by Boundaries Scotland and marked with specified information.

Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website. The boundaries of all 9 electoral wards are shown in smaller scale on one map (the North Ayrshire area map) while the boundaries of the individual electoral wards are each shown in larger scale on a separate map for each electoral ward. The electoral ward boundaries as shown on the North Ayrshire area map and the individual electoral ward map are the same but are shown to different scales.

Scottish Government Policy Note

POLICY NOTE

Argyll and Bute (Electoral Arrangements) Regulations 2021: SSI 2021/XXX
Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021: SSI 2021/XXX
Highland Council (Electoral Arrangements) Regulations 2021: SSI 2021/XXX
North Ayrshire (Electoral Arrangements) Regulations 2021: SSI 2021/XXX
The Orkney Islands (Electoral Arrangements) Regulations 2021: SSI 2021/XXX
The Shetland Islands (Electoral Arrangements) Regulations 2021: SSI 2021/XXX

The above instruments are made in exercise of the powers conferred by section 17(4)(b)(ii) of the Local Government (Scotland) Act 1973 ("the 1973 Act"). The instrument is subject to affirmative procedure.

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the areas of: Argyll and Bute Council, Comhairle nan Eilean Siar, Highland Council, North Ayrshire Council, Orkney Islands Council and Shetland Islands Council. There is one instrument for each local authority area.

Policy Objectives

1. The purpose of these instruments is to give effect to the proposals made by Boundaries Scotland ("the Commission") in relation to the future electoral arrangements of six council areas which contain inhabited islands.
2. The Commission is an advisory non-departmental public body created by the 1973 Act and re-named in the Scottish Elections (Reform) Act 2020. It is an independent body that is responsible for reviewing and making recommendations for:
 - the number of councillors on each council in a local government area;
 - the number of wards for local government elections, their boundaries, designations and the number of councillors for each ward; and
 - the extent of council areas.

3. These reviews were required under section 20 of the Islands (Scotland) Act 2018. This Act recognises the importance of the Scottish islands and the particular opportunities and challenges that apply to them. It offers additional flexibility allowing for the creation of wards that elect one or two councillors in wards in inhabited islands as well as the two, three, four or five councillor wards permitted elsewhere in Scotland.

4. Further information on the Commission's conduct of these Reviews, and its final reports for each local authority area, can be found on the Commission's website at: <https://boundaries.scot/2019-reviews-electoral-arrangements>.

5. Reports containing Boundaries Scotland's final proposals for each council area were received by Scottish Ministers on 28 May and 10 June. Under section 17 of the Local Government (Scotland) Act 1973, Scottish Ministers have a duty to lay regulations with the intention of giving effect to Boundaries Scotland's proposals.

6. These Regulations give effect to Boundaries Scotland's proposals. The number of wards and number of councillors in each local authority area are described in the schedule and the boundaries of the electoral wards are described by reference to maps held by Boundaries Scotland and marked with specified information. Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website.

Parliamentary Procedure

7. The Scottish Elections (Reform) Act 2020 removed ministerial discretion to modify or reject Boundaries Scotland's proposals. However the regulations are now subject to affirmative procedure in the Scottish Parliament. This gives Parliament an enhanced role in scrutinizing the Boundary Commission's proposals and brings the procedure into line with that already in place for Scottish Parliament constituency boundaries.

Consultation

8. Full details of Boundaries Scotland's consultation in the section of their website: <https://boundaries.scot/2019-reviews-electoral-arrangements>. The Commission consulted with each Council for a period of two months and considered their responses before consulting publicly.

Timing

9. The changes made by the instruments, if they are approved by Parliament, will apply to all local government elections held on or after 5 May 2022. They will therefore apply to the next Scotland-wide local government elections that are to be held on 5 May 2022.

Impact Assessments

10. Impact assessments have not been produced for this instrument as no significant, impact on protected characteristics or on child rights and wellbeing is foreseen.

Financial Effects

11. Those instruments that change the number of councillors for a local authority will have a financial effect on local government, since the cost to that authority of councillors' pay and expenses will go up or down depending on whether the number of its councillors is being increased or decreased.

12. The table in the Annex to this Note includes an estimate of the approximate cost implications for each council in terms of councillors' pay, based on the basic pay rate for councillors for 2021-22 as set out in The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2021.

Scottish Government
Constitution and Cabinet Directorate
25 August 2021

Annex

| Council Area | Existing no. of councillors | 3 member | 4 member | New no. of councillors | 1 member | 2 member | 3 member | 4 member | 5 member | Change in no of councillors | Estimated annual cost (£s) |
|---------------------|-----------------------------|----------|----------|------------------------|----------|----------|----------|----------|----------|-----------------------------|----------------------------|
| Argyll and Bute | 36 | 8 | 3 | 34 | | 4 | 6 | 2 | | -2 | -37,202 |
| Highland | 74 | 10 | 11 | 73 | | 1 | 8 | 8 | 3 | -1 | -18,604 |
| Nah-Eileanan an Iar | 31 | 5 | 4 | 29 | | 6 | 3 | 2 | | -2 | -37,202 |
| North Ayrshire | 33 | 7 | 4 | 33 | 1 | | 3 | 2 | 3 | n/a | n/a |
| Orkney Islands | 21 | 3 | 3 | 21 | | | 3 | 3 | | n/a | n/a |
| Shetland Islands | 22 | 6 | 1 | 23 | | 1 | 3 | 3 | | +1 | +18,604 |

Scottish Government - Other documents

Letter to the Presiding Officer

26 August 2021

Dear Presiding Officer

The following instruments, which give effect to Boundaries Scotland's proposals for the future electoral arrangements of six council areas, are due to be laid in Parliament on 26 and 27 August 2021:

- Argyll and Bute (Electoral Arrangements) Regulations 2021
- Comhairle nan Eilean Siar (Electoral Arrangements) Regulations 2021
- Highland Council (Electoral Arrangements) Regulations 2021
- North Ayrshire (Electoral Arrangements) Regulations 2021
- The Orkney Islands (Electoral Arrangements) Regulations 2021
- The Shetland Islands (Electoral Arrangements) Regulations 2021

Since receiving Boundaries Scotland's recommendations on 28 May and 10 June 2021, I have received correspondence from MSPs, Councillors and members of the public, expressing concerns over some aspects of the proposals.

The Scottish Elections (Reform) Act 2020 removed ministerial discretion to modify or reject Boundaries Scotland's proposals, and I now have a duty to lay Regulations which give effect to the proposals. The regulations are now subject to affirmative procedure in the Scottish Parliament. This gives Parliament an enhanced role in scrutinizing Boundaries Scotland's proposals, and brings the procedure into line with that already in place for Scottish Parliament constituency boundaries.

If your officials would like to discuss any matters arising from these Regulations, my officials would be happy to engage with them.

I am sending a copy of this letter to the Convenor of the Local Government, Housing and Planning Committee.

JOHN SWINNEY

Annexe B - Correspondence

LETTER FROM HIGHLAND COUNCIL TO THE COMMITTEE

24 August 2021

Dear MSP

Review of Electoral Arrangements for the Highland Council Area

I would like to take this opportunity to highlight our concerns in relation to Boundaries Scotland's final proposals regarding their review of electoral arrangements for the Highland Council area. I understand that the Scottish Government intends to submit these proposals to Parliament shortly.

I understand that the Local Government, Housing and Planning Committee will consider the SSI legislating for these proposals and as a member of the that Committee, I would like to advise you that the Council is strongly opposed to these proposals and would wish to see them rejected with Boundaries Scotland being asked to undertake a further review after the local government elections in May 2022.

I have highlighted below the key issues of concern: -

- North West Sutherland and Wester Ross are the largest local authority wards in Europe. The Boundary commission is suggesting we reduce the current numbers of councillors in both. In North West Sutherland that will reduce the number of Councillors to two. This makes a ward almost unmanageable and severely reduces the constituent's democratic representation. These wards are also prominent in Scottish Government policy to reduce depopulation. We should not be cutting across important national policy.
- It is proposed to reduce the membership of the Ward covering Eilean a' Cheo, Isle of Skye. There is no evidence that an Island Impact Assessment has been undertaken, which I understand is a legal requirement.
- Boundaries Scotland are proposing a split of the Aird and Loch Ness Ward. The proposed new boundary rips the community around Loch Ness down the middle of the Loch. Boundary Commission's guidelines clearly state that they try not to split communities. This will be an extremely disappointing decision if it continues. It is proposed to add South Loch Ness to the nearest inverness ward. We acknowledge that is growing and could be increased from three to four and deserves an extra councillor, which would then enable Aird and Loch Ness to be left as it currently is.
- Boundaries Scotland notes in its report that Ward 17, Culloden and Ardersier, still has a significant level of under representation (54.2%

above parity) and so will keep this under review and will conduct an interim review if necessary. This is a significant departure from the metrics used in deciding on councillor numbers and it is not clear why the opportunity has not been taken now to increase the level of representation when the forecast is for further growth.

As I stated previously, we are strongly of the view that the changes proposed by Boundaries Scotland fails to recognise the specific Highland context, particularly in relation to parity, sparsity, rurality and deprivation and, if implemented, would result in a significant democratic deficit for the Highlands. It is for these reasons that we feel these proposals should be rejected and that Boundaries Scotland be asked to undertake a further review after the local government elections in May 2022.

I do hope that the points of concern that I have set out will be helpful in providing you with some local context as you consider this matter.

Yours sincerely
Margaret Davidson
Leader of the Highland Council

LETTER FROM NORTH AYRSHIRE COUNCIL TO THE COMMITTEE

13 September 2021

Dear Ms Burgess

LOCAL GOVERNMENT: THE NORTH AYRSHIRE (ELECTORAL ARRANGEMENTS) REGULATIONS 2021

Thank you for inviting me to give evidence to the Local Government, Housing and Planning Committee regarding the North Ayrshire (Electoral Arrangements) Regulations 2021. Unfortunately, due to prior commitments, I am unable to attend the Committee meeting. I have therefore provided some comments below:

The Council had no objections to the timescales or how the consultation process on new Electoral wards and Councillor numbers was conducted by Boundaries Scotland. The Council had ample time to respond to the proposals, and Boundaries Scotland was proactive in publicising their proposals in the local press and via their social media channels. The Council, and the North Ayrshire Community Planning Partnership, supported Boundaries Scotland with their consultation process by sharing key messages and recommendations with residents, community councils and community groups via our websites, social media platforms and in our Customer Service Centres and Community Hubs which were in operation during the Covid pandemic.

The criteria used by Boundaries Scotland in determining ward boundaries and Councillor numbers was detailed in all of their communications.

The Council, at its meeting on 23 September 2020, discussed the proposals by Boundaries Scotland at length and agreed to support the recommendations on how the North Ayrshire area is represented. The Report and associated Minutes of the Council meeting are available via the links below:-

- [Report to North Ayrshire Council on 23 September 2020 - Local Government Boundary Commission for Scotland Consultation on Review of North Ayrshire Ward Boundaries](#)
- [Minutes of North Ayrshire Council Meeting held on 23 September 2020.](#)

The Council's approach to community empowerment is viewed by both the Scottish Government and CoSLA (Convention of Scottish Local Authorities) as sector leading. However, current arrangements have made it difficult for Elected Members to be fully involved in the overall planning and allocation of resources to different localities, for example, the current ward 6 cuts across three locality areas, all with differing needs and priorities.

The Council has sought the alignment of electoral wards with our locality areas since the previous review of Electoral arrangements in 2015. The Council therefore welcomes the proposal by Boundaries Scotland to align the new electoral wards with our six locality boundaries as increasingly the business of Council, our Community Planning Partnership and community organisations is done on a locality basis.

The single Member ward for Arran is also welcomed. This ties in with our locality approach and reflects our work in terms of 'Island proofing'. The single Member ward addresses concerns by Arran residents and community groups that continuing to be part of a mixed mainland/island ward could result in no resident councillor, and given that much of the community work on the island takes place in the evening when ferries no longer run, it would be difficult for non-resident councillors to fully engage in that work.

Having said that, this cannot be guaranteed as Electoral law allows candidates to stand for any Council ward if they either live or work within North Ayrshire or an immediately adjoining authority. Nevertheless, as Arran is to be a single ward, only Arran voters would determine this.

The Council looks forward to Ministers agreeing the Boundaries Scotland proposals to allow us to prepare for the Scottish Local Government Elections in May 2022.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Craig Hatton , Chief Executive & Returning Officer

Annexe C

Summary of questionnaire responses relating to Boundaries Scotland's proposals

The Committee asked residents of Orkney, Shetland, Highland, Western Isles, Argyll and Bute and North Ayrshire for their views on the recent Boundaries Scotland reviews and recommendations on electoral arrangements in their areas.

The online questionnaire was made available for only two weeks due to the tight legislative programme relating to the SSIs which must be approved by Parliament in order for the new arrangements to be in place before next year's local elections.

Despite the short window, the Committee received over 150 responses from individuals and community councils from across all six local authority areas. The Committee received 5 Gaelic responses.

The Committee is keen to stress that this was not a survey; rather, the use of an online questionnaire was meant to ensure the Committee heard the views of as many interested people as possible.

The following summary is structured by local authority area, with most attention given to views from the Highland Council and Argyll and Bute Council areas where the majority of responses originated.

1. Highland Council area

The largest number of responses to the Committee's online questionnaire – 75 completed responses - came from people living in the Highland Council area. This included responses from 15 community councils.

From the numbers received, the range of views expressed and the strength of feeling on display, this issue is clearly very important to many people across the Highland Council area.

A great number of respondents wrote about proposed changes to wards in the Wester Ross and Sutherland areas. However, the Committee also received views from people in Skye, Culloden and Loch Ness.

Views on the Boundaries Scotland recommendations

Almost all respondents – certainly over 90% - disagreed with Boundaries Scotland’s recommendations regarding ward changes in the Highland Council area. Of course, this was not a survey, and it is likely that residents who were either happy with the proposals or generally apathetic, may not have felt the need to respond to the Committee.

Wester Ross and Sutherland

There was a strong and consistent view expressed by many respondents that Highland Council is already “Inverness-centric”. The proposals – to reduce the current numbers of councillors in North West Sutherland and Wester Ross whilst increasing councillor numbers in the Inverness area – is seen as moving representation away from rural areas and increasing it in urban areas. For some, including one resident of Golspie there is a need for “proper representation for our areas and not being dictated to by Inverness”.

Transport challenges for rural councillors were highlighted by many respondents as being an important if unconsidered factor, with one long-term resident of Lochcarron describing how councillors serve their constituents in remote rural areas:

“Frequently to go from one west coast village to the next along the coast necessitates a trip to the east then back to the west on a different road, there are few direct routes. Given the area they serve I doubt if it could be covered adequately if the number of councillors is reduced.”

A number of respondents argued that a councillor representing an urban ward - “that can be walked across in 10 minutes” - is able to spend much more time representing their ward than a councillor who would struggle to drive across their ward in 2 hours. According to one respondent, “this creates a democratic deficit for the people living in rural and remote rural areas”.

As such, respondents felt that Boundaries Scotland’s recommendations did not take into account the unique geographical situation of Wester Ross as it “will be impossible for 2 councillors to cover our area”.

Interestingly, many respondents living in rural *mainland* areas, have picked-up on the policy intentions behind the 2018 Islands Act to argue that many of the challenges facing island communities are also experienced by residents of Wester Ross and Sutherland. As such, factors beyond parity which impact decisions on island wards should also apply to these mainland areas.

The Loch Ness area

A number of respondents, including some community councils, expressed concerns about the proposal to create a new boundary down the centre of Loch Ness, thus placing “the rural communities south of Loch Ness into a ward that is predominately suburban, with different interests, challenges and opportunities”. These neighbouring rural communities around the Loch – currently within the same Aird and Loch Ness ward - share many similar issues and challenges.

Skye

Staffin Community Council highlighted a number of concerns about proposed changes to how Skye is represented. They believe that the reduction in councillor numbers on the island – a reduction of one - goes against the aims of the Islands Act. This reduction could lead to a significant “democratic deficit” especially as the three councillors would have a significant “travel burden to and from Inverness” whilst also needing to “travel extensively throughout the area to attend meetings and other events”.

Impact of COVID-19 and possible population increases

A few respondents stated that much of the data used to calculate the current and future electorate numbers were made pre-COVID. They do not take into account the growing number of people attracted to rural areas since the pandemic changed working patterns. One resident of the Wick and East Caithness ward observed that:

“Over the Covid period it appears we have had more families moving in rather than leaving. In fact, it would seem that one result of the Covid pandemic was how it brought to the fore the feasibility of home/remote working and a consequent increase in demand for rural housing”.

Reducing councillor numbers in these areas is, according to some, “not sensible if trying to tackle depopulation”.

Views on the consultation process

Approximately three quarters of respondents in the Highland Council area were not happy with the consultation process.

Some felt that communities were not adequately consulted due to restrictions relating to the COVID-19 pandemic. It was felt there were very few public meetings, for example, and a number of respondents say they were not even aware that a consultation was underway: “it passed under many people's radar”. According to one respondent, poor internet coverage “means that the issue is not well known”.

Others said that the consultation period was too short and there should have been a more in-depth consultation with councillors on Highland Council. On this last point,

one respondent observed that “the dialogue between the Commission and the Highland Council was confrontational”.

Some respondents suggested that the public consultation was a “token gesture”: “the decision had already been made and nothing could change it”. Whilst others noted there was no evidence to indicate how public views were incorporated into decision making. A common view was that the public were only consulted *after* decisions and proposals were finalised “with no option to amend or provide input and feedback. One community council, having responded in detail to the consultation, “heard nothing in response to any of the issues raised”.

Criteria used by Boundaries Scotland

Although many respondents felt Boundaries Scotland had adequately explained the criteria used in their decision-making, hardly anyone who responded to the questionnaire felt that it was the *correct* criteria.

Many respondents felt that the population to councillor ratio, and parity with other wards in the Highland Council area, should not be given priority when deciding on councillor numbers in large, remote-rural areas such as Sutherland. One Sutherland resident stated “population demographic is a blunt tool by which to judge the number of councillors we require” and the geography and connectivity of settlements is “a vital consideration that has been ignored”. Community requirements and the issues of depopulation, scarcity of amenities, job opportunities and other social indicators should be considered before deciding to reduce councillor numbers.

Possible impacts of Boundaries Scotland’s recommendations

Respondents were asked about the possible impacts on their local areas should Boundaries Scotland’s recommendations be accepted and implemented.

One of the most common comments was that people and communities will be even more removed from political decision-making than before and will therefore disengage from politics. One respondent argued there will be less choice at election times, making voters more apathetic. Ardgay & District Community Council believe the “relevance of council elections could be compromised as folks feel ‘there’s no point”.

With less being attention paid to issues unique to the rural areas of Wester Ross, Skye and Sutherland, one respondent stated, “people in the rural areas will think they have been abandoned and all the power is moving to Inverness”. And one life-long resident of Portree in Skye added:

“Any loss of representation means a smaller voice at Highland wide meetings where the bulk of decisions are taken and budgets are allocated.”

On a more personal level, it could become more difficult for individual constituents to speak to their councillor when seeking help with their problems. Many respondents therefore feel that the timing of these changes is unfortunate, as representation and a strong voice for remote, and sometimes “fragile” areas, is needed more than ever.

There could also be impacts on community councils as they may find it increasingly difficult to “channel queries and ideas upwards”, with community councils less likely to see a councillor at their meetings and “little chance of a councillor being anywhere near most of the villages in this vast area”. Coigach Community Council develop this point in further:

“We think under-representation would lead to a decline in investment by HC and our communities would become less sustainable. If councillors are not able to represent communities adequately we will become disempowered which is contrary to Scottish government aspirations. It is a real asset for community councils to be able to have direct links and conversations with councillors. A reduction in numbers is bound to impact on the time they have available for contact with community councils. Without the support of a councillor to flag up what is needed for a particular area funding will go to the hub, Inverness.”

2. Argyll and Bute Council

For the Argyll and Bute area, the Committee received 42 responses to the questionnaire, including one from Argyll and Bute Council itself. Like the Council, the vast majority of respondents were not happy with aspects of Boundaries Scotland’s recommendations.

Views on the Boundaries Scotland recommendations

Most of those expressing their concerns to the Committee were island residents.

For example, many respondents from Bute were concerned about the impact of the island becoming a two-member ward – it currently has three councillors.

Respondents highlighted some of the challenges faced by the island in terms of an aging demographic, and also high levels of deprivation in its main town, Rothesay:

“This reduction in local councillors further reduces representation for Bute and for that representation to reflect the differing needs within our community.”

Boundaries Scotland's recommendation for Coll is that it become part of a new, all-island ward with two councillors representing Mull-Iona-Coll-Tiree. This would replace the current 4 member ward in which three of its councillors are based in Oban and one in Mull. Coll Community Council believes that the likelihood is that in future both members will be elected from Mull, and it is more difficult for a councillor from Mull to travel to Coll and Tiree, than it is from Oban to Coll.

A number of respondents from Islay expressed concerns about their island becoming part of the new, island-only, Islay, Jura and Colonsay ward. For example, Islay Community Council stated:

"We believe that the recommendation to reduce our Councillors to two and to restrict boundaries to island only would narrow our horizons, risk exclusion from important issues that affect us all and reduce the collective strength of our voice within Argyll & Bute Council."

Questions were raised about the appropriateness of making changes to wards and councillor numbers at this moment in time:

"Now is not the time to put more stress on to members trying to serve their community."

"I don't see why the applecart needs to be upset. We are very content with the current arrangement, which we feel meets our needs as a community."

There were also concerns about two-member wards being too small: "in the past the multi councillor ward arrangement was introduced to give people fairer, more proportional representation and to stop Councillors being elected unopposed".

Boundaries Scotland consultation process

Again, the majority of Argyll and Bute respondents expressed some concerns about the consultation process, with the most common complaint being that few people were aware of it. Or if they were aware, it was not until "the last minute". Furthermore, many respondents questioned the wisdom of holding a consultation during a pandemic, for example with no public meetings being permitted.

Some also stated that there was not enough information available on *why* the consultation was taking place.

A sitting councillor for Islay stated his belief that: "local Community Councils were ignored....In ward two, six Community Councils are vocally against these proposed changes yet Boundaries Scotland pressed on with these changes regardless."

This was also raised by a number of respondents, who felt that their views were received but then basically ignored.

Possible impacts of Boundaries Scotland's recommendations

Respondents were asked what they thought the impact of Boundaries Scotland's recommendations could be.

As with other local authority areas, many respondents felt that having fewer councillors in rural areas would lead to more strain on existing councillors; more work, more travel, making it more difficult for them to do their jobs. Furthermore, with fewer opportunities to engage, there will be fewer opportunities for islands and other rural communities to make their cases:

“The changes will be very negative as we on the Islands will have fewer people shouting for us and we will be more isolated from the mainland.”

Three respondents reminded the Committee that the aim of the Islands Act was to strengthen the voice of islands. However, in their view, Boundaries Scotland has:

“miss-interpreted the islands act. The islands should have more power but this will give us less power with less councillors.”

Those living on the Isle of Coll fear their representation will be “dominated by the Isle of Mull, which is very different from Coll, and we will therefore have less representation than we currently have”.

As mentioned before, concerns were raised about what changes could mean for the Isle of Bute, especially with Rothesay categorised as an area of economic deprivation.

Islay Community Council reported that it discussed the recommendations at an open meeting and had unanimously agreed that the Boundaries Scotland proposals would not be in the best interests of the community:

“Instead, we would like to retain 'status quo'. We also have written support for this view from Jura Community Council and from Tarbert & Skipness Community Council, as well as that of our current three Argyll & Bute Councillors.”

3. Na h-Eileanan an Iar Council

The Committee received 25 responses from people living in Na h-Eileanan an Iar / Western Isles, including one from the Council itself. As the Committee heard in

evidence from senior official, Derek Mackay, the Council is generally content with both the recommendations and the consultation process.

Views on the Boundaries Scotland recommendations

Although the Council itself was generally satisfied with the recommendations, around two thirds of respondents to the Committee's questionnaire were less convinced. People living in Eriskay, South Uist & Benbecula were particularly concerned. Many believe that the changes would lead to a reduction in representation for South Uist and Benbecula. Others asked why Barra and North Uist were to get their own wards, but not South Uist and Benbecula

Boundaries Scotland consultation process

Approximately two thirds of respondents had concerns about the consultation process. Some highlighted the lack of community meetings (due to COVID-related restrictions). Others highlighted a perceived lack of communication and awareness, with many feeling that the public consultation was not sufficiently advertised.

Possible impacts of Boundary Scotland's recommendations

Some respondents believed that the proposals will lead to a weakened voice for the southern islands: "we will become under-represented and the focus of change in our area will be to the north of the ward".

Particular concerns were expressed about Benbecula, as the focus of the council could be on Lewis and Harris, leading to "more bad decisions being made that negatively affect services in our [southern] islands".

One respondent highlighted the danger of increased friction between communities:

"...you're basically taking a councillor from South Uist and giving the job to someone from Barra and taking one from Benbecula and giving it to North Uist leaving the area of the largest community buyout with less representation than before."

4. Shetland Council area

The Committee received only three responses from people living in the Shetland Council area. One was happy with the proposals and two were not.

One of those expressing concerns felt that Shetland West – which currently has 3 councillors - could be at a disadvantage as it would be challenging for 2 councillors to share out Ward representation at all the Council's various committees. With 3 Member Wards this was more achievable and realistic:

“This change may result in Shetland West ward having no presentation on some Council committees in future, and therefore potentially may not be able to help with decision making on key decisions affecting the area.”

5. Orkney Council area

The Committee received only five responses from people living in the Orkney Council area. Three were happy with the proposals and two were not. Of those expressing concerns, one felt the changes produce an “obvious urban bias”, whilst the other felt there are too many councillors in Orkney Council.

6. North Ayrshire area – relating to Arran

The Committee received five responses from the North Ayrshire area including one from the Council itself. As the Committee read in recent correspondence, the Council is generally satisfied with Boundaries Scotland’s recommendations and the way the consultation was conducted

The four members of the public who responded to the Committee argued that Arran should not be a one-member ward: “Arran needs more representatives not fewer”. There were concerns that Arran residents will be unique in Scotland in that they will not have the benefits of a multi-member ward:

“Arran should fairly be represented by two councillors as the provision of a single councillor fails to provide Arran's citizens with their right to choice.”

When asked about the possible impact of these proposals, people were concerned that a single councillor could not possibly represent the views of the entire island, which, as one respondent pointed out is 46% of the total North Ayrshire Council landmass. Respondents fear that the proposals will mean Arran is underrepresented and “vulnerable to one individual’s views and preferences”.