

Local Government, Housing and Planning Committee

4th Meeting, 2021 (Session 6)

Tuesday 14 September 2021

Electoral Arrangements Regulations

Introduction

1. The Committee will consider draft laws on changes to electoral arrangements in six council areas. These local authorities all contain inhabited islands and are:
 - Highland Council
 - Argyll and Bute Council
 - North Ayrshire Council
 - Shetland Islands Council
 - Orkney Islands Council
 - Comhairle nan Eilean Siar (Western Isles Council)

Background

2. 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”.
3. 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](#)

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

Legislation

5. 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.
6. 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/ Highland (Electoral Arrangements) Regulations 2021
 - [Draft SSI 2021/ Argyll and Bute \(Electoral Arrangements\) Regulations 2021](#)
 - [Draft SSI 2021/ North Ayrshire \(Electoral Arrangements\) Regulations 2021](#)
 - [Draft SSI 2021/ Shetland Islands \(Electoral Arrangements\) Regulations 2021](#)
7. They are subject to the [affirmative procedure](#) and have been referred to the Local Government, Housing and Planning Committee.

Meetings

8. At the meeting, the Committee will hear from the following on the instruments:
 - Karen Greaves , Head of Executive Support, Orkney Islands Council; and
 - Maggie Sandison, Chief Executive, Shetland Islands Council.

and then from—

- Councillor Margaret Davidson, Leader, Highland Council;
- Douglas Hendry, Executive Director, Argyll and Bute Council;and
- Derek Mackay, Governance and Elections Manager, Comhairle nan Eilean
- Siar.

9. The Leader of Highland Council has written to the Committee and this is available at **Annexe B**.
10. At future meetings, the Committee will hear from Boundaries Scotland and the Deputy First Minister, John Swinney MSP

Clerk to the Committee
Local Government, Housing and Planning Committee

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

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