

**Special Shetland Islands Council****23 April 2014****Local Government Boundary Commission for Scotland – Fifth Statutory Review – Initial Proposal on Councillor Numbers**

GL-03-F

**Report Presented by
Executive Manager – Governance and Law****Corporate Services Department****1.0 Summary**

- 1.1 The Local Government Boundary Commission for Scotland has begun its fifth statutory reviews of Scotland's local government electoral arrangements. The reviews will look at each of Scotland's 32 local authorities, and will result in recommendations for the number of Councillors on each Council and the boundaries of wards for the election of those Councillors, with effect from May 2017.
- 1.2 The purpose of this report is to provide the Council with an opportunity to consider and approve its response to the initial stage of the review in relation to the number of Councillors being proposed for the Shetland Islands Council.

2.0 Decision Required

- 2.1 That the Council RESOLVES to:
- 2.1.1 Agree to the proposal to retain 22 councillors; and
 - 2.1.2 Instruct the Executive Manager – Governance and Law, to submit the attached draft letter to the Local Government Boundary Commission for Scotland, with or without amendment, as the Council's response to the initial stage of the consultation.

3.0 Detail

- 3.1 The last set of statutory reviews was completed by the LGBCS in 2006 following the introduction of multimember wards for Scottish Council elections. The Commission has drawn up recommendations for the number of Councillors on each Council based on a methodology that, for the first time, takes into account levels of deprivation as well as population distribution. Using these factors, similar Councils are grouped together for the purpose of determining councillor numbers. This stage of the reviews comprises consultation with Councils on the number of councillors, and then consultation with the public on councillor numbers is expected to commence next month. Later stages

will comprise consultation on proposed ward boundaries. A copy of the Commission's review guidance booklet is attached as Appendix 1, and is also available on the Commission's website, the address for which is stated at the end of this report.

3.2 As you will see from the guidance, when reviewing electoral arrangements the Commission is required to take account of the following factors:

- the interests of effective and convenient local government;
- within each Council, each councillor should represent the same number of electors as nearly as may be;
- local ties which would be broken by making a particular boundary;
- the desirability of fixing boundaries that are easily identifiable; and
- special geographical considerations.

3.3 The Commission wrote to the Council in October 2013, explaining the methodology it would be using during the reviews. The Commission also sought, and received, information from the Council as to existing ward boundaries, community council boundaries, and statistical data in relation to electorate, areas of development and demolition, school catchment areas, etc.

3.4 The Commission published its initial proposals for councillor numbers on 21 February 2014. Copies of the Commissions publications can be found on their website [address given at the end of this report]. The Commission's timetable for the reviews is as follows:

Stage	Description	Start (approx)	Finish (approx)
1	Commission meets separately with all 32 councils to provide a background to the Reviews	25 Feb 2014	2 April 2014
1A	2 month statutory consultation period with councils on council size	21 Feb 2014	23 April 2014
1B	12 week public consultation period on council size	29 May 2014	21 Aug 2014
2A	Commission considers responses and agrees on council size	September 2014	December 2014
2B	Commission develops proposals on ward boundaries	September 2014	December 2014
3A	2 month statutory consultation period with councils on ward boundaries	January 2015	March 2015
3B	12 week public consultation on ward boundaries	April 2015	Early July 2015
4A (Optional)	Development of Revised Proposals for wards	September 2015	September 2015
4B (Optional)	Consultation of Revised Proposals for wards, local inquiry	October 2015	December 2015
5	Commission considers all representations and develops its final recommendations before submitting its Reports to Scottish Ministers	September 2015	May 2016

- 3.5 The proposed number of councillors for Shetland remains unchanged, at 22. The Commission has held a series of meetings with each individual Council to discuss the reviews. The Chairman of the Commission, Mr Ronnie Hinds, accompanied by Ms Laura Cregan of the Commission's Secretariat, met with Councillors and officers on Wednesday 2 April 2014. They gave a short presentation on the role of the Commission, and outlined the process to be followed and timetable for completion.
- 3.6 During the questions and answer session, it was noted that whilst the Council should submit its response to the initial proposal on councillor numbers, there would be an opportunity for the Council to revisit that response, should the subsequent review of the ward boundaries cause the Council to reconsider the appropriateness of the number of Councillors.
- 3.7 A draft response is attached. The response is accepting of the Commission's recommendation to retain 22 councillors for Shetland, as this not only retains the status quo but also provides an electorate figure per councillor which aligns closely with the Commission's optimum number of electors per Councillor of 800.
- 3.8 In relation to achieving electoral parity, the Commission's guidance states:
- “Once we have calculated the optimum number of electors per councillor, we can measure how far each ward deviates from that number. When formulating our recommendations, we will be seeking to achieve ratios as close as possible to the authority average in every ward. The further such measures get from the average for the authority, the stronger the evidence of other considerations we take into account will need to be. However, we appreciate that the geography and demography of areas can be very different, which may have knock-on effects on the levels of electoral parity we achieve.”
- 3.9 In this regard, it is appropriate for councillors to note that there will be recognition of the deviation in the electorate for each ward in Shetland as set out in the following table:

Electorate as at 31 March 2014 - 17802 / 22 councillors = 809

Ward	Average Electorate	Deviation from Parity
North Isles	2247/3 = 749	-7.5%
North	2464/3 = 821	+1.4%
West	2031/3 = 677	-16.3%
Central	2325/3 = 775	-4.2%
South	2760/3 = 920	+13.7%
Lerwick North	2417/3 = 806	-0.3%
Lerwick South	3558/4 = 890	+10.0%

- 3.10 From the above table, Members will readily see that 4 out of 7 of our multi member wards have such a low deviation from parity as to be described as insignificant. Of potentially greater significance is the positive deviation in the South Mainland and Lerwick South, 13.7% and 10% respectively and of most significance the low electoral numbers in West ward -16.3%.
- 3.11 On previous Local Government boundary reviews when the Commission has tried to find electoral parity sometimes across community boundaries, the geographic shape of the Shetland mainland and the distribution of population settlements create some difficulty in the pursuit of perfect electoral parity. From the guidance describing the underpinning legislation, it is obvious that the pursuit of electoral parity has a level of paramountcy, notwithstanding the need also to have regard to the existence of local ties, easily identifiable boundaries and identification of communities for the effective and convenient provision of services.
- 3.12 It is open to the Council to accept the Commission's provisional view that the numbers required for convenient and effective government in Shetland is the number of 22 which is their current recommendation. What we do not know at this time is how that might translate into recommendations from the boundary commission regarding modification of ward boundaries. The concession which allows the Council to reconsider the addition or deletion of 1 Member may prove valuable later when we come to consider stage 2 of this process. I have made that link between the two stages in the draft response which forms Appendix 2 to this report. Confirmation or amendment of that draft letter is the subject of your debate today, and requires a decision so that our formal response is also given today.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The terms of this report is consistent with the following corporate priority:

Our Corporate Plan 2013-17

- To be able to provide high quality and cost effective services to people in Shetland, our organisation has to be run properly.
- 4.2 Community /Stakeholder Issues – No consultation has taken place with the community or stakeholders, as this initial stage of the statutory process is within the Council only. The LGBCS will be undertaking public consultation at each stage, and the Council will respond to community and other stakeholder responses as appropriate.
- 4.3 Policy And/Or Delegated Authority – Determination of the Council's response to the review has not been delegated to any Committee or officer.

- 4.4 Risk Management – No strategic or operational risks are identified at this point in relation to councillor numbers only, given that there is no change proposed.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – None.

Resources

- 4.7 Financial – None.
- 4.8 Legal – None.
- 4.9 Human Resources – None.
- 4.10 Assets And Property – None.

5.0 Conclusions

- 5.1 This report only deals with stage 1 of the 2 stage process of the boundary commission formulating recommendations regarding distribution of wards and ward boundaries within Shetland Islands Area. Following the visit from the Commissioner, the presentation to Members and consideration of the current distribution of voters, it is recommended at this stage that we accept the initial view of the Commission which amounts to retention of the status quo. In terms of councillor numbers, that means 22 councillors. Our response makes reference to the possible need to revisit this further in stage 2, in the event that proposals which might emerge then suggest ward boundaries that might lead to a serious or detrimental effect on the delivery of services to our established localities and communities in Shetland.

For further information please contact:

Jan Riise, Executive Manager – Governance and Law

01595 744551 jan.riise@shetland.gov.uk

17 April 2014

List of Appendices

Appendix 1 – Local Government Boundary Commission for Scotland – Review Guidance Booklet

Appendix 2 - Proposed Response

Background documents:

Local Government Boundary Commission for Scotland – website provides all materials in relation to the reviews – guidance booklet, press releases and public consultation documents.

http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/

END

Local Government Boundary Commission for Scotland

Fifth Reviews of Electoral Arrangements

Guidance Booklet

Local Government Boundary Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD

www.lgbc-scotland.gov.uk

Telephone: 0131 538 7510

Fax: 0131 538 7511

Email: lgbc@scottishboundaries.gov.uk

The Local Government Boundary Commission for Scotland was established under the Local Government (Scotland) Act 1973 as an independent body with responsibility for keeping under review local government arrangements in Scotland. In this document, the Commission is referred to as 'we' or 'us'.

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1 Introduction

- 1.1 The purpose of this document is to provide detailed guidance to all those wishing to participate in our Fifth Reviews of Local Government Electoral Arrangements.
- 1.2 The Fifth Reviews are a set of reviews, one for each of Scotland's 32 local authorities. Each review will result in recommendations of the number of councillors on a council and the number and boundaries of wards for the election of those councillors.
- 1.3 We are required to conduct electoral reviews of each local authority at intervals of 8 to 12 years, as specified in the Local Government (Scotland) Act 1973. We conducted our Fourth Reviews between 2004 and 2006. The Fourth Reviews recommended the current multi-member wards which have been used for local government elections in Scotland in 2007 and 2012.
- 1.4 The population, and hence the electorate, of any local authority area is constantly changing, with migration into or out of areas as well as within the same area. As a result of these changes, some councillors may be representing considerably more or fewer electors than their colleagues. These variations in levels of representation are one of the reasons that the legislation requires regular electoral reviews.
- 1.5 An electoral review can only make recommendations about the electoral arrangements for a local authority area, not the extent of a local authority area.
- 1.6 When we conduct an electoral review, we are only considering electoral arrangements for local government. Constituencies for the Scottish Parliament or the United Kingdom Parliament are not affected by our electoral reviews: they result from reviews by the separate Boundary Commission for Scotland.
- 1.7 We conduct electoral reviews of local authorities as specified by the Local Government (Scotland) Act 1973. We are an independent body: Scottish Ministers are not involved during the review process, but are responsible for deciding whether or how to implement our recommendations once we have finished a review and they do consider any views and representations expressed on our Final Recommendations.

2 Our process

- 2.1 The legislation which sets out the rules for electoral reviews is the Local Government (Scotland) Act 1973. When making our recommendations, we must consider the criteria set out in Section 13 and Schedule 6 of that Act. Section 13 sets out an overall aim of acting in the interests of effective and convenient local government. Schedule 6 sets out more specific requirements. The full text of Schedule 6 is in Appendix A, and its requirements are:
 - the number of electors per councillor in each ward should be, as nearly as may be, the same;
 - subject to this, we shall have regard to:
 - local ties that would be broken by fixing a particular boundary; and

- the desirability of fixing boundaries that are easily identifiable with the first of these taking precedence over the second;
 - we may depart from the strict application of electoral parity to reflect special geographical considerations.
- 2.2 The initial phase of a review is to determine the number of councillors that we wish to recommend for a council. To do this, we categorise each council area, based on deprivation and population distribution. For each category, we assign a ratio of councillors to electors in order to calculate the appropriate number of councillors for each council. We apply a consistent methodology across all council areas.
- 2.3 We consult on councillor numbers for each council area before consulting on ward boundaries. Our proposals will be available on our website and will be placed on deposit in council offices and libraries for public display during our stages of public consultation. We welcome all comments and local input from our proposals.
- 2.4 The concept of electoral parity means aiming to ensure that the ratio of councillors to electors in each ward within a specific local authority is the same. By law, each ward must elect 3 or 4 councillors, and the size of each ward varies accordingly.
- 2.5 In addition to the statutory criteria, we will also consider factors such as communities, other existing boundaries and the geographic features of a local area such as roads, railways and rivers when determining the boundaries of electoral wards.
- 2.6 The legislation states that we should have regard to any change in the number and distribution of electors likely to take place within the 5 years following the start of a review.

What can be done as part of the Fifth Reviews?

- 2.7 We can make the following recommendations for local authority electoral arrangements:
- the total number of councillors to be elected to the council (known as ‘councillor numbers’);
 - the number and boundaries of wards;
 - whether 3 or 4 councillors should be elected for each ward; and
 - the name of each ward.
- 2.8 Ward boundaries are one factor in the design of polling districts, and the location of polling stations, both of which are decided by the local authority.

What cannot be done as part of the Fifth Reviews?

- 2.9 We cannot make recommendations for changes to the external boundaries between local authorities as part of the Fifth Reviews. Administrative area reviews for this purpose are carried out as a separate exercise.
- 2.10 We cannot make recommendations for changes to the timing of local government elections. This is defined by legislation, and is not part of our responsibilities.
- 2.11 We cannot change UK Parliament constituency boundaries or Scottish Parliament boundaries. These are reviewed by a separate body, the Boundary Commission for Scotland. When reviewing parliamentary boundaries, the

Boundary Commission for Scotland may take account of the ward boundaries put in place as a result of our electoral reviews. Any queries on parliamentary boundaries should be addressed to the Boundary Commission for Scotland.¹

- 2.12 Our electoral review recommendations do not affect local taxes, or result in changes to electors' addresses or postcodes. We know of no evidence that our electoral review recommendations have an effect on house prices, or car and house insurance premiums, and we do not take account of these factors.

3 Our procedures

- 3.1 Our approach to conducting the Fifth Reviews is one of consultation and openness. Where possible, we aim to develop recommendations that are influenced by local input and therefore we conduct as much consultation as is practicable in any review. We publicise the review as widely as possible, and ask that local councils, political parties, community groups, residents' associations, other main stakeholders and the general public do the same.
- 3.2 Once a review commences formally, we expect to follow the timetable laid out in Figure 1.

Figure 1: Expected Fifth Review timetable

Stage	Start*	Finish*	Duration
Review commences	February 2014		
1. Commission meets separately with all 32 councils to provide a background to the Review	February 2014	April 2014	2 months
1A. Consultation with councils on council size	February 2014	April 2014	2 month statutory consultation period
1B. Public consultation on council size	May 2014	August 2014	12 week consultation period
2A. Commission considers responses and agrees on council size	September 2014	December 2014	
2B. Commission develops proposals on ward boundaries	September 2014	December 2014	
3A. Consultation with councils on ward boundaries	January 2015	March 2015	2 month statutory consultation period
3B. Public consultation on ward boundaries	April 2015	Early July 2015	12 week consultation period
4A. (Optional) Development of Revised Proposals for wards	September 2015	September 2015	
4B. (Optional) Consultation of Revised Proposals for wards, local inquiry	October 2015	December 2015	
5. Commission considers all representations and develops its final recommendations before submitting its Reports to Scottish Ministers	September 2015	May 2016	
* Estimated dates			

¹ The Boundary Commission for Scotland is supported by the same Secretariat which supports us. Therefore, it can be contacted using the same contact details as ourselves: its website is www.bcomm-scotland.independent.gov.uk.

- 3.3 We will publicise the start of the review, the consultation on our proposals for councillor numbers, ward boundaries and our Final Recommendations. At the start of the consultation, we will usually issue news releases and public notices, write to interested parties and offer local media interviews with our officials. We will ask for the local authority's help in deciding on the most relevant media, and rely on them to distribute information material.
- 3.4 When the review commences we meet with all 32 councils to explain our approach for the review and open a 2 month statutory consultation period, when the council sends its initial views on councillor numbers. Following this, we conduct a 12 week period of public consultation on councillor numbers. Our proposals will be published on our website and placed on deposit in council offices and libraries for public display. Responses can be made to the Commission by letter, email or via our Consultation Portal.
- 3.5 We analyse and consider all of the representations and information gathered before agreeing on council size.
- 3.6 We then develop our proposals on ward boundaries. We will use recognised boundary data supplied by each council to develop the proposals, such as community councils, school catchment areas, polling districts, as well as any planned new buildings or demolitions within the next five years.
- 3.7 We consult with councils on ward boundaries for a period of 2 months before commencing a 12 week public consultation period on ward boundaries. As before we will publish our proposals on our website and place them on deposit in council offices and libraries for public display. Responses and alternative suggestions to our ward boundaries can be made to the Commission by letter, email or via our Consultation Portal.
- 3.8 We will determine whether to amend our proposals following the responses and consider any alternative suggestions from our consultation. If we decide to significantly change our proposals we may conduct further consultation on specific areas or issues if they are proving controversial and we may hold a local inquiry.
- 3.9 We then prepare our final recommendations and draft our reports for Ministers. We submit our reports to Ministers and provide a copy for each council for public display and make the Report available on our website.
- 3.10 We aim for transparency in our work and, to that end, publish on our website the information used in our considerations such as electorate figures, mapping and other appropriate information. In addition, after conducting a consultation, we may publish on our website all submissions we receive.

4 Issues to be considered

- 4.1 We are aware that stakeholders value a flexible approach in balancing the criteria of effective and convenient local government, electoral parity, local ties and easily identifiable boundaries. However, a flexible approach needs to be based on clear arguments and evidence to support the various criteria.

Councillor numbers

- 4.2 Councillor numbers is the term used to describe the number of councillors elected to a local authority. In any review, it determines the average number of electors per councillor to be achieved across all wards of that authority.

We cannot consider the patterns of wards without knowing the optimum number of electors per councillor, which is derived from dividing the electorate by the number of councillors on the authority.

- 4.3 For our Third Reviews (which reported in 1998) we categorised council areas by density and distribution of population. At the time, our predecessors discussed the various difficulties councillors might encounter arising from geographical features, especially in rural areas where there might be problems in gaining access to constituents in the more sparsely populated areas. It was recognised that in more densely populated areas councillors might likewise carry a heavy workload emanating from the social problems which can arise in urban areas. For our Fourth Reviews (2006), the number of councillors on each council was held fixed, therefore we only reviewed ward boundaries.
- 4.4 When calculating population density we use mid-year population estimates from National Records of Scotland (NRS) and dry land area data from The Office for National Statistics. While population distribution is determined by using NRS settlement data which shows the percentage of the population living in settlements of 3,000, 10,000 or 125,000 or more. We have used distribution data based on settlements with a population of 3,000 or more because this is used by Scottish Government in its urban-rural classification.
- 4.5 For the Fifth Reviews our methodology to categorise council areas will be based on deprivation and population distribution. We believe that population dispersal is still an important factor in determining councillor numbers but we also believe that deprivation is a reasonable indicator for a range of factors that impact on council services and on the work of councillors.
- 4.6 In understanding deprivation we have used data from the Scottish Index of Multiple Deprivation (SIMD). SIMD is determined independently by Government Statisticians in conjunction with the ScotStat Measuring Deprivation Advisory Group. SIMD combines weighted scores based on seven different dimensions of deprivation: employment, income, geographic access, crime, housing, health and education. These scores are calculated and published every 3 years by the Scottish Government. SIMD has been used by Scottish Government as an important policy tool for many years, providing evidence to help target policies and funding where the aim is to wholly or partly tackle or take account of area concentrations of multiple deprivation.
- 4.7 Our methodology is based on categorising each local authority in Scotland, and applying the same formula to all local authorities in a single category. This ensures a consistent approach to councillor numbers across all of Scotland's local authorities.
- 4.8 We have reduced the number of categories from 7 to 5, following feedback from our consultation on councillor numbers in 2011.
- 4.9 The ratio of councillors to electors for each category, is shown in Figure 2.

Figure 2: Ratio of councillors to electors

Category	Criteria used to classify councils	Ratio
1	Less than 30% of the population living out-with settlements of 3,000 or more AND 30% or more of the population living in the most deprived areas	2,800
2	Less than 30% of the population living out-with settlements of 3,000 or more AND 15% or more and less than 30% of the population living in the most deprived areas	3,000
3	Less than 30% of the population living out-with settlements of 3,000 or more AND less than 15% of the population living in the most deprived areas	3,800
4	30% or more and less than 60% of the population living out-with settlements of 3,000 or more AND less than 15% of the population living in the most deprived areas	2,800
5	60% or more of the population living out-with settlements of 3,000 or more AND less than 15% of the population living in the most deprived areas	800

- 4.10 For our Third Reviews it was suggested that there should be a minimum of 18 and maximum of 80 councillors for effective administration. This was based on findings in the Widdicombe Report on the Conduct of Local Authority Business.
- 4.11 For this review we have maintained the minimum number of councillors at 18, as we considered there was no necessity to change this. However we have extended the upper limit of councillors from 80 to 85. As we are using deprivation as a factor in determining councillor numbers, we considered there should be an increase in the number of councillors in Glasgow City Council, which has high levels of deprivation.
- 4.12 We are aware that a large change of councillor numbers in a council area can be disruptive, therefore we have also incorporated a 10% change rule. This means that we will not increase or decrease the total number of councillors in a council area by more than 10%, as a consequence of any one review.

Electoral parity

- 4.13 One of the aims of a review is to ensure a good level of electoral parity: each elector's vote within a council area should be of equal worth.
- 4.14 Once we have made a decision on councillor numbers, we can work out the optimum number of electors each councillor should represent by dividing the total number of electors by the councillor numbers. This produces a ratio of councillors to electors. The ratio allows us to apply the requirement in the legislation that the number of electors per councillor is "as nearly as may be" the same.
- 4.15 We wish to build our recommendations on locally-derived evidence. We therefore stress that all interested parties who comment on our proposals should consider the effect their suggestions would have on the levels of electoral parity. We will only recommend wards that do not provide a good level of electoral parity if we are satisfied, based on good evidence provided during the review, that such recommendations represent the most effective way of meeting the full set of statutory criteria.
- 4.16 In such cases, we need to provide evidence to Scottish Ministers to show this and justify that our proposals for wards represent the most effective way of meeting the statutory criteria collectively. The lower the level of electoral parity, the stronger the evidence required.

- 4.17 Once we have calculated the optimum number of electors per councillor, we can measure how far each ward deviates from that number. When formulating our recommendations, we will be seeking to achieve ratios as close as possible to the authority average in every ward. The further such measures get from the average for the authority, the stronger the evidence of other considerations we take into account will need to be. However, we appreciate that the geography and demography of areas can be very different, which may have knock-on effects on the levels of electoral parity we achieve.
- 4.18 Figure 3 explains how parity is calculated. The total electorate is divided by the total number of elected members. This produces a ratio of electors per councillor. This allows us to calculate any variance from parity.

Figure 3: How parity is calculated

Ward Number	Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity
1	7,500	4	1,875	$(1,875-1,750)/1,750$ +7%
2	5,500	3	1,833	$(1,833-1,750)/1,750$ +5%
3	7,000	4	1,750	$(1,750-1,750)/1,750$ 0%
4	5,000	3	1,667	$(1,667-1,750)/1,750$ -5%
5	6,500	4	1,625	$(1,625-1,750)/1,750$ -7%
Total	31,500	18	1,750	

Electorate change

- 4.19 At the start of a review, we obtain the electoral register provided by the Electoral Registration Officer (ERO) for the area concerned. This data is supplied with postcodes, which allows us to calculate the electorate for each part of the area under consideration, and hence for each proposed ward.
- 4.20 The rules governing reviews state that we must take into account the likely change in the number or distribution of the local government electorate over a 5 year period from the start of the review when aiming for electoral parity.
- 4.21 Our approach to this requirement is to collect data from each local authority on expected new residential development and demolition within its area over the 5 year period, with as much detail about location as is available. From this data, combined with data on the existing average number of electors per household in the area, we calculate a forecast of electorate for the 5 year period. Our experience has found that an increase in development in one area does not necessarily result in an increase in electorate across the whole authority.
- 4.22 Experience has also shown that this approach alone has often produced forecast electorates that are higher than those occurring in practice.

Therefore, to assist us in achieving a better forecast, we also take population projections for the same period from the National Records of Scotland (formerly the General Register Office for Scotland). Using these, we scale the forecast electorate to reflect the projected population change.

Local ties

- 4.23 When designing wards, we aim to reflect local ties, and in particular we aim to avoid breaking local ties. However, other factors - especially electoral parity - may outweigh local ties.
- 4.24 For some, local ties could be defined by the location of public facilities such as doctors' surgeries, hospitals, residents' associations, libraries or schools. We believe that the location of public facilities can provide some evidence of the existence of local ties but that such arguments cannot be considered in isolation. It will certainly not be the case that merely saying that such facilities exist will alone be sufficient proof of local ties.
- 4.25 For others, an area's history and tradition may be the basis of local ties. However, communities are constantly evolving and historical considerations may not have such importance in areas which have been subject to recent development or population dispersal. Major roads could be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly. Alternatively, major roads, rivers or railway lines could be seen as physical barriers marking the boundary between different communities. In rural areas, we may have to combine two or more distinct and separate communities within a single ward. Here we would also consider how the communities interact with each other.
- 4.26 We understand that people have strong views about their communities and the impact new wards may have on them. It is important to us that we hear all of these views. However, we ask that, rather than simply asserting that proposals would affect their community, people explain carefully to us in terms that might be understood by those not living in the area, why a particular set of wards we have proposed would – or would not – have an adverse effect on local ties. What may be self-evident to local people who work or live in an area may not be obvious to us. It is for that reason we need to have well-argued evidence of local ties if we are to move away from equality in the number of electors each councillor represents. We will take into account all proposals we receive but those which are supported by argument and evidence are likely to carry more weight.
- 4.27 The requirement on us is to have regard to any local ties that would be broken when defining boundaries. This is a narrower requirement than considering local ties in general. It does not refer to the effect that new boundaries may have in creating ties, nor does it suggest that we should try to reflect existing ties in general. In evidence, we will seek to understand the effect of electoral boundaries on the type of educational and social ties communities often cite.

Effective and convenient local government

- 4.28 It is difficult to provide a concise definition of effective and convenient local government. It is, however, the fundamental consideration for recommendations arising from any of our reviews, and is often overlooked as a consideration by people making proposals to us on wards.

- 4.29 Among the factors we recognise as contributing to effective and convenient local government are the ability of local authorities to provide all of the services they are responsible for in an effective and convenient manner, and the ability of individual councillors to effectively represent the ward, as a ward may be so large in terms of area or electorate, or contain such a large number of community councils, to make that difficult. Similarly, councillors are responsible for representing the views of all the residents of their ward. The greater the diversity of a ward, the harder it may be to represent all of those views. Therefore, there may be benefits in some circumstances in drawing ward boundaries to reduce the range of issues that councillors have to deal with for that ward.

Easily identifiable boundaries

- 4.30 The legislation requires us to take into account the desirability of fixing boundaries that are and will remain easily identifiable. Whenever possible, boundaries will be defined in such a way that electors whose homes were not completed when the wards were defined are clearly assigned to a ward.
- 4.31 In urban areas, a case can be made to define ward boundaries along roads since they are likely to remain clearly identifiable, and are unlikely to be straddled by new dwellings. As an alternative, drawing a boundary along the rear fences between houses will result in neighbours across a street being in the same ward which may appropriately reflect local ties.
- 4.32 In rural areas, natural features such as watercourses and edges of woodland may be more appropriate or available in an area where a ward boundary is required. Field boundaries may also be used, while recognising that they may be subject to change, particularly in the case of fences.
- 4.33 In upland areas, a watershed may be an appropriate ward boundary feature, particularly along narrow, well-defined ridges.

Councillors per ward

- 4.34 The Local Governance (Scotland) Act 2004 specifies that each ward will return either 3 or 4 councillors. We will design each ward so that its number of electors justifies either 3 or 4 members. The choice of the number of councillors for each ward will depend on the overall pattern of wards we feel is appropriate for the area and achieves good electoral parity.
- 4.35 Arguments have been made in the past that if all wards in an authority return the same number of councillors this helps the local electorate to understand and therefore engage with local government. Proposals for a uniform pattern of wards will need to demonstrate how this meets the complete set of statutory requirements.

Special geographical considerations

- 4.36 We can move away from strict adherence to electoral parity for a ward where there are special geographical considerations that make it desirable to do so. Such considerations would include any areas where transport and communication links are slow, infrequent or subject to interference by the weather and seasons. Examples would be island communities, sparsely populated areas and remote areas.

5 What happens after we make our recommendations?

- 5.1 The publication of our Final Recommendations marks the end of our role in the electoral review process. We publicise them for anyone to read through local council offices and libraries, local papers and on our website. At the same time, we submit our recommendations to Scottish Ministers, who are responsible for implementing them. They can implement our recommendations with or without modification, decide not to implement them, or ask us to undertake another review of the area involved.
- 5.2 Scottish Ministers cannot make an Order (the legal document which establishes the new electoral arrangements) until at least 6 weeks after publication of our Final Recommendations. They will decide when our recommendations are implemented.
- 5.3 Scottish Ministers will consider our Final Recommendations in detail and seek further clarification, information and advice as necessary.
- 5.4 While our decision in making our recommendations is final, it may be possible to challenge them in the Courts by judicial review. This would only be possible if we could be shown to have made some procedural error, or to have made a recommendation which could not have followed from the evidence received or from our statutory criteria. The Courts cannot overturn a recommendation which has been properly reached merely because of a disagreement with that recommendation. The decisions of Scottish Ministers can also be subject to judicial review within similar constraints.
- 5.5 If you have a complaint about the conduct of a review, we have a complaints procedure which is detailed on our website. We come under the jurisdiction of the Scottish Public Services Ombudsman who considers any allegation of maladministration.

6 Frequently asked questions

What are wards?

Every local authority is divided into areas called wards for the purpose of local government elections. Each ward is represented by 3 or 4 councillors elected from that ward. Only residents of the ward who have registered to vote can elect the councillors to represent that ward.

Is the Local Government Boundary Commission for Scotland affiliated to any political party or part of the Scottish Government?

No. We are an independent non-departmental body. Commissioners are not permitted to take part in party political activity or be members of any political party.

Will an electoral review affect my house value, council tax, insurance premium, stamp duty, postcode, school catchment area or hospital?

No. The review is concerned with electoral matters only: all the above factors are decided by other organisations or factors.

Will an electoral review affect who I can vote for?

Yes. The review will determine your ward and at local government elections you can only vote for candidates who stand for election in that ward.

Will an electoral review affect the polling station I vote at?

Not necessarily, but this is a matter for your council which establishes polling districts for the wards resulting from an electoral review.

Will an electoral review affect the dates or years of elections?

No. These are set down in legislation, and we have no influence over them.

When wards are changed what happens to parliamentary constituency boundaries?

We have no involvement with UK Parliament constituency boundaries or Scottish Parliament boundaries, which are reviewed by the Boundary Commission for Scotland (BCS).

Can the external boundaries of the local authority change?

Not as part of an electoral review. As a separate process, we can conduct an administrative area review of local authority areas, either at the request of Scottish Ministers, at the request of a local authority or other person, or if we identify boundary anomalies which in our view warrant a review.

Can I see maps of the proposed boundaries?

We make paper copies of maps available through local council offices and libraries. On our website (www.lgbc-scotland.gov.uk) there are PDF files of the maps to download and zoom in to, which may allow you to see more detail than in print. You may find it helpful to compare our proposals with current electoral boundaries available from our website, your local authority or the www.election-maps.co.uk website.

How will the Commission decide on whether to recommend 3 or 4 member wards?

Once the number of councillors for a council has been decided on, the Commission will propose electoral wards. In doing so, it will consider electoral parity, easily identifiable boundaries, local ties and special geographical considerations. Taken together, these will determine the pattern of 3 and 4 member wards.

How does the Commission name wards?

Once ward boundaries have been determined, the Commission usually accepts names for wards that are suggested by councils.

How will the Commission take account of communities?

The Commission has no predefined idea of a community and appreciates that the definition varies. Local perception of community is probably what matters most. Therefore as part of the review the Commission asks local authorities to provide data on recognised local community boundaries.

When will the Commission's recommendations be implemented?

The Commission plans to complete its reviews and submit its Reports to Ministers by May 2016. This will allow councils and electoral officials 12 months to prepare for the local government elections to be held in May 2017.

Under what circumstances would the Commission hold a Local Inquiry?

The Commission normally holds a Local Inquiry when it considered that it does not have sufficient information to reach an informed decision about a particular area.

Which people do you consider when you're looking at numbers?

The law requires us to use the number of "local government electors". In order to be a local government elector, you have to be over 18, and to be included on the Register of Electors for your area. Find out how to check whether you're registered to vote, and how to register to vote at www.aboutmyvote.co.uk/.

What's the difference between local government electorate and parliamentary electorate?

Most people of voting age are entitled to register to vote in all elections. However, some foreign citizens who are resident in the United Kingdom can only register as local government electors. The same applies to members of the House of Lords. United Kingdom citizens living abroad can only register as parliamentary electors. We use the local government electorate for all of our reviews.

How durable will the ward structure be?

The Commission has a duty to review wards every 8-12 years.

What is meant by electoral parity?

Electoral parity is the variation in the number of electors per councillor within a council area. The target figure for a council area is calculated by dividing the total electorate for the council area by the number of councillors. The legislation requires that the Commission designs wards so that all wards have "as nearly as may be" the same number of electors per councillor.

How far will wards be allowed to deviate from electoral parity?

Deviation from electoral parity will be looked at in the light of local circumstances. The legislation is clear that the Commission must base its design of wards on electoral parity, qualified by consideration of easily identifiable boundaries, local ties and special geographical considerations.

Appendix A - Rules for electoral arrangements

Local Government (Scotland) Act 1973

SCHEDULE 6

RULES TO BE OBSERVED IN CONSIDERING ELECTORAL ARRANGEMENTS

- 1 (1) This Schedule applies to the consideration by the Secretary of State or the Boundary Commission of the electoral arrangements for election of councillors of local government areas.

(2) Having regard to any change in the number or distribution of electors of a local government area likely to take place within the period of five years immediately following the consideration, the number calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.

(3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to —
 - (a) the desirability of fixing boundaries which are and will remain easily identifiable;
 - (b) any local ties which would be broken by the fixing of any particular boundary,but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.
- 2 The strict application of the rule stated in paragraph 1(2) above may be departed from in any area where special geographical considerations appear to render a departure desirable.

Executive Manager: Jan-Robert Riise
Director of Corporate Services: Christine Ferguson

Dr Hugh Buchanan MRICS
Secretary
Local Government Boundary Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD

DRAFT

Our Ref: JRR/SI
Your Ref:

Governance & Law
Corporate Services Department
Office Headquarters
8 North Ness Business Park
Lerwick
Shetland, ZE1 0LZ

Telephone: 01595 744550
Fax: 01595 744585
legal@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Jan Riise
Direct Dial: 01595 744551
Email:

Date: 23 April 2014

Dear Dr Buchanan

Fifth Reviews of Local Government Electoral Arrangements Stage 1 Consultation on Proposals for Councillor Numbers

I refer to your letter dated 21 February 2014 requesting a response by not later than 23 April regarding this initial consultation on proposals for the setting of Councillor numbers for each Local Authority area.

May I firstly through you, express our Council's appreciation of the time taken by your Chairman, Mr Ronnie Hinds, to come to Shetland in person and address a gathering including our Leader and other Elected Councillor Members and our Chief Executive and other Council Officers. This allowed a dissemination of key points from the Commission's guidance booklet. It also enabled our Members in particular to receive certain assurances from your Chairman about the importance of regard for community ties and the need for coherence found in the delivery of services to communities in established localities.

One feature which Mr Hinds emphasised was the openness and transparency with which the Commission sought to undertake these reviews and in that spirit we have held off responding to your consultation with our Council until we had had the opportunity to receive your presentation and then debate the matter, in public, at a Special meeting of our Council, which was held today.

For your interest I attach a copy of the report which I put before our Council Members. An extract of the approved minute will follow, in due course. In the meantime, I can confirm that the Council gave me the mandate to send this letter in its current form to you. The short answer to the simple question, does our Council agree with the recommendation from the Commission to retain the current number of Councillors at 22 is – yes.

Your Chairman will have noticed in his open and effective engagement with our elected Members and Chief Executive, that the inherent value from delivering services to

established localities through high levels of partnership working across all public bodies in Shetland is a strength considered to be of critical importance to our Members. There is also recognition of the fragility of such communities particularly in the rural parts of Shetland and concerns regarding potential for depopulation, are ever present. Notwithstanding that, a reflection on the evidence presented to the Commission during the fourth review will demonstrate that what was then described as the existing rural communities in Shetland have managed to retain and indeed grow their electorate in the manner that was predicted at that time. Therefore, you will find that more than half of the electoral wards have electoral numbers quite proximate to the average electorate per Councillor against which parity is measured. It is also therefore fair to say that our Council's decision today is rooted in the desire to retain not just the status quo in terms of Councillor numbers but if possible to also retain the status quo in terms of the established ward boundaries. Shetland Islands Council seeks to continue to best reflect the pattern and model of efficient service delivery which we currently have and which we hope to continue to develop with our community partners.

If the Commission in the course of developing its recommendation at stage 2 of this process propose significant modification of the existing ward boundaries it may be useful to revisit the question of whether the options that might best suit Shetland then would require the recommended number of 22 Councillors to be modified by the addition or deletion of 1 or more Councillors. Your Chairman confirmed that there could be the flexibility to do this in the course of later engagement between the Commission and our Council at stage 2. His assurances assisted our Council in their debate and decision today to accept, at this point, that your recommendation for 22 Councillors presented the most convenient form of government for Shetland.

We hold ourselves available for further discussions with your staff and to provide such information and evidence as you require in the course of developing your ideas for stage 2 and look forward to hearing further from you, in due course.

Yours sincerely

Executive Manager – Governance & Law
Shetland Islands Council