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Date: 26 September 2023

Dear Sir/Madam

You are invited to the following meeting:

**Special Shetland Islands Council  
Council Chamber, Lower Hillhead, Lerwick  
Tuesday 3 October 2023 at 10.00am**

Apologies for absence should be notified to Lynne Geddes, Committee Officer, on 01595 744592, or by email to the above address.

*(Please note that this meeting will be webcast live, recorded, and published online for public access after the meeting.)*

Yours faithfully

Executive Manager – Governance and Law

Convener: Councillor Andrea Manson  
Vice Convener: Councillor Bryan Peterson

## **AGENDA**

- (a) Hold circular calling the meeting as read.
  - (b) Apologies for absence, if any.
  - (c) Declarations of Interest: Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any declaration of interest should be sufficient for those at the meeting to understand why you consider you have a clear and substantial interest. If you are in any doubt about whether you have a declarable interest that would prevent you from participating in discussion or a decision, you should seek the advice of the Monitoring Officer, or the Council's legal officers on his behalf, in advance of the meeting.
1. Shetland Community Council Scheme Review – Boundary Proposal Options and Community Council Term  
*DV-37-23*



<b>Meeting(s):</b>	<b>Special Shetland Islands Council</b>	<b>3 October 2023</b>
<b>Report Title:</b>	<b>Shetland Community Council Scheme Review – Boundary Proposal Options and Community Council Term</b>	
<b>Reference Number:</b>	<b>DV-37-23-F</b>	
<b>Author / Job Title:</b>	<b>Neil Grant Director – Development Services</b>	

## 1.0 Decisions / Action Required:

That Shetland Islands Council:

- 1.1 RESOLVES TO APPROVE that the current Community Council Term of Office be extended by one year to November 2025;
- 1.2 Subject to approval of paragraph 1.1 above, RESOLVES to delegate authority to the Executive Manager – Governance and Law to execute those incidental arrangements, as more fully described at paragraph 4.4 below, as well as any other arrangements as may be necessary to facilitate the said extension under paragraph 1.1 above;
- 1.3 INSTRUCTS the Executive Manager – Governance and Law, or his nominee, to arrange for the giving of public notice of the Council's intention to revoke the existing Community Council Scheme of Establishment and the making of a new scheme for the establishment of community councils; and
- 1.4 RESOLVES TO APPROVE that the boundary proposal options, and rules on current composition, as referenced at paragraphs 4.7-4.8 below, are consulted on in accordance with Phase One of Community Council Scheme of Establishment review.

## 2.0 High Level Summary:

- 2.1 A review of the Scheme is a statutory requirement set out in the Local Government (Scotland) Act 1973, as amended by the Local Government etc. (Scotland) Act 1994 (hereinafter the “1994 Act”). The relevant legislation also describes the manner in which reviews of such schemes should be undertaken, including the various rounds of statutory consultation required.
- 2.2 At a meeting of Shetland Islands Council on 14 June 2023, the Council approved a report which set out the scope and exclusions of the scheme review (Min Ref: SIC 37/23). This report also included an indicative timeline which estimated a new community council scheme to be launched in December 2024. The new scheme launch period was designed to coincide with the current Community Council Term of Office being two years.

- 2.3 Following legal advice, the scheme review project timeline has been revised and updated. Updates on the scheme review timeline was shared at a meeting with Community Council Chairs held on 29 August 2023 and thereafter with Elected Members at a Council seminar on 30 August 2023.

### **3.0 Corporate Priorities and Joint Working:**

- 3.1 The last major review of the Council's Community Council Scheme took place shortly after the 1994 Act came into force and was completed before the end of 1996. Although small changes have taken place in relation to electoral arrangements and the individual constitutions of each community council, no comprehensive review has subsequently taken place. It represents best practice for the governance of public bodies and their associated entities, in this case Community Councils, to ensure that the statutory requirements, community objectives and overall efficiency of arrangements remain modern and fit for purpose.

### **4.0 Key Issues:**

- 4.1 The scope and exclusions of the review was approved as follows:
- Undertake consultation with Community Councils, Community Councillors and clerks;
  - Undertake consultation with Council services, external partners, stakeholders, community organisations and the wider community on the role of community councils;
  - Undertake research into Community Council Schemes of Establishment operated by other Local Authorities;
  - Consider and review legal format of Community Councils and explore alternatives that would enhance their legal capacity;
  - Review number of Community Councils and existing boundaries;
  - Review Local Election Rules and consider mechanisms to support Community Councils to be representative of their local communities;
  - Ensure that this review considers the United Nations Convention on the Rights of the Child;
  - Consider Community Council funding, which will include Community Council core funding and its relationship to the Council's Community Development Fund grant aid scheme;
  - Exclusions to this review are other community grants schemes administered by the Grants Unit such as Support to Community Facilities and Coastal Communities Fund grant aid schemes. Also out with the scope of the review is encouraging more people to stand for election, and the role of Clerks.
- 4.2 To review the Community Council Scheme of Establishment, the Council is required to follow certain statutorily prescribed processes, which includes undertaking three rounds of public consultation. The consultation phases must be conducted in a pre-set sequence and have minimum consultation time periods as set out below:

Phase One: minimum consultation period - 8 weeks  
Phase Two: minimum consultation period - 8 weeks  
Phase Three: minimum consultation period - 4 weeks

All proposals set out in each phase of consultation must be approved by Council prior to consultation commencing onto the relevant next stage.

- 4.3 Following receipt of advice from the Council's Legal Services, it was clarified that the original project timeline had not factored in the need to seek special full Council approval prior to each Consultation Phase commencing. When an allowance is made for Council meeting cycles, this will extend the Community Council scheme review timeline by up to a further 12 months. Accordingly, the current 2-year community council term requires to be extended by up to one year to allow sufficient time to finalise the review and implement a new Community Council Scheme of Establishment.

A revised timeline is attached as Appendix A.

- 4.4 If Members are minded to agree to the extension of the current term by one year, then the supplementary recommendation is that delegated authority is given to institute the incidental arrangements which will allow for a seamless transition for those currently serving on Community Councils into the extended period of one year, and to enable those who seek to end their term at its original end date the ability to do so. This will include the administrative step of members completing a renewed acceptance of office, and also arrangements for Community Councils to co-opt new members immediately without the need for by-elections for individual vacancies. These new arrangements would only apply until the end of the extended term in November 2025.
- 4.5 It is assumed that the Council's budgets for Community Council core funding and the Community Development Fund do not change during the review period. It is also assumed that the Scottish Government's Local Governance Review does not place barriers or restrictions on Community Councils.
- 4.6 It should be noted there may be time constraints should a UK Parliamentary General Election require to take place. The review could be impacted by Pre-election period restrictions and resource availability and could happen anytime up to January 2025.
- 4.7 Consultation Phase One focuses only on community council boundary areas and composition options pursuant to the terms of section 22(3)(a) of the 1994 Act. Over the summer months the Project Board developed a number of boundary proposal options. These options were shared and discussed at a Members' Seminar on 30 August 2023. A detailed summary of the current rules on Community Council composition in Shetland is attached as Appendix B.

Following feedback from the Seminar, a total of five preliminary boundary proposal options have been prepared. Members will note the Boundary proposals include:

Retaining the number of community councils  
Increasing the number of community councils  
Reducing the number of community councils – and by varying degrees

The options are summarised in the table below:

<b>Option No.</b>	<b>Boundary Proposal</b>	<b>No. of community councils</b>
1	No changes – continue with the “status quo”	18
2	Create new “Islands With Small Populations” community council consisting of Fair Isle, Fetlar, Foula, Papa Stour and Skerries. Boundary adjustments also made to Dunrossness Community Councils and Sandness & Walls Community Councils	17
3	Create new “Islands With Small Populations” community council consisting of Fair Isle, Fetlar, Foula, Papa Stour and Skerries. Boundary adjustments also made to Dunrossness Community Councils and Sandness & Walls Community Councils.  Maintain community council status for remaining islands, namely Bressay, Whalsay, Unst and Yell  Create 5 new mainland community councils that match Multi-Member ward boundaries	10
4	Remove all 18 community councils and create new community councils that match the Multi-Member ward boundaries	7
5	Create new Fair Isle Community Council and Foula Community Council. Boundary adjustments also made to Dunrossness Community Councils and Sandness & Walls Community Councils	20

4.8 In addition to the five pre-identified options listed above, it is proposed there also be a sixth option which will allow respondents to submit their own proposals should they wish to do so. It is proposed that all of the five pre-identified options be included in the Phase one consultation process with any proposals submitted under option six also analysed in the post-consultation exercise stage. This will give community councils and the wider Shetland community an opportunity to examine all the proposals; to consider the pros and cons of each; and to provide feedback on their preferred option or submit their own proposals. Maps illustrating each of the five preliminary boundary proposals are attached as Appendices C-G.

4.9 Phase one consultation process will commence in October 2023 and run until mid-January 2024. The consultation will be open for a period of 12 weeks to ensure community councils and others have sufficient time to carefully consider the boundary options and provide a response. Consultation will take a number of forms including:

- Online public survey
- 6-8 area meetings

A copy of the consultation survey is attached as Appendix H.

4.10	Findings from Phase one consultation process will be analysed, collated and shared with Elected Members prior to finalising arrangements and documents for the Phase two consultation process. Phase two consultation process is due to commence in April 2024.
<b>5.0 Exempt and/or Confidential Information:</b>	
5.1	None.
<b>6.0 Implications :</b>	
<b>6.1 Service Users, Patients and Communities:</b>	<p>The consultation phase of the scheme review will seek to be as open and inclusive as possible. This will include community councils, community councillors, community groups, Council services, external partners, stakeholders and the wider community.</p> <p>This report does not introduce any interruption in the continuity of Community Councils and the representation that they provide for their communities.</p>
<b>6.2 Human Resources and Organisational Development:</b>	The only Human Resource issue is the one addressed in paragraphs 4.3 and 4.6 in that this review is dependent on capacity of staff to undertake the review. It will not be possible to apply resources of the staff groups identified in the conduct of a review if other priorities have to take precedence.
<b>6.3 Equality, Diversity and Human Rights:</b>	This specific report does not engage any of these legally protected considerations but the review itself will have to ensure that there is no detrimental impact and in particular will retain a focus on effective community representation on all of Shetlands Islands. The review will, therefore, specifically include an Island Communities Impact Assessment to identify impacts and to minimise any detrimental impacts the review might bring about.
<b>6.4 Legal:</b>	<p>There are various legal steps and statutory timescales that must be adhered to in relation to the Community Council scheme review.</p> <p>This report sets out the statutory requirement of the Council to consult on boundary proposals as the first phase of the Scheme Review consultation process.</p>
<b>6.5 Finance:</b>	<p>None arising immediately from this report.</p> <p>However the scope of the review includes a review of funding arrangements, including exploring the relationship between Community Council core funding and the Community Development scheme. Any potential changes to community council funding would not take place until financial year 2025/26.</p> <p>Budgetary provision will be included in the 2025/26 revenue estimates to meet cost of the Community Council Elections that are scheduled to take place in 2025/26. It is estimated that the Community Council elections could cost up to £12,000.</p>
<b>6.6</b>	No implications arising from this report.

<b>Assets and Property:</b>	
<b>6.7 ICT and new technologies:</b>	No implications arising from this report.
<b>6.8 Environmental:</b>	No implications arising from this report.
<b>6.9 Risk Management:</b>	The risk of delaying a decision to commence Phase one of the consultation process could mean the scheme review could fall behind in terms of the revised timetable. This could have a knock on effect of missing future deadlines, which will have a number of challenges on community councils and Council staff.
<b>6.10 Policy and Delegated Authority:</b>	The Council has not delegated decisions regarding changes to its Scheme of Community Councils review to any other committee. Matters regarding the conduct of democratic elections and determination of the Local Election Rules for Community Councils are reserved to the Council.
<b>6.11 Previously considered by:</b>	None.

#### **Contact Details:**

Michael Duncan – External Funding Officer / Community Council Liaison Officer

01595 743828

Date Cleared: 22 September 2023

#### **Appendices:**

Appendix A: Community Council Scheme Review – Indicative timeline

Appendix B: Summary of Current Composition of Community Councils

Appendix C: Boundary Proposal Option 1

Appendix D: Boundary Proposal Option 2

Appendix E: Boundary Proposal Option 3

Appendix F: Boundary Proposal Option 4

Appendix G: Boundary Proposal Option 5

Appendix H: Boundary Proposal Options – Phase One Consultation questionnaire

**Background Documents:** None

ENDS

## Community Council Scheme Review - Revised Project Timeline

<b>Task</b>	<b>Completed by</b>	<b>Involved</b>
Produce and finalise review PID document	20 January 2023	Project Board
Briefing Note for Elected Members	27 January 2023	Project Manager / Owner or his nominee
Prepare and issue briefing as part of ASCC agenda papers	30 January 2023	Project Manager, Project Board
Seek feedback on proposed scope of review with ASCC	14 March 2023	Project Board
Member's Seminar	28 April 2023	Project Team, Project Board
Association of Shetland Community Councils	13 June 2023	Project Board
Present report to Shetland Islands Council seeking approval of Scheme of Establishment review scope	<b>14 June 2023</b>	Project Board / Senior Advisors
Set up sub-groups for each area of review scope	31 July 2023	Project Manager
Carry out research into other Local Authority Schemes of Establishment	31 July 2023	Project Manager, Projects Officer
Prepare boundary map options	7 August 2023	Project Manager, Planning Service
Discuss/agree boundary options with Project Board	9 August 2023	Project Manager, Project Board
Prepare survey for first stage of consultation	31 August 2023	Project Team
Prepare content for Scheme Review webpage	31 August 2023	Project Manager, Project Team
Draft report for Shetland Islands Council	11-15 September 2023	Project Manager, Project Board
Report clearance date	22 September 2023	Project Manager, Project Board
Agenda management	25 September 2023	Corporate Services
Present report to Shetland Islands Council seeking approval of Community	<b>3 October 2023</b>	Project Manager, Project Board

Council boundaries to consult on		
<b>Task</b>	<b>Completed by</b>	<b>Involved</b>
Open consultation period - stage one	20 October 2023	Project Manager, Project Team
Association of Shetland Community Councils	8 November 2023	Project Manager
Carry out community council consultation events / focus groups	November - December 2023	Project Team
Close consultation period - stage one	12 January 2024 (12 weeks)	Project Team
Review feedback from stage one	By 31 January 2024	Project Team, Senior Advisors, Project Board
Draft new Scheme of Establishment. Prepare supporting documents  i.e. new funding formula constitution / structure code of conduct	By 29 February 2024	Project Team
Draft report for Shetland Islands Council	11 March 2024	Project Manager, Project Board
Association of Shetland Community Councils	12 March 2024	Project Manager
Report clearance date	15 March 2024	Project Manager, Project Board
Agenda management	16 March 2024	Corporate Services
Present report to Shetland Islands Council – seek approval to take draft model scheme and funding formula out for phase 2 consultation	<b>26 March 2024</b>	Project Team, Project Board
Open consultation period - stage two	15 April 2024	Project Team
Carry out community council consultation events / focus groups	May – June 2024	Project Team
Association of Shetland Community Councils	11 June 2024	Project Manager
Close consultation period - stage two	24 June 2024 (10 weeks)	Project Team
Review feedback from stage two	By 31 July 2024	Project Team, Senior Advisors, Project Board
Draft report for Shetland Islands Council	By 10 September 2024	Project Manager, Project Board

Association of Shetland Community Councils	10 September 2024	Project Manager
<b>Task</b>	<b>Completed by</b>	<b>Involved</b>
Report clearance date	By 20 September 2024	Project Manager, Project Board
Present report to Shetland Islands Council – seek approval to take revised scheme out for phase 3 consultation	<b>By 2 October 2024</b>	Project Manager, Project Board
Open consultation period - stage three	14 October 2024	Project Team
Close consultation period - stage three	25 November 2024 (6 weeks)	Project Team
Prepare new scheme documents and procedures	By 23 January 2025	Project Manager, Project Board
Draft report for Shetland Islands Council	24 January 2025	Project Manager, Project Board
Report clearance date	31 January 2025	Project Manager, Project Board
Agenda management	1 February 2025	Corporate Services
Present report to Shetland Islands Council – seek approval of new scheme of establishment	<b>11 February 2025</b>	Project Board, Owner
Transition phase – publicise changes, deliver training	20 February – 31 March 2025	Project Team
Implement and launch new Community Council Scheme of Establishment	1 April 2025	Project Manager / Project Board
Conduct Community Council elections	1 October 2025 - 30 November 2025	Project Board

Note: above timeline may be subject to change and does not take into account possible UK elections



**Shetland Islands Council Community Council Scheme of Establishment**  
**Summary of Current Provisions on Composition in the Scheme**

**1. What are the maximum and minimum number of Community Councillors on each community council?**

In line with community council governance arrangements, there are a maximum number of community councillors that can be elected or co-opted per community council. Each community council also has a minimum number of elected or co-opted members in order to remain quorate. The current parameters are set out in the table below:

<b>Community Council</b>	<b>Maximum no. of members</b>	<b>Minimum no. of members</b>
Bressay	8	3
Burra & Trondra	8	3
Delting	12	4
Dunrossness	12	4
Fetlar	6	3
Gulberwick, Quarff & Cunningsburgh	10	4
Lerwick	16	6
Nesting & Lunnasting	8	3
Northmaven	9	3
Sandness & Walls	10	4
Sandsting & Aithsting	8	3
Sandwick	8	3
Scalloway	9	3
Skerries	5	3
Tingwall, Whiteness & Weisdale	9	3
Unst	9	3
Whalsay	7	3
Yell	9	3

Please note the figures above do not include Associate or Ex-Officio community council members.

Community Councils usually have a limit on the number of co-opted community councillors, which would be one third of membership or 3, whichever is the higher.

## **2. What are the eligibility requirements to become a community councillor?**

Elected or Co-opted community councillors must comply with the following:

- Shall be over the age of 16
- Name shall appear on the electoral roll for the area and who are not otherwise disqualified from standing for election for local government
- Are not an MP or MSP for Shetland Islands constituency

## **3. What are the different types of community councillor?**

The Scheme has the following types of Community Councillor:

Elected Community Councillors are:

- elected at an election;
- included in the maximum and minimum numbers in section 1;
- subject to the eligibility criteria in section 2;
- entitled to full voting status at Community Council meetings.

Co-Opted Community Councillors are:

- voted on by the Community Council;
- included in the maximum and minimum figures in section 1;
- subject to the eligibility criteria in section 2;
- entitled to full voting status at Community Council meetings.

Associate Members are:

- nominated as such by the Community Council
- appointed for a particular purpose, project or reason;
- not included in the maximum and minimum figures in section 1;
- not subject to the eligibility criteria in section 2;
- over the age of 12;
- not entitled to vote at Community Council meetings.

Ex Officio Members are:

- MPs, MSPs, and Councillors of Shetland Islands Council, whose constituencies or wards include all or part of the Community Council area;
- not included in the maximum and minimum figure in section 1;
- not subject to the eligibility criteria in section 2;
- not entitled to vote at Community Council meetings.

# Shetland Community Council Areas Option 1



Foula

Papa Stour

Fetlar

Skerries

Whalsay

Bressay

0 10  
kilometers

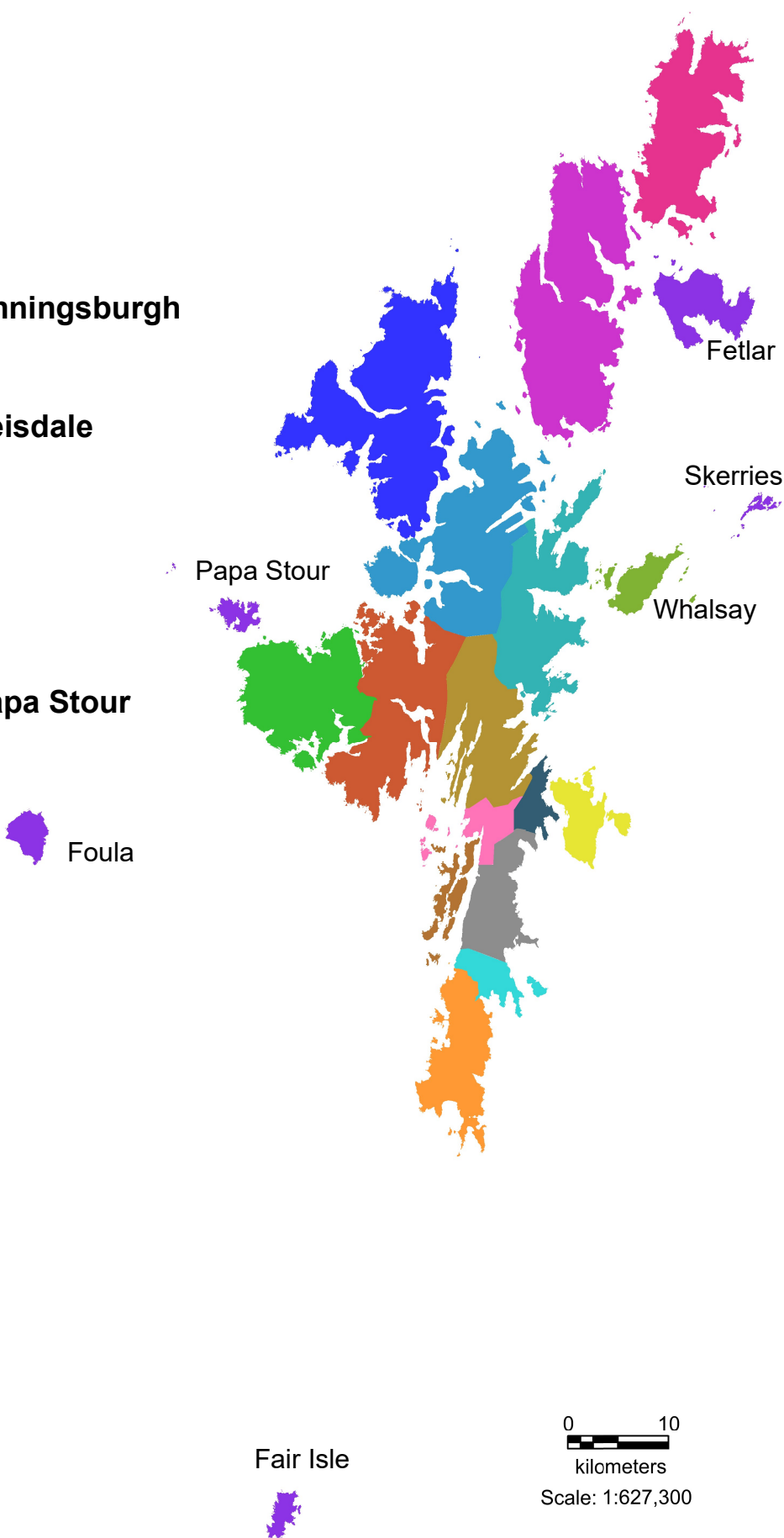
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Fair Isle

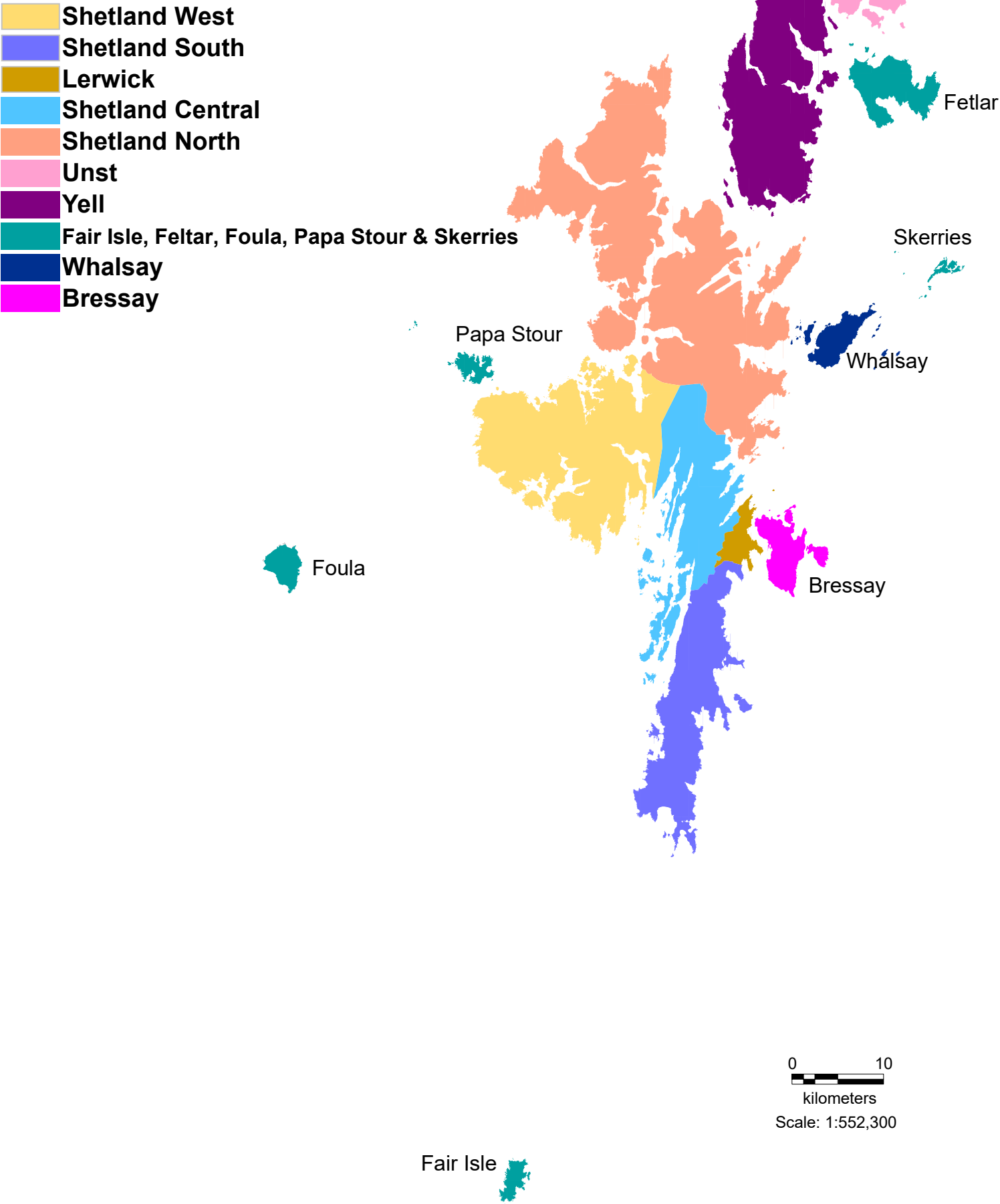


# Shetland Community Council Areas Option 2

- Unst
- Yell
- Scalloway
- Bressay
- Burra and Trondra
- Lerwick
- Gulberwick, Quarff & Cunningsburgh
- Dunrossness
- Sandwick
- Tingwall Whiteness & Weisdale
- Delting
- Sandness & Walls
- Aithsting & Sandsting
- Nesting & Lunnasting
- Whalsay
- Northmavine
- Fair Isle, Fetlar, Foula, Papa Stour & Skerries



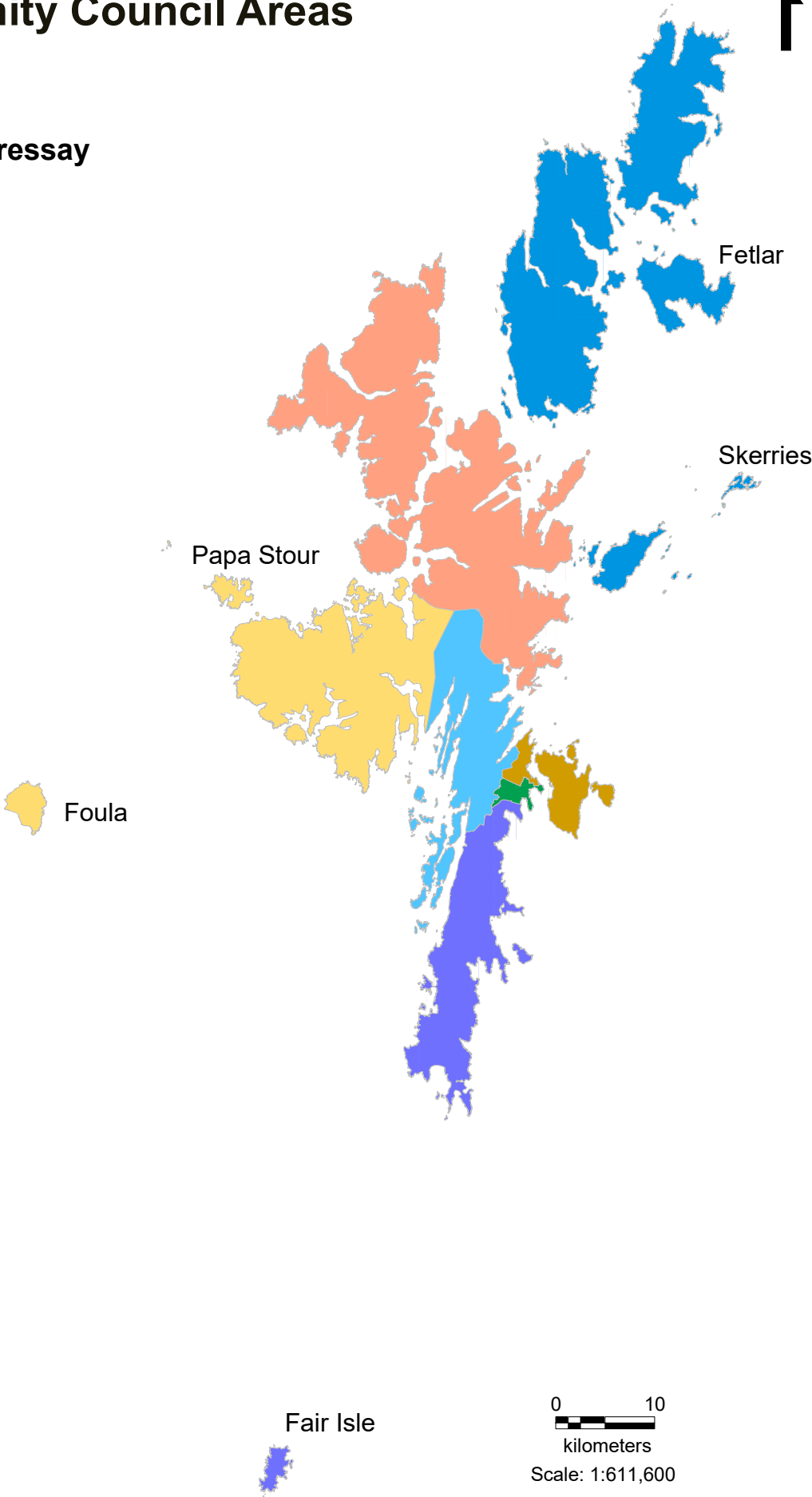
# Shetland Community Council Areas Option 3





# Shetland Community Council Areas Option 4

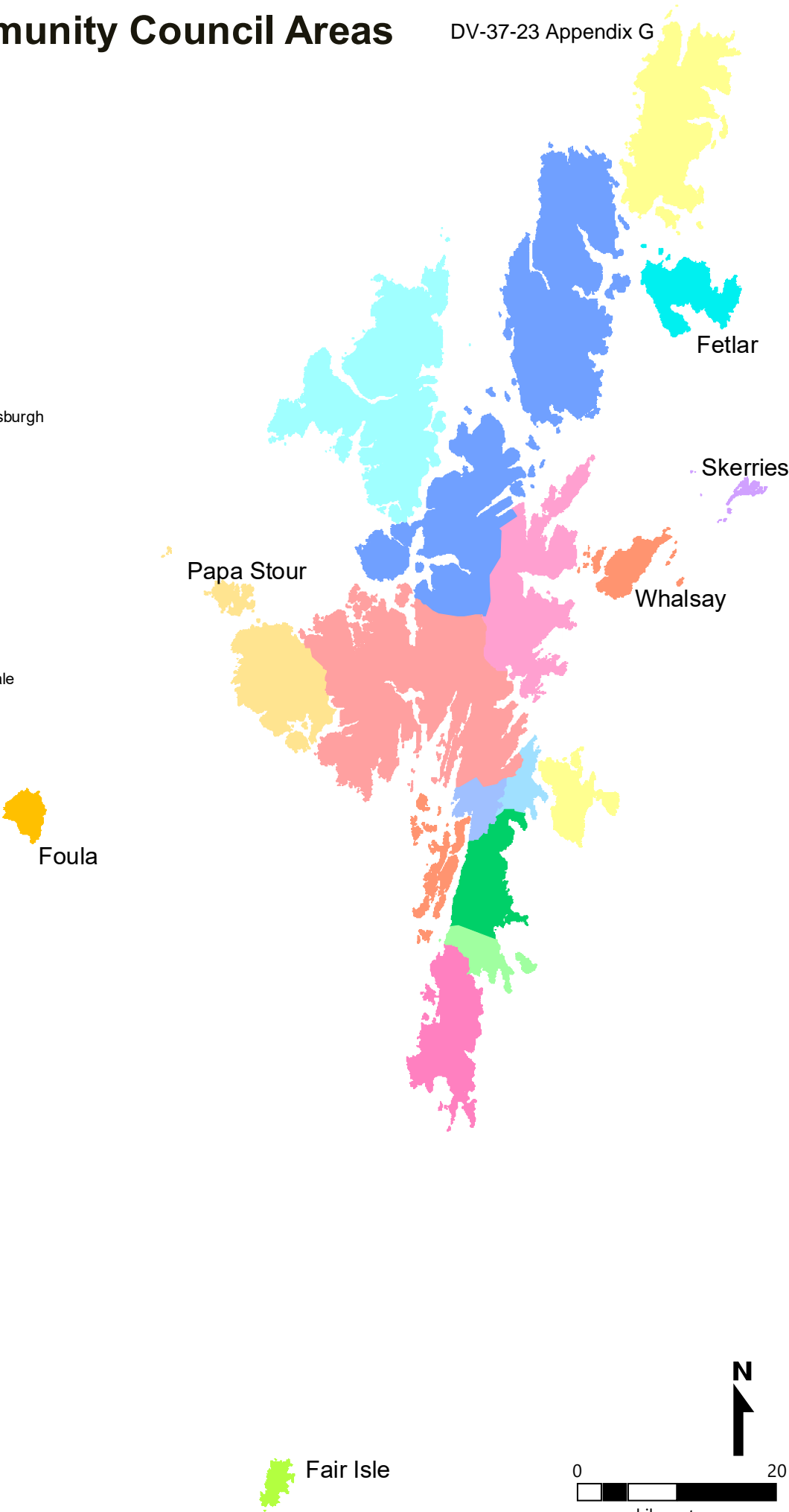
-  Lerwick North and Bressay
-  Shetland South
-  Shetland West
-  Shetland Central
-  Lerwick South
-  North Isles
-  Shetland North



# Shetland Community Council Areas Option 5

DV-37-23 Appendix G

- Aithsting & Sandsting
- Bressay
- Burra & Trondra
- Delting
- Dunrossness
- Fair isle
- Fetlar
- Foula
- Gulberwick, Quarff & Cunningsburgh
- Lerwick
- Nesting & Lunnasting
- Northmavine
- Sandness & Walls
- Sandwick
- Scalloway
- Skerries
- Tingwall, Whiteness & Weisdale
- Unst
- Whalsay
- Yell





**Shetland Islands Council**  
**Review of Community Council Scheme of Establishment**  
**Consultation Phase One – Boundary proposal options**

Shetland Islands Council is currently reviewing its Community Council Scheme of Establishment. Phase one of the process involves public consultation on the plan of Community Council areas and disposition. The following survey has been designed to invite feedback on the proposals, and to help with the process of identifying the most appropriate Community Council areas for the new Scheme of Establishment.

Please note, it is not necessary to comment on every option below, but we very much value any feedback, positive or negative you are willing to provide:

1. Please confirm your status from the list below:

<b>Description</b>	<b>Choice (indicate with 'X')</b>
Community Council	
Voluntary organisation / community group	
Private business	
Individual	
Other – please specify	

2. Please provide comments on Boundary Proposal Option 1. Please tell us what you like and dislike about this Option

3. Please provide comments on Boundary Proposal Option 2. Please tell us what you like and dislike about this Option

4. Please provide comments on Boundary Proposal Option 3. Please tell us what you like and dislike about this Option

5. Please provide comments on Boundary Proposal Option 4. Please tell us what you like and dislike about this Option

6. Please provide comments on Boundary Proposal Option 5. Please tell us what you like and dislike about this Option

7. By scoring the Boundary Options from 1-5 (1 = 1st choice; 5 = 5th choice) please rank the Boundary Proposal Options from most favoured to least favoured. You are required to allocate a ranking score to all 5 boundary options.

<b>Boundary Proposal Option</b>	<b>No. of Community Councils</b>	<b>Rank options from 1st – 5th</b>
1 – Maintain the status quo	18	
2 – Create Islands With Small Populations Community Council; remove Fetlar & Skerries	17	
3 - Create Islands With Small Populations Community Council; create Shetland mainland Multi Member Wards; retain other Islands Community Councils	10	
4 – Create new community council boundaries that match Multi Member wards	7	
5 – Create new Fair Isle and Foula Community Councils and retain existing 18 community councils. Adjustments made to boundaries of Dunrossness CC, Sandness & Walls CC	20	

8. Please use the space below to provide any further feedback on the above five proposals, including the reason(s) for your choices/ranking.

9. The above five options have been identified by Council officers. However, the Council recognises the community may have their own boundary option proposals that are not set out above, but which they still wish to suggest. If so, please use the space below to provide any suggestions or representations you wish to make in respect of your own boundary proposal(s). Please also advise if you think any proposal you suggest here would be better than any of the five options listed, above.

10. Please use the space below to provide any suggestions or representations you may have as to the current composition of community councils in Shetland. You may use this space to give your views on anything to do with community council composition, but the Council is particularly keen to find out if the community feels there need to be any changes. A copy of the 'Summary of the Current Composition of Community Councils' in Shetland is available for reference here.

Completed survey forms to be submitted to:

<insert email address>

Closing date for responses is 5pm, Friday 12 January 2024