

**Shetland Islands Council****22 October 2015****Local Government Boundary Commission for Scotland – Fifth Statutory Review –
Proposals for Electoral Wards (Formal Consultation)**

Report No.: GL-42

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

- 1.1 The purpose of this report is to bring to the attention of the Council the proposals for wards in the Shetland Islands Council area, as presented by the Local Government Boundary Commission for Scotland (LGBS) and to agree the Council's response. The proposals for Shetland, which includes maps showing the boundaries now proposed, are attached as Appendix 1.
- 1.2 The Council are entitled to make formal comment on the proposals, but if seeking to object to those proposals, would have to submit alternative proposals which had the same regard to the need to pursue electoral parity.

2.0 Decision Required

- 2.1 That the Council RESOLVES to:
- 2.1.1 Note that the conclusion of the Commission that Shetland retains the current number of councillors has given rise to the proposals now presented; and
- 2.1.2 Make no alternative proposals for electoral wards, but express concern that, yet again, the changes to boundaries in Shetland, within the constraints of 3 and 4 multi member wards has produced results which are not conducive to the effective representation of established communities in Shetland.

3.0 Detail

- 3.1 When the Council considered a report on this matter on 27 May 2015 (SIC Min. Ref. 23/156) a timetable for the completion of this 5th statutory review was given which displayed a number of stages to the review all of which were to be completed before May 2016, approximately 1 year before the local government elections to be held in May 2017.
- 3.2 In the report in May 2015, Members noted that the initial view of the Boundary Commission, which was that Shetland Islands Council should continue to retain 22 Councillors, had by May 2015 become a confirmed decision which then underpinned the proposals for changes to wards which were set out in the proposal documents attached as Appendices 1 and 2 to that report.
- 3.3 Members commented to the Boundary Commission following its meeting earlier this year that the emerging proposals could meet with opposition regarding the effect on established communities, problems with effective representation for wards and possible impacts on delivery of education, health and social care services. However, the Council declined to comment at that stage, reserving the right to pick up on any representations made when the full and formal consultation was conducted.
- 3.4 Thereafter, the proposals for Shetland were published and are attached as Appendix 1. In considering the factors which have prevailed in arriving at these proposals, it is also worth reflecting on the guidance paper given to the Council in February 2014, and a copy can be found on the LGBS website at the link given at the end of this report.
- 3.5 As was reported previously in April 2014, based on electorate information as at 31 March 2014, four of Shetland's current wards had little deviation from electoral parity. These wards comprising Shetland North, North Isles and Lerwick North remain unaffected by the proposals. However the wards of Shetland West, Shetland South and Lerwick South were identified as having fairly significant deviations from parity. The Council invited the Commission to consider retaining the existing boundaries throughout Shetland on the basis that they reflected known localities for the provision of services. However, there was recognition that the deviation from parity might lead to proposals for some modification to existing boundaries.
- 3.6 The proposals seek to increase the number of electorate comprised within the Shetland West ward by expanding its boundary to take in the electorate contained within Girsta, Laxfirth and Dales Voe. The Shetland Central ward is then compensated by adding the electorates of Gulberwick and Quarff taken from Lerwick South and Shetland South, respectively. These latter two wards were shown to have significantly increased their electorate since the 2006 statutory review and the move of these electoral divisions to the Central ward brings both of Lerwick South and the Shetland South ward much closer to the electoral parity figure of 800 voters per Councillor.

- 3.7 Members are aware that I consulted with the Association of Community Councils at their meeting on 18 April 2015, albeit at that time I was only aware of the initial proposals. The alert given at that time was simply to make Chairs of Community Councils aware of the later formal consultation and so they were given ample time to prepare to respond at the appropriate time. I followed that up more recently by attending the Association meeting on Saturday 3 October. By that time I was aware that most Community Councils had considered the formal proposals, which had remained unchanged from those they had been alerted to in April. None of the Community Councils had decided to put forward representations to the Boundary Commission. The Association of Community Councils also noted that they were not being asked by any Community Council to make representations on their behalf.
- 3.8 During discussion with the Chairman of Shetland's Community Councils at the Association meeting, I drew their attention to Part 6 of the Scottish Government's "Consultation on Provisions for a Future Islands Bill" (<http://www.gov.scot/Publications/2015/09/5388>). I attach the relevant page of the Consultation as Appendix 3 for the purposes of this report. The Council will consider at a later date its formal response to this latter consultation exercise but Part 6 has some relevance to the matters considered in this report. The Islands Minister is exploring whether there is an appetite for a change to the terms of the Local Governance (Scotland) Act 2004 so that the existing constraint limiting multi member wards to only one of two permutations (either a three member or four member ward) could be altered. Such a change would allow for some smaller wards, particularly in areas where there are populated islands, enabling multi member wards of only two, or even one member, to be devised. This would create a significantly higher degree of flexibility in designing wards for all Councils which have island areas adjacent to mainland populations and would be of particular advantage during electoral boundary reviews for designing wards which more appropriately reflect community and island areas. There is little doubt that if that flexibility had been available for the review leading up to the 2007 election, and again in determining this fifth review, the options for a better electoral map for Shetland would have presented itself.
- 3.9 Clearly, we cannot make suggested alternative proposals based on an assumption that the law might change, in due course. However, we could pre-empt the observations we will make when it comes to dealing with the Islands Bill Consultation by responding at this stage to the effect that the law as it currently stands is impractical in its application to Shetland communities and deserves reflection on potential changes to the 2004 Act. It should also be noted that the current Minister for Islands Areas, Derek Mackay MSP, whilst specifically indicating that the proposals would not affect this current boundary review, added that it would give LGBC "greater flexibility for future reviews, alongside any other changes the Scottish Government may wish to apply in advance of the next review".

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The terms of this report link with the Council's stated priority in its Corporate Plan - Being a properly led and well managed Council, dealing with challenges effectively, and doing that within our means.
- 4.2 Community /Stakeholder Issues – As mentioned in paragraph 3.7 above, the proposals were discussed with the Association of Community Councils at its meetings on 18 April and again on 3 October 2015 and the Association and individual Community Councils have raised no formal objections to the proposals. No other comments, negative or positive, have been received from any other individuals or agencies in response to the formal consultation although some representations may have been made directly to the Commission and not copied to the Council.
- 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 and therefore this matter remains reserved to the Council.
- 4.4 Risk Management – No strategic or operational risks to the Council have been identified.
- 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 deals with the last stage of the consultation process between the LGBS and the Council. The recommended approach is for the Council to make a response in line with a draft to be presented and considered at the Council meeting, taking account of additional input from Members during the meeting.

For further information please contact:
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16 October 2015

List of Appendices

Appendix 1 – LGBC Proposals document

Appendix 2 – Copy of SIC letter to LGBC dated 29 May 2015

Appendix 3 - Part 6 of the Scottish Government's "Consultation on Provisions for a Future Islands Bill"

Background documents:

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

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=16179>

LGBS – Fifth Electoral Review – Shetland Islands

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

END

Local Government Boundary Commission for Scotland

Fifth Reviews of Electoral Arrangements

Shetland Islands Council Area

Proposals for wards



Public Consultation

Guidance Booklet

How to comment on our ward boundary proposals

July 2015

www.lgbc-scotland.gov.uk

The Fifth Reviews

1. The Local Government Boundary Commission for Scotland began its Fifth Reviews of Electoral Arrangements in February 2014.
2. The Commission consulted with councils and the public in 2014 on its proposals for councillor numbers.
3. From March 2015 until May 2015 the Commission consulted with councils on ward boundaries.
4. The Reviews have now reached the stage where the Commission consults with the public on ward boundaries.
5. This consultation period will commence on 30 July 2015 and last for 12 weeks.

Proposals for wards in Shetland council area

6. The maps on the following pages illustrate our proposals for wards in Shetland council area. Our proposals retain an electoral arrangement for 22 councillors representing 6 3-member wards and 1 4-member ward.
7. Our proposals for the council area:
 - improve overall forecast parity;
 - address forecast disparities in ward 3 (Shetland West) and ward 5 (Shetland South);
 - make no changes to ward 1 (North Isles) and ward 2 (Shetland North);
 - make no changes to ward names; and
 - change ward boundaries in and around Lerwick, Tingwall and Quarff.
8. We discussed our ward boundary proposals for Shetland council area at our meeting of 13 January 2015 (see LGBCS Paper 2273/15) and 9 June 2015 (see LGBCS Paper 2311/15). These papers are available on our website www.lgbc-scotland.gov.uk along with the relevant minutes which summarise our discussions.
9. The table on the next page details the electorates with actual and forecast variation from parity of the proposed wards.

Details of Ward Proposals

ward no.	ward name	cllrs	electorate Sept 13	actual variation from parity	forecast electorate	forecast variation from parity
1	North Isles	3	2,297	-5%	2,305	-7%
2	Shetland North	3	2,490	3%	2,484	1%
3	Shetland West	3	2,577	6%	2,606	6%
4	Shetland Central	3	2,258	-7%	2,249	-9%
5	Shetland South	3	2,570	6%	2,576	4%
6	Lerwick North	3	2,420	0%	2,611	6%
7	Lerwick South	4	3,163	-2%	3,258	-1%
Totals		22	17,775	4%	18,089	5%

10. Councillors would, on average, represent electorates that are 4% larger or smaller than the council average electorate per councillor. This is forecast to increase to 5%.

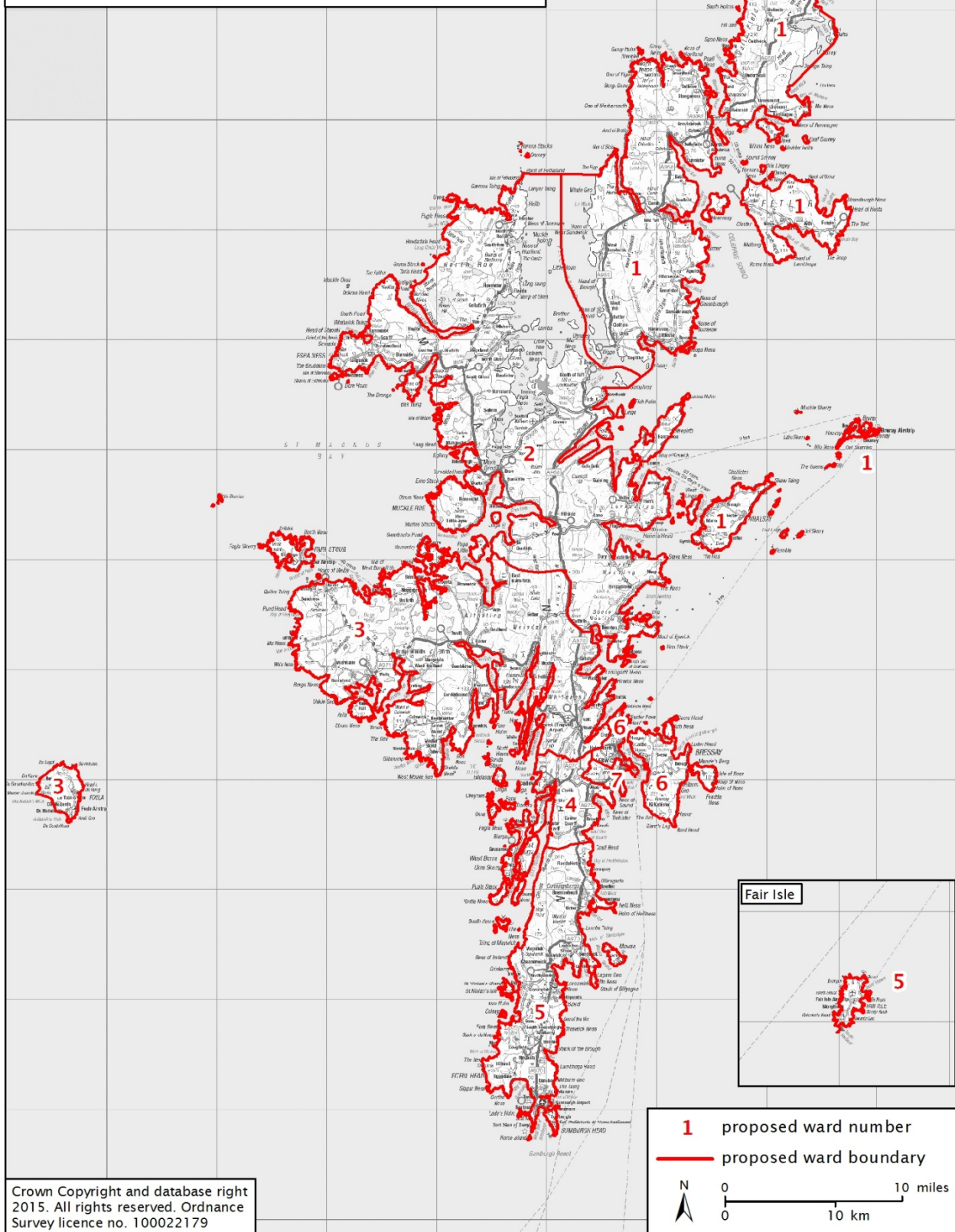
How to comment on our ward boundary proposals

11. Our proposals are available on our website and have been placed on deposit in council offices and libraries for public display. Responses to our proposals can be made to the Commission by letter, email or via the Consultation Portal on our website. At our interactive Consultation Portal you can view proposals, leave comments and even draw your own proposals. All of this information will then be passed on to the Commission.
12. Your comments on our proposals are important to the Commission and we look forward to hearing your views. It would be helpful if you could suggest alternative proposals if you feel that ours can be improved and explain your reasoning to us. Any alternatives should consider the consequences for the council area as a whole and must take account of the statutory requirements that apply to our work. These are set out in the Background Information section of this booklet.
13. All comments we receive in response to this consultation will be available to view on our website in due course. For further information, please visit our website.
14. Please submit your comments on our proposals by **Thursday 22 October 2015**:

in writing to:	Local Government Boundary Commission for Scotland Thistle House 91 Haymarket Terrace Edinburgh EH12 5HD
by email to:	lgbcs@scottishboundaries.gov.uk
online:	www.consultation.lgbc-scotland.gov.uk

15. For further information about the Commission and the Fifth Reviews please read the Background Information section in this document which can be found after the ward maps or alternatively visit our website www.lgbc-scotland.gov.uk/

Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Shetland Islands council area
Proposals for Wards
All Wards

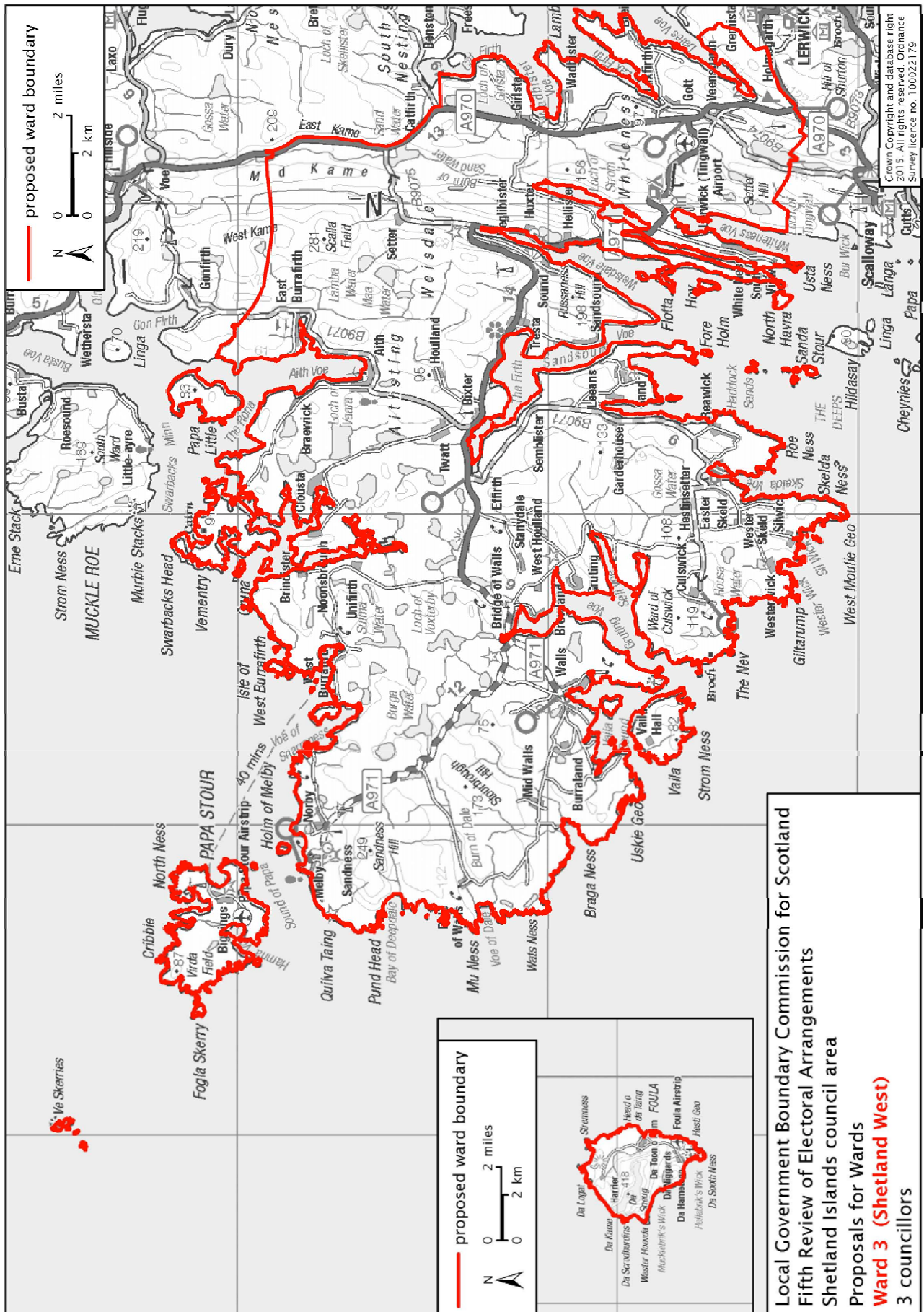


Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Shetland Islands council area
Proposals for Wards
Ward 1 (North Isles)
3 councillors

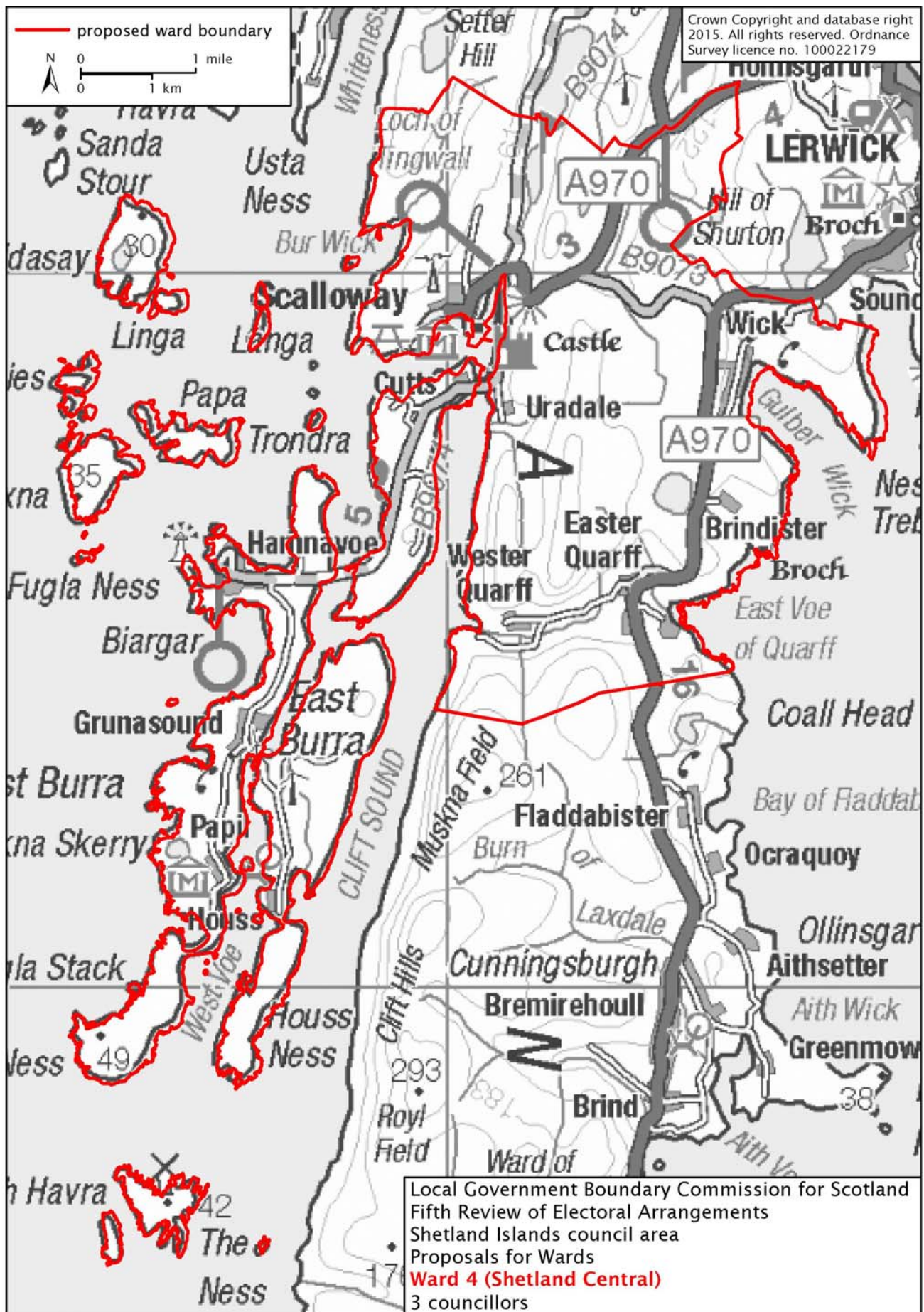
SHETLAND ISLANDS

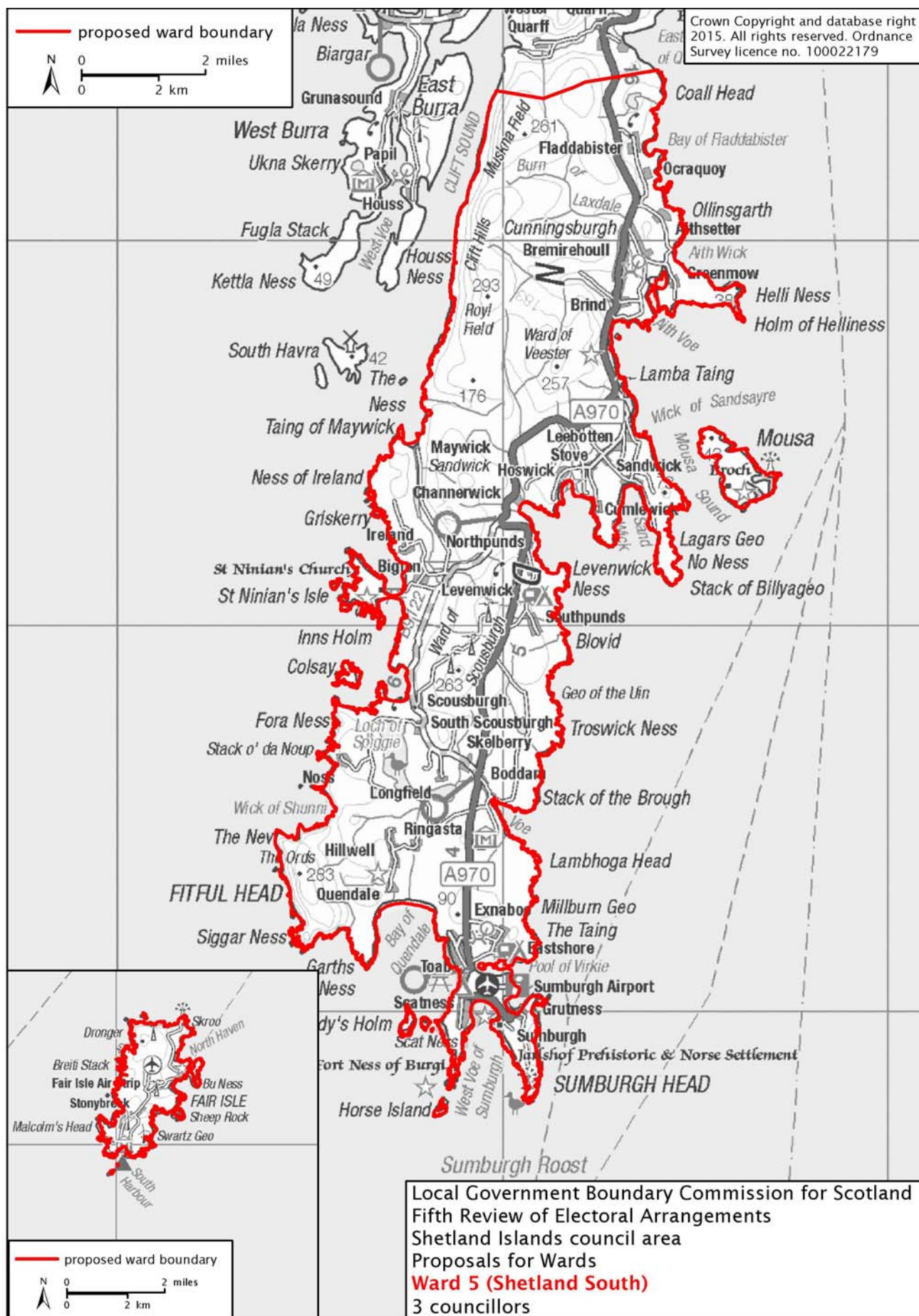


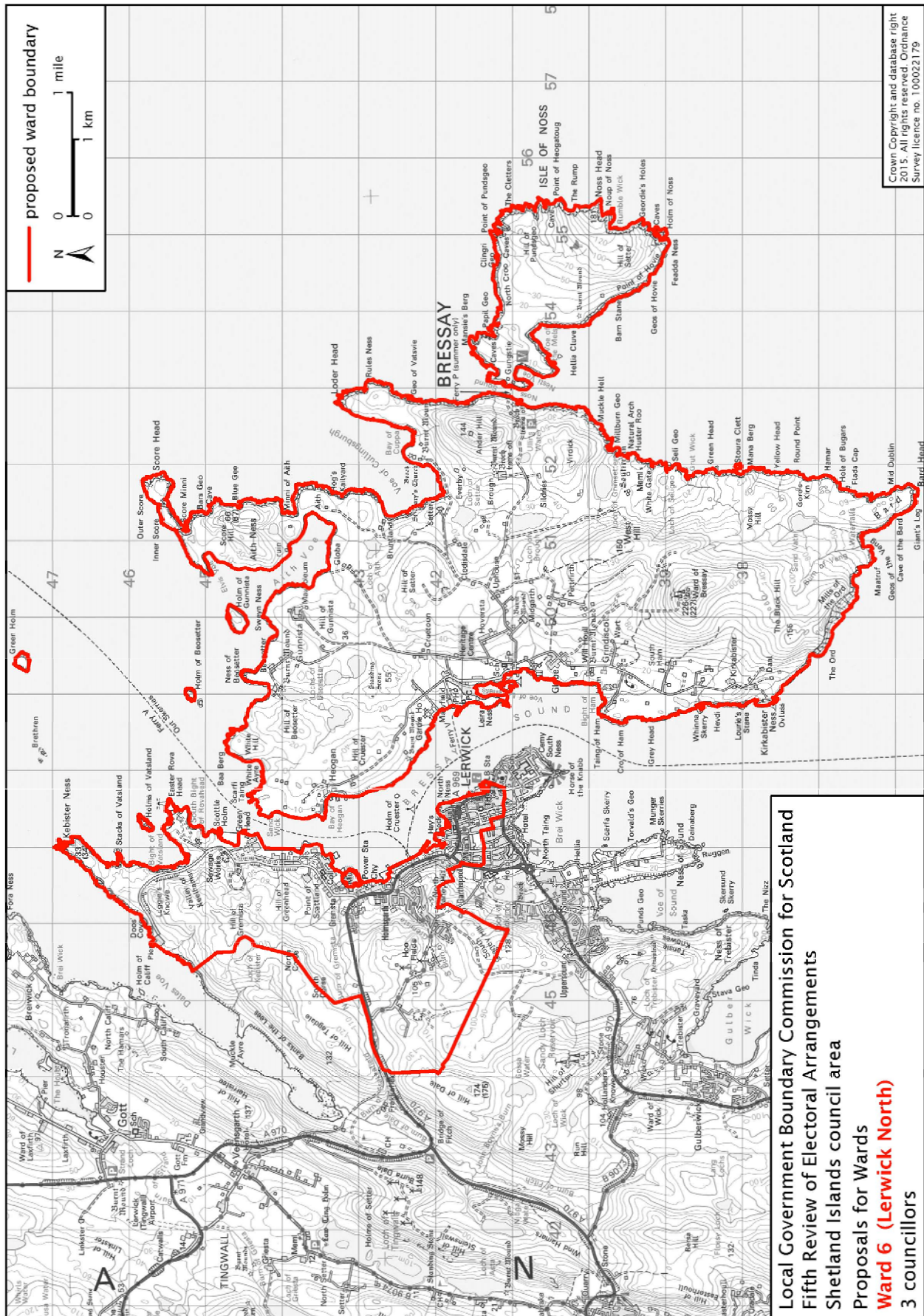




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Background Information

The Local Government Boundary Commission and our work

16. The Local Government Boundary Commission for Scotland is an independent, non-political body whose purpose is to make recommendations for local government administrative and electoral boundaries in Scotland.
17. We are tasked by the Local Government (Scotland) Act 1973 to undertake reviews of local government electoral arrangements in Scotland at intervals of 8 to 12 years.
18. For each electoral ward, we make recommendations about its boundary, its name and the number of councillors to represent the ward (legislation restricts this to either 3 or 4 councillors).
19. When reviewing electoral arrangements the legislation requires us to take account of the following factors:
 - the interests of effective and convenient local government;
 - within each council, that 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.

Fifth Reviews of Electoral Arrangements

Determining councillor numbers

20. We consulted councils and the public on our proposals for councillor numbers for each council between February 2014 and August 2014.
21. "Councillor numbers" is the term used to describe the total number of councillors elected to a local authority.
22. For this Review we have determined councillor numbers by categorising each council area, based on population distribution and deprivation. For each category, we assign a ratio of electors to councillors in order to calculate the appropriate number of councillors for each council. We apply a consistent methodology across all council areas.
23. The proposed ratio of electors to councillors for each category is shown in the table below.

Ratio of electors to councillors

Category	Criteria used to classify councils	Ratio
1	Less than 30% of the population living outwith settlements of 3,000 or more AND 30% or more of the population living in the 15% most deprived areas	2,800

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

24. Once the Commission has agreed councillor numbers, the next stage of the reviews is to determine ward boundaries.

Determining ward boundaries

25. We consulted with councils on our proposals for ward boundaries for each council between March 2015 and May 2015. We are now consulting with the public.

Councillors per ward

26. The Local Governance (Scotland) Act 2004 specifies that each ward will return either 3 or 4 councillors. We 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 think is appropriate for the area and achieves good electoral parity.

Electoral parity

27. We must try to ensure that the ratio of electors to councillors in each ward within a specific local authority is the same, as nearly as is possible, to ensure a good level of electoral parity. Electoral parity means having the same number of electors per councillor in all wards of a council area.

28. When formulating our recommendations, we will be seeking to achieve ratios as close as possible to the authority average in every ward. 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.

29. In previous reviews, the vast majority of wards which we have recommended have had an electorate within 10% of parity. This is not a strict numerical limit which we apply, but instead appears to us to be a reasonable degree of flexibility in most circumstances. In designing wards, we consider local circumstances, within the constraints of the legislation.

Electorate change

30. 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.

31. The rules governing reviews state that we must take into account the likely change in the number and distribution of the local government electorate over a 5-year period from the start of the review when aiming for electoral parity. We collect data from each local authority on expected new residential development and demolition within its area over the 5-year period as well as 5-year population projections from the National Records of Scotland (formerly the General Register Office for Scotland).

Local ties

32. 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.
33. For some, local ties could be defined by the location of public facilities such as doctors' surgeries, hospitals, residents' associations, libraries or schools. 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. 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.

Easily identifiable boundaries

34. The legislation requires us to take into account the desirability of fixing boundaries that are and will remain easily identifiable.
35. In urban areas, a case can be made to define ward boundaries along roads since they are likely to remain clearly identifiable. 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.
36. 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.
37. In upland areas, a watershed may be an appropriate ward boundary feature, particularly along narrow, well-defined ridges.

Special geographical considerations

38. 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.

Effective and convenient local government

39. 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.
40. 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 efficient manner, and the ability of individual councillors to carry out their duties which include taking part in council and committee

decision making, scrutiny of council performance, working with partner organisations and representing their ward.

Next steps

41. Depending on the outcome of the consultation, we may further develop and consult on our proposals later in 2015.
42. We intend to submit a report containing our recommendations for electoral arrangements for each council area in Scotland to Scottish Ministers by May 2016, in time for implementation for the next local government elections in May 2017.

Further Information

43. For further information on the policies and procedures we have adopted to underpin these reviews and the legal requirements for ward design, please refer to our Guidance Booklet, which is available on our website http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/resources or on request.



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

Our Ref: JRR/MS
Your Ref:

Date: 29 May 2015

Dear Madam

Fifth Reviews of Local Government Electoral Arrangements: Proposals for Wards / Shetland Islands Area

I refer to your letter dated 19 March 2015 and also to the later email correspondence with your office resulting in a short extension of time for our Council to respond.

As previously intimated, our Council considered a report on this subject at its meeting this week on 27 May 2015 and I enclose a copy of the report for your information.

The Council agreed to make no formal request for alteration at this time and recognised the basis for the proposals put forward by the Commission and its link with the pursuit of electoral parity as between Councillor Wards and the number of electorate each Councillor would be expected to represent.

During debate, concerns were expressed that the proposals could lead to practical issues for Councillors representing the new wards and issues for practitioners involved in the delivery of services such as Education, Health & Social Care.

There was also comment about the effect that this would have on the existing configuration of Community Council boundaries which to some extent had already suffered distortion with the introduction of multi member wards in 2006/2007. Members recognised that it was not the role of the Local Government Boundary Commission to manage Community Council boundaries but wished me to convey their concern that the changes to the Electoral boundaries, which are your responsibility, can cause consternation at local level disproportionate to the benefit expected to be gained from adhering to the pursuit of electoral parity.

Although only at this stage an initial expression of concern, Members will reflect on any additional representations that they may receive during your period of public consultation and if so minded will consider lodging additional observations before the closure of that 12 week period.

In the meantime, I look forward to confirmation of the commencement of the public consultation and, as always, we are available to assist in any way you may require.

Yours sincerely



J R Riise
Executive Manager – Governance & Law

Enc

cc: Mark Boden, Chief Executive
cc: Malcolm Bell. Convener

Part six: Local Government Electoral Wards – populated Islands

Under section 1 of the Local Governance (Scotland) Act 2004 each electoral ward in Scotland has to return 3 or 4 councillors. When designing wards, the Local Government Boundary Commission for Scotland (LGBCS) is required to apply rules in Schedule 6 to the Local Government (Scotland) Act 1973 which include the requirement that the ratio of electors to councillors in each ward in a council area shall be, as nearly as may be, the same.

Although the LGBCS can depart from the rule about the ratio where there are special geographical considerations, the combination of these 2 requirements means that most populated islands have to be placed in an electoral ward which also contains a significant proportion, and often a majority, of mainland population. This has led to concerns amongst some island communities that their distinctive interests are not represented in the council's discussions, and that the island community may not have a councillor among its residents.

There is scope to address this issue if the 2004 Act were amended to give the Local Government Boundary Commission for Scotland the power to allow for wards covering populated islands to return 2 councillors, or even 1 councillor. The Scottish Government is therefore keen to hear views on the merits of this possible change. It should be noted however, that if a change was made it would not affect the current LGBCS reviews which will lead to wards for use in the 2017 local government elections, but could give LGBCS greater flexibility for future reviews, alongside any other changes the Scottish Government may wish to apply in advance of the next review.

We do not propose any change to the current system of a single transferrable vote for local government elections.

(13) Should the Scottish Government consider amending the Local Governance (Scotland) Act 2004 to allow the LGBCS the power to make an exception to the usual 3 or 4 member ward rule for use with respect to populated islands? Yes/No. Please explain the reasons for your answer.