

**Special Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Thursday 22 October 2015 at 10.00 am**

Present:

M Burgess	P Campbell
G Cleaver	B Fox
R Henderson	A Manson
D Ratter	F Robertson
G Robinson	D Sandison
C Smith	G Smith
M Stout	A Westlake
J Wills	A Wishart
V Wishart	

Apologies

M Bell	A Cooper
S Coutts	A Duncan
T Smith	

In Attendance (Officers):

M Boden, Chief Executive
S Bokor-Ingram, Director of Community Health and Social Care
C Ferguson, Director of Corporate Services
E Robinson, Health Improvement Manager, NHS Shetland
J Riise, Executive Manager – Governance and Law
H Tait, Team Leader - Accountancy
C Anderson, Senior Communications Officer
A Cogle, Team Leader – Administration

Chair:

In the absence of the Convener, Mr C Smith, Depute Convener of the Council, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interest

The Depute Convener advised that he would take declarations of interest on the last item during the exempt part of the meeting.

60/15 **Local Government Boundary Commission for Scotland – Fifth Statutory Review – Proposals for Electoral Wards (Formal Consultation)**

The Council considered a report by the Executive Manager – Governance and Law (GL-42-15-F), which brought attention to the proposals for wards in the Shetland Islands Council area, as presented by the Local Government Boundary Commission for Scotland (LGBS) and sought agreement of the Council's response.

The Executive Manager – Governance and Law summarised the terms of the report, during which he answered various questions from Members. He also provided Members with a summary of the previous judicial review in which the Council failed to persuade the Court that community interests had been

disregarded, and undertook to provide Members with a copy of the judgement after the meeting.

During discussion, Members were keen to point out that the proposals as presented dislocated Quarff and Gulberwick from existing and known communities of interest and distorted the pattern of services already established, such as schools, shopping, council and health services. Members noted that Scalloway Community Council had made separate representation to the Commission, and Members wanted to align themselves with the examples given in its response, which illustrated the actual impacts and potential future problems the proposals could have.

In terms of recent initiatives in relation to community and locality planning in particular, Members were concerned that effective representation of those areas and engaging communities to make best use of the Government's drive to empower communities would be hindered by the proposals. Whilst Members recognised that the Commission had to pursue electoral parity, on this occasion Members considered that the pursuit of electoral parity had been pursued substantially without full and proper regard for the effect on established communities.

During further discussion, Members referred to the Government's support of the Community Empowerment Act 2015 and were concerned that overt steps which fragmented communities and confused the routes for democratic representation could only serve to diminish democratic interest locally. Reference was also made to recent endorsement by the First Minister in terms of consultation on the Islands Bill which made particular reference to the need to ensure that decisions made about islands reflect the views of those who live and work there, and the importance of empowering island communities to have control of decisions that affect them. Members agreed that whilst being mindful and respectful of the statutory role and requirements of the Commission, issues of community empowerment appeared at odds with the desire to achieve arithmetical parity, and that this was an area that the Commission and the Scottish Government should consider during this Review.

In this regard, it was suggested that the Council should seek a deferral of the Review whilst the Islands Bill is in progress, or that the status quo in terms of existing wards be maintained as an outcome of the Review. However, if proposals were to be put in place for 2017, and in the event that the new legislative proposals in relation to the Islands Bill are brought about soon after the 2016 Scottish Parliament elections, Members agreed that the Council could consider seeking an early review in order to restore Wards to the position where they better reflect communities in Shetland.

In summary, and on the motion of Mr G Robinson, seconded by Dr Wills, the Council agreed to delegate authority to the Executive Manager – Governance and Law, in consultation with the Depute Convener and Leader, to send a letter of representation to the LGBCS on behalf of the Council, including the comments made by members today, and in particular setting out its objection to the proposals on the grounds that they given no importance to the Scottish Government's aims in relation to community empowerment, local democracy and decision making, that there is no regard given to existing and historical community and parochial ties, and that they give disproportionate weight to arithmetical parity and disregard important

factors which the law obliges the Local Government Boundary Commission for Scotland to taken into account.

Decision:

The Council **NOTED** that the conclusion of the Commission that Shetland retains the current number of councillors has given rise to the proposals now presented; and

The Council **RESOLVED** to send a letter of representation to the LGBCS with particular reference to the following points:

- that no regard has appeared to have been given to the importance placed by the Scottish Government in terms of the Community Empowerment Act 2015 and its aims in relation to encouraging local democracy and decision making;
- that more importance should be given to existing and historical community and parochial ties, ongoing health and social care service locality planning, and other examples of community partnership and relationships, as stated in the letter of representation made by Scalloway Community Council;
- that consideration should be given to the current consultation on the Islands Bill, and in this regard to request that the LGBCS consider a deferral of any decision on the boundaries for Shetland, or maintaining the status quo through this Review, whilst the Bill proceeds through the Scottish Parliament; and
- to state that the Council objects to these proposals on the grounds that they give disproportionate weight to arithmetical parity and disregard important factors which the law obliges the Local Government Boundary Commission for Scotland to taken into account, in particular the Commission's stated aim, "when designing wards... to reflect local ties", and also "to take into account the desirability of fixing boundaries that are and will remain easily identifiable."

The Council further **RESOLVED** that the terms of the letter be agreed in consultation with the Depute Convener and the Leader.

In order to avoid the disclosure of exempt information, Mr C Smith moved, Mr B Fox seconded, and the Council RESOLVED to exclude the public in terms of the relevant legislation during consideration of the following item of business.

Declarations of Interest

Mr M Burgess, Mr P Campbell, Ms A Manson, Mr A Wishart and Mr M Stout declared interests in the following item.

[Mr Burgess, Mr Campbell and Mr Wishart left the meeting.]

61/15 Request for Support

The Council considered a joint report by the Director of Corporate Services and the Director of Community Health and Social Care which dealt with the legal underpinning of the Council's duties in relation to a request for support, the powers available to the Council and addressed the immediacy of the requirement to take action.

The Director of Corporate Services provided a detailed summary of the report.

[Dr Wills left the meeting.]

[Mr Stout declared an interest during the discussion and left the meeting at that point.]

During questions, discussion and debate a number of matters were considered.

In conclusion Mr C Smith moved that the Council adopt the decisions 2.1.1 to 2.1.5 in the report. Mr G Robinson seconded, subject to adding further to 2.1.5 and a further paragraph 2.2 was added in relation to a review of the third sector. Mr C Smith agreed and the Council concurred.

Decision:

The Council **RESOLVED** to adopt the decisions required in the report, subject to the amendments to 2.1.5 and the addition of paragraph 2.2, as proposed and agreed.

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Convener