

Review of Electoral Ward Boundary at Inverguserain Farm between Ward 5 (Wester Ross, Strathpeffer and Lochalsh) and Ward 11 (Caol and Mallaig) of Highland Council area

Action Required

1. The Commission is invited to consider a request from Kate Forbes MSP on behalf of her constituents whose house at Inverguserain Farm is situated in a Wester Ross, Strathpeffer and Lochalsh ward (Ward 5) but their address is in a Caol and Mallaig ward (Ward 11). The Inverguserain electors have voted in Inverie for over 30 years but at the last election they were sent voting cards for Glenelg. They access all amenities in Mallaig.

Background

2. A copy of Kate Forbes MSP's email and our reply can be found at Appendix A. Maps highlighting the location of the property can be found at Appendix B and the relevant legislation at Appendix C.

3. The recommendations from the Commission's 2021 Reviews of Electoral Arrangements, or Islands Reviews, would have resolved the issues highlighted by the constituents. They had recommended Knoydart be placed in a single ward – Caol, Mallaig and the Small Isles. However, the Local Government, Housing and Planning Committee recommended that Parliament reject the recommendations, in part because of objections from the leader of Highland Council. Following this, the Commission advised Ministers that it is not willing to undertake further reviews of electoral arrangements while the process allowed for partisan interference.

4. Inverguserain Farm is located at the end of a single-track road in the Wester Ross, Strathpeffer and Lochalsh ward, while the access road is in the Caol and Mallaig ward.

5. The existing ward boundary in Knoydart has been unchanged since 2007. Before that Inverguserain Farm was in a Mallaig and Small Isles ward. It is assumed that polling district boundary was not amended by Inverguserain Farm in 2007 and this option may still be available to Highland Council.

Interim reviews of electoral arrangements

6. The only way to make changes to electoral arrangements is through the conduct of an interim review. Such a review could take at least 40 weeks to complete the consultative processes. Before embarking on a review the Commission is required by statute to be satisfied that any changes would be in **the interests of effective and convenient local government.**

Grounds submitted supporting the request

7. The request is supported by two elected members for Ward 11 (Caol and Mallaig) for the reason that all of their local connections and services are in Mallaig and it is not possible for them to vote in Glenelg. The test of in "the interests of effective and convenient local government" is not defined but access to democracy could fall within this.

Conclusion

8. The possibility of partisan interference if an interim review was carried out together with the likely time involved are factors Commissioners may wish to consider when reaching a decision.

9. It is, therefore, recommended that the request is declined on the grounds that the reasons provided do not justify a review of the electoral boundary between the Wester Ross, Strathpeffer and Lochalsh and Caol and Mallaig wards.

Secretariat
June 2024

Dear Kirsty,

Many thanks for your detailed and helpful response to Kate – it is most appreciated.

We look forward to hearing from you further on this matter.

Kind regards,

Caseworker for Kate Forbes MSP
Skye, Lochaber and Badenoch

[REDACTED]
[REDACTED]
[REDACTED]

From: Kirsty.Mavor@scottishboundaries.gov.uk
<Kirsty.Mavor@scottishboundaries.gov.uk>
Sent: 22 May 2024 14:21
To: Forbes K (Kate), MSP <Kate.Forbes.msp@parliament.scot>
Subject: (Case Ref: KF19579) - Highland Knoydart

Dear Ms Forbes MSP

Thank you for your recent email raising an issue on behalf of your constituents at Inverguserain Farm. The issue does indeed lie with Boundaries Scotland. Moving the ward boundary would require an interim review of all wards for Highland council.

Following the introduction of the Islands (Scotland) Act 2018 we conducted a 2019 review of electoral arrangements for Highland (as well as five other local authorities). The proposals for Highland are on our website <https://boundaries.scot/2019-reviews-electoral-arrangements>. As you can see, our recommendations would have resolved this issue for your constituents. The approvals process for the reviews, however, led to the rejection of our recommendations. Despite praising our process and the way in which we had met our statutory duties the Local Government, Housing and Planning Committee recommended that Parliament reject our Highland proposals recommendations, in part because of objections from the leader of Highland Council. Our recommendations (and those for Argyll and Bute) were therefore not put to Parliament to approve.

At the time we raised concerns with Scottish Ministers at the presence of partisan interference in boundary reviews (not least as this had also been a factor in the 5th reviews submitted to Parliament in 2016) and asked for improvements to the approvals process to be made as a matter of urgency. In our view there is a significant reputational risk to the Parliament if its boundary

approvals process continues to reward partisan interference in the design of electoral boundaries.

Our submissions to the subsequent Parliamentary consultations on electoral reform and our appearances before the Standards, Procedures and Public Appointments Committee have highlighted the ways in which Scotland could better follow international best practice and move towards the automatic approval of boundary recommendations (otherwise known as automaticity) to ensure the independence of the boundary review process. UK reviews now use a system of automaticity and the Welsh Senedd has introduced legislation to do so as well. While we had been informed in summer 2023 that the Scottish Elections (Representation and Reform) Bill would include automaticity we were disappointed that it was absent from the draft legislation. The Scottish Elections (Representation and Reform) Bill Policy Memorandum does identify automaticity as the direction of travel but this provides little guarantee that, were we to conduct an interim review of ward design in Highland, it would actually pass. At the start of the last review representatives from Highland Council informed us that they intended to lobby against our proposals before we had even identified what they were. We have no reason to believe the same would not be true now.

For these reasons we informed Scottish Ministers in 2021 that we did not feel it would be appropriate to conduct interim reviews until the approvals process precluded partisan interference. However, regardless of this, I will ensure that the request from your constituents goes before the Commission for consideration and we will advise you of the outcome.

I am sorry not to have a more straightforward response. We will be in contact with the extract of the minute once Boundaries Scotland has had the chance to consider this request at its next Commission meeting.

Regards

Kirsty Mavor
Secretary to Boundaries Scotland

From: Kate Forbes MSP <Kate.Forbes.msp@parliament.scot>
Sent: Friday, May 10, 2024 4:43 PM
To: Boundaries Scotland <boundaries.scot@scottishboundaries.gov.uk>
Subject: (Case Ref: KF19579)

Dear Sir/Madam,

I am contacting you regarding an issue that has been raised by my constituents,

[REDACTED]

The issue that [REDACTED] have raised is to do with their voting boundaries. They have explained that their house, [REDACTED], is situated in Ward 5 Wester Ross, Strathpeffer & Lochalsh but their address is in

Ward 11 Caol & Mallaig. [REDACTED] have been voting in Inverie for the last 35 years but in the last election they were sent cards to vote in Glenelg, which I am told is when the above problem came to light.

All of [REDACTED] work, shopping, and health appointments are through Mallaig. They contacted the Electoral Registrar about this as they have explained that voting in Glenelg is not an option for them, but nothing has been done to resolve this issue yet.

The Election Office at the Highland Council have informed me that this matter would fall within the Scottish Boundary Commission's remit.

I would be grateful if you could investigate this matter and if a prompt resolution could be found for [REDACTED].

Thank you and I look forward to hearing from you,

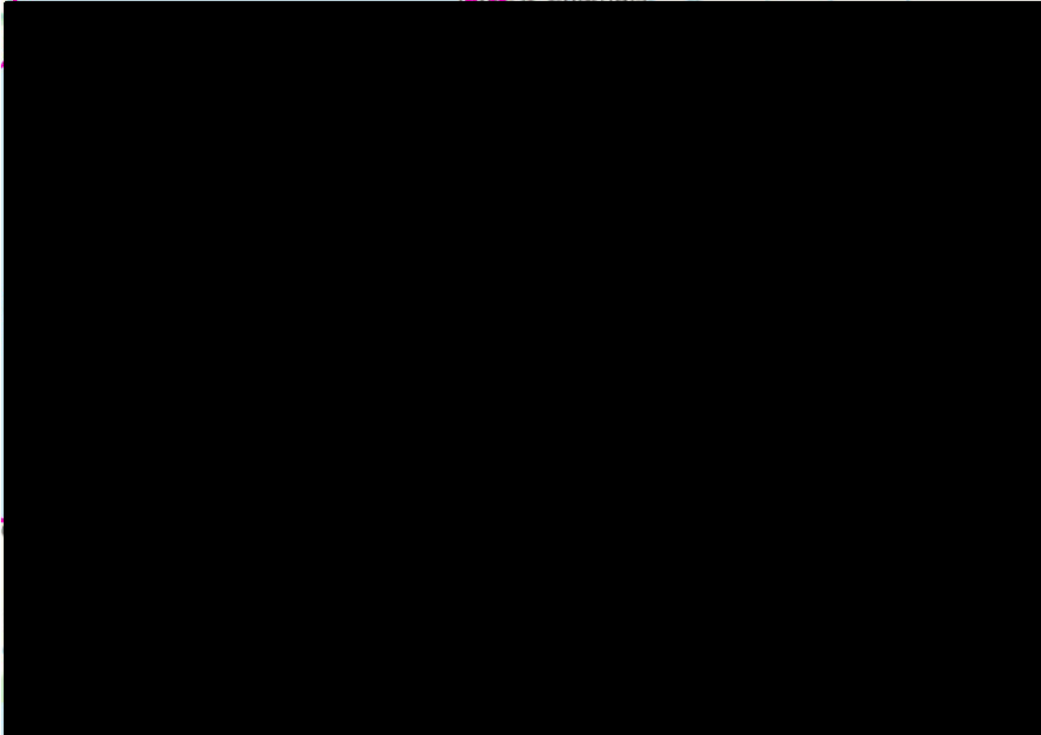
Kate

Kate Forbes MSP
Skye, Lochaber and Badenoch

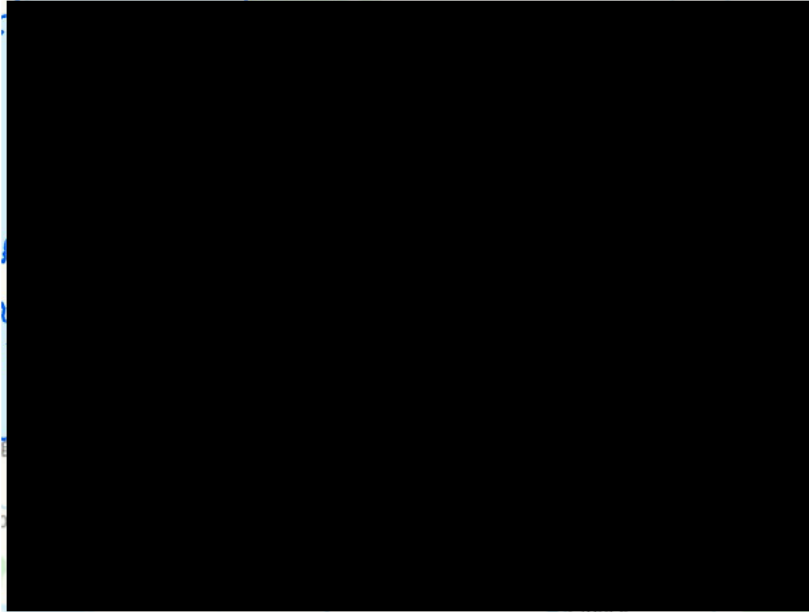
Map of [REDACTED] with existing ward boundary (pink line)



Map of Knoydart and location of [REDACTED] with existing ward boundary (pink line)



Map of Knoydart and location of [REDACTED] with recommendations from Highland Council 2021 Review of Electoral Arrangements, or Islands Reviews (blue line)



Map with location of [REDACTED], Glenelg and Inverie



14 Duty and power to review local government areas.

(1) Subject to sections 15 and 16 of this Act, it shall be the duty of [F8 Boundaries Scotland], not less than [F9 eight] nor more than [F10 twelve] years after [F11 1st April 1996] and thereafter at intervals of not less than [F9 eight] nor more than [F10 twelve] years from the submission of the last report of [F12 Boundaries Scotland] on the previous review under this subsection, to review all local government areas for the purpose of considering whether to make such proposals in relation to all or any or any part of those areas as are authorised by section 13 of this Act and what proposals, if any, to make, and [F12 Boundaries Scotland] shall formulate any such proposals accordingly.

(2) Without prejudice to subsection (1) above, [F13 Boundaries Scotland] may at any time, subject to sections 15 and 16 of this Act, review all or any or any part of the local government areas for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of this Act, and what proposals, if any, to make, and [F14 Boundaries Scotland] shall formulate any such proposals accordingly.

(3) If [F15 Boundaries Scotland] receive a request from a local authority or from any person that [F16 it] should conduct a review under subsection (2) above with respect to any local government area in which the authority or person appears to [F17 Boundaries Scotland] to have an interest, [F17 Boundaries Scotland] shall consider the request.

(4) In any case where the Secretary of State has made an order under section 1 of the M1 New Towns (Scotland) Act 1968 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to [F18 Boundaries Scotland] a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of [F19 Boundaries Scotland], subject to section 15(3) of this Act, to review the areas of those districts for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of

this Act and what proposals, if any, to make, and [\[F19Boundaries Scotland\]](#) shall formulate any such proposals accordingly.