

Title of policy/ practice/ strategy/ legislation etc.	Reviews of Electoral Arrangements: Orkney, Shetland, Na h-Eileanan an Iar, Argyll and Bute, North Ayrshire and Highland council areas
Lead official	Isabel Drummond-Murray
Relevant Authority	Boundaries Scotland

Stage 1 – Planning

1. What is the aim of your policy/strategy/plan?

The purpose of the Islands reviews is to make proposals to Scottish Ministers for electoral arrangements in the 6 council areas listed in the Islands (Scotland) Act 2018. Boundaries Scotland has a statutory duty to undertake regular reviews of all 32 council areas and these 6 were required to be conducted “as soon as practicable” after the enactment of the Islands (Scotland) Act 2018. The 2018 Act introduced the flexibility to use 1 or 2 member wards where such a ward comprised wholly or in part of an inhabited island, in addition to the 3 or 4 member wards used across Scotland since 2007.

The Policy Memorandum set out the intention of the legislation:

43. In practice the combination of the requirements of the 2004 Act and 1973 Act that there must be three or four member wards means that populated islands may be placed in an electoral ward which also contains a significant proportion, and often a majority, of mainland population. This had led to concerns that the distinct interests of island communities may not be fully represented in council discussions.

44. The Bill provides the LGBCS the flexibility to recommend to the Scottish Ministers to propose electoral wards of one or two councillors to be created covering populated islands, if they deem this appropriate. It would be anticipated that any changes would be implemented in time for the 2022 Scottish local government elections.

The background to the Bill and its eventual content were fully consulted on by both Scottish Government and the Scottish Parliament.

The subsequent passage of the Scottish Elections (Reform) Act 2020 introduced use of 2 and 5 member wards across Scotland leaving a single member ward as exclusively an option for wards containing inhabited islands. While all reviews are conducted under the same legislation, each review of each council area is treated as a separate review. Reviews of electoral arrangements cover the number of councillors, number of wards and councillors per wards and the name of a ward. Legislation governs conduct of the review including certain requirements for consultation and rules which apply to electoral arrangements:

Stage 2 – Evidence

2. What impact will your policy/strategy/plan have on island communities?

A review of electoral arrangements considers a council area as a whole. While these particular reviews were required under the 2018 Act they also meet the requirement for regular review set out in the 1973 Act. The Islands reviews therefore considered the electoral arrangements for each council area, including island communities, but not limited to review of islands nor focused exclusively on islands.

The outcomes of any review will include proposals with different impacts on different wards as it would be impossible to deliver a review where each island community had identical levels of representation, given the factors set out in the 1973 Act. However, any differential impact is a result of the purpose of the legislation. There is no differential impact in terms of how the reviews are conducted, how consultation is undertaken or the framework within which the Commission develops its proposals.

3. What consultation have you had with the island communities on your policy/strategy/plan?

As required under the terms of the 1973 Act, the Commission consulted with each council for at least two months before also consulting the public on its proposals for electoral arrangements. Prior to this the Commission met each council to discuss the new legislation and consider use of the flexibility offered by the Islands (Scotland) Act 2018 and Scottish Elections (Reform) Act 2020.

Island communities were consulted by Scottish Government and the Scottish Parliament in developing and implementing the Islands (Scotland) Act 2018.

STAGE 4 – DECISION

4. Does your policy/strategy/plan require a full Islands Community Impact Assessment?

We do not believe a full Islands Community Impact Assessment is required. The reviews were carried out under the Islands (Scotland) Act 2018 and ipso facto recognised the distinctive nature of island communities. The conduct of the review, including requirements for consultation and the rules under Schedule 6 of the Local Government (Scotland) Act 1973, make no distinction between islands communities and others apart from limiting the use of single member wards to those containing inhabited islands. The Islands (Scotland) Act 2018 takes into account specific island needs by allowing this flexibility. Any decision by the Commission to propose or not propose a single member ward where one could be used complied with the Schedule 6 Rules of the 1973 Act and followed full consultation with councils, local elected representatives and local communities, including islands communities.

Sign off of the Island Communities Impact Assessment template	Name: Ronnie Hinds Job title: Chair, Boundaries Scotland
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ISLANDS COMMUNITIES IMPACT ASSESSMENT SUMMARY

<p>Title of Policy, Strategy, Programme etc.</p>	<p>Reviews of Electoral Arrangements required by the Islands (Scotland) Act 2018</p>
<p>Summary of aims and expected outcomes of strategy, proposal, programme or policy</p>	<p>The purpose of the 6 Island reviews is to propose electoral arrangements for each council area (Orkney, Shetland, Na h-Eileanan an Iar, Argyll & Bute, Highland and North Ayrshire) following application of the requirements of the governing legislation. The legislation only differentiates islands communities from others through allowing use of a single member ward where such a ward contains an inhabited island.</p>
<p>Summary of evidence</p>	<p>All wards in Orkney, Shetland and Na h-Eileanan an Iar contain inhabited islands so there is no differential impact between islands and other communities within those council areas. In the 3 mainland council areas only their inhabited islands could comprise a single member ward. The only place where a single member ward proposal has been made is in Arran although consideration was given to its use elsewhere during the review process.</p> <p>It could be argued that there is a differential impact on Arran compared to the rest of North Ayrshire council area; however, it is the Islands (Scotland) Act 2018 that allows the differentiation and it is not for Boundaries Scotland to impact assess the governing legislation. The Commission's decision to propose a single member ward in Arran, and not propose a single member ward anywhere else across the 6 council areas applied the Schedule 6 Rules of the 1973 Act and followed full consultation with councils, community councils, and the public more widely. Each Council was consulted for a period of at least two months and the public for 12 weeks. Additional consultation was carried out on an ad hoc basis for example with the Association of Community Councils in Lerwick and virtually with Coll and Tiree Community councils. Face to face consultation for the reviews in the 3 mainland council areas was constrained by the covid pandemic.</p>

Summary of assessment findings	We do not believe a full Island Community Impact Assessment is required as the Commission's proposals for the 6 Islands councils make no distinction between various communities across Scotland, other than that intended by the Islands (Scotland) Act 2018.
Sign off	Name: Isabel Drummond-Murray