

Islands Review 2018: approach to consultation

Action Required

1. The Commission is invited to consider its approach to consultation and engagement during the forthcoming Islands review. Some initial thinking around this will be helpful in planning a timetable and actions for the stages of the review.

Background

2. The Islands (Scotland) Bill is currently at Stage 1 in the Scottish Parliament. It is expected to complete its passage by summer of 2018. As drafted, the legislation requires the Commission to review the 6 council areas containing islands as soon as practicable. The intention would be for any new electoral arrangements to be in place for the 2022 local government elections so the Commission will need to submit its recommendations by May 2021. This gives a broad window for conducting the review of just under 3 years. It is worth noting that there is a possibility that the 2022 election date will move because it is currently scheduled to fall on the same date as the next UK General Election. However, it would seem sensible at this stage to plan on the basis outlined above.
3. There are 6 council areas which contain inhabited islands. Three (na h-Eileanan an Iar, Orkney and Shetland) are wholly comprised of inhabited islands. Three (Argyll and Bute, Highland and North Ayrshire) are predominantly mainland councils which contain one or more inhabited islands. While there is unlikely to be time to conduct two entirely separate reviews the Commission may want to consider each group of 3 councils separately ie a have a phased approach within the 3 year review period.
4. The consultation phases of the 5th Reviews are as set out in Appendix A. Broadly, these allowed for one preliminary meeting with councils to explain the background to the reviews and two phases of statutory consultation with councils and the public, on councillor numbers and subsequently on wards. The legislation governing reviews requires that any formal consultation with the public (which good practice suggests should last for 12 weeks) needs to be preceded by two months' consultation with councils.
5. During the 5th Reviews the Commission decided that it would only hold a local inquiry if it considered it had insufficient information upon which to base its recommendations. No local inquiries were held. For the same reason, requests to attend public meetings or meetings with community groups or others were not accepted.

Possible timetable

6. With the legislation due to complete its passage before summer recess 2018, it would be reasonable to consider approaching councils once the Bill is at stage 3 and likely areas for any amendment are known. This would allow exploratory discussions about how the Commission intends to approach the Reviews, including approach to determining councillor numbers, and timescales.
7. Consultation with community and other interests is important but any formal consultation with the public on proposals needs to be preceded by two months consultation with councils. The Commission will wish to consider whether there

is any advantage to be gained from informal engagement with communities at an early stage or whether the public interest is most likely to be focused on specific proposals for wards. Another key question is whether there is value in a separate consultation on councillor numbers as with the 5th Reviews. This showed that there was less interest in, and understanding of, the methodology on its own and that it was the implications for ward boundaries that was of greater interest. The Local Government Boundary Commission for England no longer consults the public on councillor numbers.

8. The timetable at Appendix B sets out one option for conducting the Reviews. It is based on undertaking a two-phase approach, commencing with the 3 Islands councils, followed 6 months later by the mainland councils. It assumes that there will be no separate consultation on councillor numbers but allows for a 2nd consultation period on ward proposals (during the 5th Reviews only one such consultation was held).

How to consult: methods of engagement

9. The Commission will also want to consider how it engages both informally with councils and others and more formally during a period of statutory consultation. While the legislation places some requirements upon the Commission (see extract at Appendix C) there is a large degree of discretion.
10. Multiple channels of engagement seem most likely to capture a range of diverse audiences. Meetings with councils and others; news releases; public notices and display points are methods used in previous reviews and will be familiar to councils and others. The Commission may want to take advice from councils on the main interests to consult within their areas for example community councils, councillors and other local stakeholders.
11. Other methods include:

11.1. Social media

Social media is an area where use of paid advertising may be a cost effective way of boosting awareness of the reviews. This is something the Secretariat has begun to explore for work undertaken by the Boundary Commission for Scotland.

11.2. Household mailing

Household mailing has not been used before as the cost would be prohibitive when reviewing all 32 council areas at once. However, initial estimates suggest that at a cost of £0.10 per household for a basic mailing this may be worthy of consideration for the 3 Islands councils where there are approximately 32000 households.

11.3. Face-to-face engagement

Face to face engagement is important as the intent of the Bill is to recognise the importance of the islands' unique character and circumstances and the Commission will best demonstrate its commitment to achieving good outcomes for the reviews by visiting a range of communities affected. How this engagement is undertaken is a matter for consideration and may involve a mix of meetings on islands and use of video conferencing. It is envisaged that there would be at least one meeting with each council and a visit to one or more islands within each council area. Video conferencing may offer

additional flexibility to have follow up discussions or to engage with other islands interests. There may be lessons to be drawn from the consultations undertaken by the Scottish Parliament and Scottish Government prior to the Bill reaching its current stage and this is something the Secretariat will explore further.

12. However the Commission chooses to consult, it will be important to manage expectations – that will require clear presentation of the role and remit of the Commission and the requirements of the legislation within which we work. The introduction of the flexibility to use one or two member wards does not in itself change the other parameters for a review and delivery of parity, within the context of overall effective and convenient local government, remains the primary aim of a review.

Conclusion

13. The Commission is invited to consider its approach to consultation during the Islands reviews in particular:

- 13.1. Timing of any consultation
- 13.2. Content of consultation
- 13.3. Methods of engagement

14. In light of the discussion, the Secretariat will prepare a further paper for a future meeting to develop a timetable for the review and a consultation plan.

Secretariat
November 2017

Consultation phases and timings for 5th Reviews of Electoral Arrangements

Fifth Reviews of Electoral Arrangements started on 21 February 2014. Final Recommendations submitted to Scottish Ministers on 26 May 2016.

| Description | Start | Finish |
|---|----------------|-----------------|
| Reviews commenced | 21 Feb 2014 | |
| Commission met separately with all 32 councils to provide a background to the Reviews | 25 Feb 2014 | 2 April 2014 |
| 2 month statutory consultation period with councils on councillor numbers | 21 Feb 2014 | 23 April 2014 |
| Commission considered councils' responses | April 2014 | May 2014 |
| 12 week public consultation period on councillor numbers | 29 May 2014 | 21 Aug 2014 |
| Commission considered responses and agreed councillor numbers | September 2014 | January 2015 |
| Commission developed proposals for wards | September 2014 | January 2015 |
| 2 month statutory consultation period with councils on proposals for wards | 19 March 2015 | 19 May 2015 |
| Commission considered councils' responses | June 2015 | July 2015 |
| 12 week public consultation on proposals for wards | 30 July 2015 | 22 October 2015 |
| Commission considered all representations and developed its final recommendations | November 2015 | April 2016 |
| Commission submitted its Reports to Scottish Ministers | May 2016 | |

| POSSIBLE ISLANDS REVIEWS TIMETABLE | | | |
|---|---|--|--|
| Islands Councils | Timetable | Mainland Councils | |
| Formally announce Review | July 2018 | | |
| Preliminary consultation with 3 Islands councils and others | August 2018 | | |
| | September 2018 | | |
| Develop Initial Recommendations for 3 Islands councils | October 2018 | | |
| | November 2018 | | |
| | December 2018 | | |
| Consult councils on Initial Recommendations | January 2019 | Formally announce Review | |
| | February 2019 | Preliminary consultation with 3 Mainland councils and others | |
| | March 2019 | | |
| Consult public on Initial Recommendations | April 2019 | Develop Initial Recommendations for 3 Mainland councils | |
| | May 2019 | | |
| | June 2019 | | |
| | July 2019 | Consult councils on Initial Recommendations | |
| August 2019 | | | |
| Develop Revised Recommendations | September | | |
| | October 2019 | Consult public on Initial Recommendations | |
| | November 2019 | | |
| December 2019 | | | |
| Consult councils on Revised Recommendations | January 2020 | | |
| | February 2020 | Develop Revised Recommendations | |
| | March 2020 | | |
| April 2020 | Consult councils on Revised Recommendations | | |
| May 2020 | | | |
| June 2020 | | | |
| July 2020 | | Consult public on Revised Recommendations | |
| August 2020 | | | |
| September 2020 | | | |
| Prepare Recommendations for submission | October 2020 | Consult public on Revised Recommendations | |
| | November 2020 | | |
| | December 2020 | | |
| Submit Final Recommendations | January 2021 | Develop Final Recommendations | |
| | February 2021 | | |
| | March 2021 | | |
| | April 2021 | | Prepare Recommendations for submission |
| | May 2021 | | |
| | May 2021 | Submit Final Recommendations | |

LOCAL GOVERNMENT SCOTLAND ACT 1973

Conduct of Reviews

18 *Procedure for reviews*

(1) Where the Boundary Commission propose to conduct a review under the foregoing provisions of this Part of this Act, they shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.

(2) In conducting any such review, the Boundary Commission shall —

(a) consult —

(i) the council of any local government area affected by the review, and such other local authorities, community councils and public bodies as appear to them to be concerned;

(ii) any bodies representative of staff employed by local authorities who have asked the Boundary Commission to consult them; and

(iii) such other persons as they think fit;

(aa) at least two months before taking any steps under paragraph (b) below to inform other persons of any draft proposals or any interim decision not to make proposals, inform the council of any local government area affected by the review of those proposals or that decision;

(ab) before taking any such steps, take into consideration any representation made to them by such a council during the period of two months beginning on the day on which the council is informed under paragraph (aa);¹

(b) take such steps as they think fit for seeing that persons who may be interested in the review are informed of any draft proposals or any interim decision not to make proposals, and of the place or places where those proposals or that decision can be inspected;

(c) in particular, deposit copies of those proposals or that decision at the offices of the council of any local government area which may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and

(d) take into consideration any representation made to them within that period.

(2A) The Scottish Ministers may give directions to —

¹ Subsection 18(2)(aa) and 18(2)(ab) inserted by Local Governance (Scotland) Act 2004

- (a) the Boundary Commission,
- (b) the council of any local government area affected by a review,

in relation to consultation under subsection (2)(a) above.

(2B) Such directions may be given generally or in relation to particular reviews or particular aspects of reviews.²

(3) Where the Boundary Commission make a report under this Part of this Act they shall —

- (a) take such steps as they think fit for securing that persons who may be interested in the report are informed of it and of the place or places where it can be inspected;

- (b) in particular, deposit copies of the report at the offices of the council of any local government area which may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to any proposals contained in the report, or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.

(4) Subject to the foregoing provisions of this section, the procedure of the Boundary Commission in conducting any review under this Part of this Act shall be such as they may determine.

² Subsection 18(2A) and 18(2B) inserted by Local Governance (Scotland) Act 2004