

## Islands Review 2018 Approach to Review

### Action Required

1. The Commission is invited to consider a number of issues in preparation for the commencement of the reviews proposed under the Islands (Scotland) Bill.

### Timing of reviews for 6 affected councils

2. At its meeting on 4 December 2017, the Commission considered Paper 2427 and expressed a preference for commencing the reviews of the three islands councils (Orkney, Shetland and Western Isles) in summer of 2018 and to delay the review of the three mainland councils containing inhabited islands (the "hybrid" councils) until as late as possible, consistent with reporting in time for the 2022 elections. This is to try and accommodate the legislation arising from the current Scottish Government consultation on electoral reform which may allow for use of 2 or 5 member wards across Scotland; this is likely to have a particular impact on the three hybrid councils.
3. Initial discussions with Scottish Government officials suggest this may be possible but cannot confirm possible legislative timing at this stage. However, it is expected that any legislation would complete in the 2018-19 parliamentary session. If any change to the number of councillors per ward were introduced then commencing the reviews for Argyll and Bute, Highland and North Ayrshire councils in the first half 2019 should allow sufficient time to complete by summer of 2021, 12 months before the next scheduled local government elections (the exact date of which may be subject to change because of the potential clash with the next expected UK General Election in May 2022. If it became apparent that there was either a delay to the legislation; or the legislation was unlikely to affect the rules applying to a review, then it would be open to the Commission to commence the review of the hybrid councils earlier.
4. As the Commission agreed it would conduct the reviews of the 6 islands in two groupings it is suggested the Secretariat continue to liaise with officials with a view to firming up arrangements for the later grouping. It is worth noting that the Islands Bill as currently drafted does not require completion of the reviews by any particular date. The rest of this paper focusses on the early grouping of Orkney, Shetland and Western Isles.

### Consultation

5. At its December 2017 meeting the Commission asked the Secretariat to consider in particular what fora exist that may help engagement with islands communities. It is not always clear whether some of these routes are for the Council itself to engage with its communities or whether 3rd parties such as the Commission can also utilise them. However, the following information has been obtained from the councils' websites.

### Community councils

5.1. There are a number of active community councils in all 3 islands councils: 29 in Western Isles; 20 in Orkney and 18 in Shetland.

### Citizens' panels

5.2. Orkney and Shetland appear to have some form of Citizens' Panel type consultation forum: "Orkney Public Council Consultation Group" and Shetland's "Your Voice". It is not clear whether Western Isles has a similar forum. There may be limitations on use (for example Shetland's "Your Voice" only issues a panel questionnaire twice a year) and the nature of the consultation the Commission will undertake may mean that this mechanism does not add value – use of a representative panel may lend itself more to seeking views on principle rather than specifics of community ties or identifiable boundaries.

### Other council mechanisms

5.3. Western Isles has E-Sgìre "A hub for community information and opinion across the Western Isles": <https://e-sgìre.org/communities/> This advertises itself as a place to "Find out what the Comhairle is doing in your area, with relevant community information provided for each council ward." and to "Share your ideas on how we can improve local government in the Western Isles".

5.4. The Orkney Partnership has a website "where we aim to keep you informed about community planning in Orkney": <http://www.orkneycommunities.co.uk/COMMUNITYPLANNING>

5.5. The site includes a "community consultation and engagement guide": <http://www.orkneycommunities.co.uk/COMMUNITYPLANNING/documents/community-consultation-and-engagement-guide-version-3-0.pdf>

### Social media

5.6. Initial investigation suggests that targeted, and paid for, media at individual council level is unlikely to be possible because the target populations for the 3 island councils fall below the minimum threshold required. There may be options for paid activity covering all 3 councils, for example, publicising the key stages of the review that will be common to all. Otherwise the Secretariat will draw up a social media plan – lessons from the BCS 2018 Review suggest that early engagement with councils, who all have their own social media arrangements, would be helpful.

6. The Secretariat suggests the question of community consultation and engagement is something that is discussed with each council at the preliminary meetings in order to consider the most appropriate options. As noted previously in Paper 2427, it is clear that the Commission needs to be careful to balance the expectations implicit in the Scottish Government's Islands approach, that is to

take account of community views and ensure that the distinct needs of islands communities are respected, within the parameters of the legislation governing electoral reviews.

7. Although the focus of consultation will be on the 3 councils concerned, there may well be wider interest and national publicity will also be required. The Local Government (Scotland) Act 1973 sets out that the Commission must consult "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".

### **Electorate Data**

8. For the purposes of an electoral review the Commission considers local government electors (excluding attainers). The Secretariat proposes that the electorate data from the 1 December 2017 register is used to inform the review of the 3 Island councils. This data will be published by NRS in February/March 2018. Changes since December are likely to be minimal and using the published register rather than creating our own electoral data from updates supplied by EROs will mean a consistent, agreed baseline for the review.
9. If the Commission agree to use of the 1 December register then the Secretariat will prepare data for inhabited islands across the 3 islands councils. This can be shared with the councils at the start of the review. The Secretariat would intend to use a banding of "fewer than 10 electors" to apply to islands with a very small number of electors in the interests of data protection which may be particularly relevant where individuals are on the closed rather than open register.
10. When recommending ward boundaries, the Commission takes into account the likely change in the number of electors in a council area within the 5 years immediately following our consideration. New build and demolition data and data on institutional development is needed from councils to inform these 5-year forecasts and is required in time to inform ward designs.

### **Councillor numbers**

11. The Commission confirmed at its December meeting a broad approach to councillor number methodology. The electorate data will allow the Secretariat to calculate councillor numbers for each council area, based on the 5th Reviews methodology. This will provide a starting point for discussion with the councils. The Secretariat is consulting the English and Welsh Commissions for further information on their approach to engagement with councils over councillor numbers and will bring a further paper to the next meeting.

### **Commencement of review**

12. Current timetabling for the Islands (Scotland) Bill suggests that Royal Assent for the Bill will be received before summer recess, that is by July 2018. Stage 3 is expected to be complete in May and as the final content of the legislation will be known by then there would be no reason not to begin discussions with councils

at that point, with a view to formally commencing the review as soon as Royal Assent is received. Those preliminary discussions could include the Commission's approach to the review; views on the consultation process and how best to engage with community interests; the electorate data and data required from councils to inform 5-year forecasts; and councillor numbers.

13. The Commission may wish to consider now how it will approach these discussions, including attendance at any meetings and provisional dates.

### Next steps

14. Subject to views from the Commission, the Secretariat will begin to prepare materials to support the reviews. These materials will include:

- 14.1. Letters to the 3 islands authorities setting out electoral data, our planned approach to the review and requesting arrangements be made for meetings with each council to discuss the issues noted above. (para 12)
- 14.2. Letters to the 3 hybrid councils letting them know the Commission's intentions to start their reviews later and in light of any relevant outcomes from the electoral reform consultation
- 14.3. Letters to the remaining 26 councils, COSLA, SOLACE and others informing them of the Commission's plans
- 14.4. Publicity material for announcing the reviews and a consultation plan
- 14.5. Review governance material including a project plan and risk register

### Conclusion

15. The Commission is invited to:

- 15.1. Note the position regarding timing for the reviews of the "hybrid" councils (paragraphs 2-4)
- 15.2. Note the information on consultation mechanisms and agree that this should be considered further at the preliminary discussions with councils (paragraphs 5-7)
- 15.3. Agree that the 1 December electoral register be used as the basis for the reviews of the 3 islands councils (paragraphs 8-10)
- 15.4. Note further work will be done on councillor numbers in light of the electoral data and information from the English and Welsh commissions (paragraph 11)
- 15.5. Agree that preliminary discussions should start with councils in the Spring and consider possible dates and attendance now (paragraphs 12-13)
- 15.6. Note the Secretariat will prepare supporting material as outlined (paragraph 14)

Secretariat  
February 2018