



Shetland Islands Council

Executive Manager: Jan-Robert Riise
Director of Corporate Services: Christine Ferguson

Isabel Drummond-Murray
 Secretary
 Local Government Boundary Commission for Scotland
 Thistle House
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 Edinburgh
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Your Ref:
 Our Ref: JRR/MS/11-5

Dear Isabel

Local Government Boundary Review – Commission’s Initial Proposals

Shetland Islands Council is grateful for the opportunity to respond to the Commission on your initial proposals in respect of Local Government Wards for Shetland Islands Area to be effective from May 2022.

Our Council is particularly appreciative of the efforts of the Commission to engage with us, noting that the first meeting in June 2018 was before the Islands Act had even commenced! This engagement continued with the visit by the Commission led by your Chair on 17 April 2019.

The briefing on 17 April 2019 enabled 17 of our 22 Councillors to hear directly from Mr Hinds on the statutory underpinning of your Local Government Boundary Reviews. Mr Hinds explained that, when considering boundaries for Councils which were wholly Islands Authorities or had inhabited islands as part of their Local Government area, the Islands (Scotland) Act 1918 introduced options for one and two member wards thus increasing the tools available to the Commission in devising boundaries. Shetland Islands Council accept that the challenge now is to use those new provisions to enable boundary changes to provide effective and convenient governance whilst respecting the requirement for electoral parity to be achieved so far as practicable.

In view of the two months period offered for this stage in the consultation with our Council and the opportune visit by the Commission during that period, our Council has been able to give serious consideration to the changes you propose. In particular, issues in and around the potential for a single member ward option for Whalsay and Skerries and the two member ward for the remaining North Isles has been addressed as has the attempt to deal with the negative deviation from parity in Shetland West ward.

As part of these considerations our Council notes that the increase in numbers of electorate in the Shetland South ward will continue to impact negatively on the extent of

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deviation from parity that that current three member ward experiences. Although the election in May 2017 for members to the South ward resulted in no ballot, as only three candidates emerged for the three member ward, it is acknowledged that increasing the

total number of Councillors by one for the South ward addresses the parity question. It is also accepted that by thus increasing the total number of Councillor to 23, the average electorate for the whole of Shetland reduces and this helps address parity for a number of wards other than the South Mainland ward.

The Council's consideration of your proposals culminated with a report considered by Members at their meeting on 15 May 2019 (a copy of the report is enclosed). Based on that report Members discussed issues arising from maintaining the status quo, the matters discussed during the briefing between the Commission and Council Members in relation to the Commission's initial proposals and the wider option of seeking to address adequacy of representation, quality of candidature and relationship of boundaries with localities. Out of those discussions the Council has concluded that their preference would be for the Commission to further engage with the Council and establish if it would be possible for the coverage of all rural wards, including the individual inhabited islands, by 8 two member wards with Lerwick remaining a three and four member ward.

It is considered that this will address some of the issues which have arisen over recent years with the effectiveness of representation within large geographic areas, whilst retaining the advantages brought about by proportional representation under the single transferrable voting system. It will also address the concerns raised by a number of commentators with the proposal of introducing a single member ward, doubting the capacity of such a Councillor to provide effective coverage across the whole range of Council functions. The Council recognises that, in order to optimise such an arrangement of rural wards, that a review of membership of individual Committees would be required before the end of the term of this Council.

Whilst it is recognised that the arrangements for Community Council schemes are a matter for any Council to determine, the forthcoming Community Council review which our Council intends to undertake, in due course, could seek to achieve practical alignment with the reviewed Local Government ward boundaries, providing the potential for more cohesive representation as between the two distinct levels of democratic representation.

Shetland Islands Council, therefore, would ask the Commission to take a short pause before proceeding to consult on your initial proposals as drafted, to enable a more focused discussion on the possibilities that the rural two member ward model could present in the achievement of parity and effective and convenient governance. Following such further discussions the Commissioner might choose to proceed with its own proposals or amend them in light of these further deliberations.

The Council recognises that the Commission has its own work plan to take forward this review, but requests that the collaboration we have experienced so far, could be taken a step further by seeking, through further collaboration, a plan of ward representation which is achieved without the Council having to proceed by way of objections through the next round of public consultation.

I look forward to hearing further from you in relation to our Council's submission.

Yours sincerely,

Jan Riise
Executive Manager – Governance & Law

Enc. - Local Government Boundary Review Report GL-06-19-F



Meeting(s):	Shetland Islands Council	15 May 2019
Report Title:	Local Government Boundary Review – Local Government Boundary Commission Initial Proposals	
Reference Number:	GL-06-19-F	
Author / Job Title:	Executive Manager – Governance & Law	

1.0 Decisions / Action required:

That the Council RESOLVES to:-

- 1.1 APPROVE the response attached at Appendix 2, subject to any amendments the Council wishes to make. This response is to be submitted on or before 20 May 2019.

2.0 High Level Summary:

- 2.1 This report addresses a resumption of consideration of Council ward boundaries by the Local Government Boundary Commission to complete its fifth review. Shetland Islands Council was one of six Councils for which the review conducted during the term of the last Council was stalled and, therefore, not applied for the purposes of the election held in 2017.
- 2.2 This was for the purpose of allowing the enactment of provisions then proposed in the Islands Bill to introduce the option of one or two member wards for those Councils who were Islands Authorities or Local Authorities with inhabited islands.
- 2.3 As soon as these provisions were enacted in the Islands Act 2018, the Commission began dialogue firstly with the three Island Authorities. The Commission confirmed that they would apply the new provisions available to them in coming forward with improved proposals in order to complete the fifth review during the current term of this Council. The new boundaries would take effect in time for the election of Local Authority Councillors in May 2022.
- 2.4 When conducting any review, the Boundary Commission will consult with the Local Authority affected in relation to initial emerging proposals in order to determine the number of Members appropriate for that Council and to design boundary proposals to achieve so far as practical electoral parity. This report brings to the attention of Members the proposed response arising from the consultation with our Council. Our contribution at this stage will inform the Commission before they begin a formal public consultation later in the summer 2019.

3.0 Corporate Priorities and Joint Working:

- 3.1 Significant boundary changes can have a greater or lesser effect on delivery of services, depending on the extent to which the changed boundaries remain conterminous with the boundaries of known localities adopted by various public bodies in the delivery of their services in Shetland.
- 3.2 Some of the factors taken into account by the Boundary Commission when making their recommendations to Scottish Ministers is that in seeking to establish electoral parity there will be regard to identifying natural boundaries, maintaining local ties (locality provision will fall within this category) and special geographical circumstances. The Council has previously advised the Commission that maintaining locality boundaries is an important criteria and, whilst the representation need not be exact across boundaries, the perimeter of locality boundaries modified purely in the pursuit of electoral parity could cause unwelcome distortions to the effective delivery of locality services. This could also affect collation of data pertinent to the areas served, for example in the monitoring of performance over time, in order to inform future service delivery.
- 3.3 Community partners may contribute further observations during the public consultation, and the Council at that time also has further opportunity to make its own representations known.

4.0 Key Issues:

Consultation on Initial Proposal

- 4.1 Although this stage in the process is specifically a consultation with the Council, the Commission did attend to meet and discuss the proposals with Members at a seminar held on 17 April 2019. Ahead of that meeting, there had been an opportunity to discuss the proposals informally with the Chairs of Community Councils at a meeting of the Association of Shetland Community Councils held on 26 March 2019.
- 4.2 The visit by the Commission led by their Chair, Mr Ronnie Hinds, represented a second engagement with the Commission on this stage of their review. It demonstrates a continuing objective on part of the Commission to design wards which, whilst meeting the statutory requirements are, having consulted with the Council and the public, tailored to provide effective governance within the Local Government area.
- 4.3 When consulted in 2015/16 the Council sought to retain existing recognised boundaries, retaining existing wards and aiming to minimise change by continuing with the status quo. This was the position first put by the Council during the last term in the initial stages of the fifth review. However, the Commission are clear that with projections of deviation from electoral parity as wide as -16% in Shetland West ward and a positive deviation from parity of +17% in Shetland South, it is not considered tenable for the existing status quo to continue.
- 4.4 The proposals put forward by the Commissioner are contained in sections 15 and 16 of Appendix 1 by reference to the two maps attached (maps A and B) showing, respectively, the existing 7 wards and the 8 wards now proposed.

4.5 In summary the significant changes would entail Whalsay and Skerries becoming a single member ward, resulting in the three remaining north isles of Yell, Unst and Fetlar becoming a two member ward. The significant negative deviation from parity in the Shetland West ward (predicted to be a worsening situation in the future) is largely addressed by reducing that ward to a two member ward for a smaller geographic area. This in turn means including the Whiteness/Weisdale electoral area within the Shetland Central ward to create a four member ward. The remaining proposals are to retain the existing boundaries for Shetland North, Lerwick and Shetland South but increasing the numbers of Members in the Shetland South ward from 3 to 4, thereby changing the very high positive deviation (+17%) to a much lower deviation and now a negative one (-8%).

Councillors' Considerations

4.6 When Councillors met with the Commission on 17 April 2019, a number of factors were addressed that had a direct bearing on what the Council might consider to be "effective and convenient government" arising from the proposals being considered. In no particular order of importance, the following aspects emerged: -

- The single member ward proposed for Whalsay/Skerries had potential impact on the amount of time that the Councillor for that ward would have to commit to Council business in order to ensure full representation on all of the Committees to which are delegated the many functions of local government. This could see a return to the issues which had predominated in the past with single member wards throughout Shetland, virtually predetermining that candidates for election required to be retired with a separate form of income to be able to devote virtually all of their time to local government business. Whalsay Community Council did not consider that proposal to merit a change from the current status quo and also in passing confirmed that they would not necessarily see any benefit of Whalsay being attached to one of the existing mainland wards, although they did recognise the difficulty experienced by Councillors resident in Yell or Unst being able to attend frequently at events on Whalsay, for example Whalsay Community Council evening meetings.
- Similar considerations were put forward in relation to the reduced numbers of Councillors representing the West ward to be formed as a two member ward. Although the issue would be less pronounced, unless there was a change to the Council's constitution, it would still require a considerable input of time and resource shared by fewer Councillors to meet the amount of business generated by the Council in the delivery of its many Local Government Functions.
- In relation to the proposal for a large four member ward covering the Central area, it was recognised that this achieved the closest electoral parity with a small negative buffer to compensate for an expected increase in the electoral numbers in the central area. It was also recognised that this resolved one of the criticisms of previous proposals which had the West ward stretching all the way across the top of the Central ward to bring in electors on the east coast (Wadbister, Girlsta area). However, the creation of this large ward had the above perceived negative effects on the West ward.
- Shetland South ward proposals addressed the significant and predicted to worsen deviation from parity by moving the high positive deviation to an acceptable negative deviation. The proposal is for an increase by one member to create a four member ward without altering existing boundaries. It had to be recognised that,

whilst the last election would not necessarily demonstrate a definite trend for all future elections, this ward had not experienced a ballot at the last election, receiving only candidature for three seats, the required amount. For some members this demonstrated a democratic deficit and completely removed the benefit expected to be achieved from the proportional representation for which single transferrable voting (STV) had been introduced. The requirement for the same area to produce a fourth candidate could, it was argued, simply exacerbate that potential problem. It was also commented that this existing ward currently posed some problems, stretching as it did from just south of Gulberwick to the southernmost point of Fair Isle. The travelling times across such a geographic extent of coverage created challenges to ensure effective representation of the whole south mainland area. Arising from that consideration, there was some discussion about the potential of the south mainland benefiting from being two separate two member wards with a suitable line drawn, potentially south of Sandwick.

- 4.7 Out of the same discussions, but with an attempt to balance the various considerations, a Member suggested the possibility of the electorate of Whalsay and Skerries being aligned with the southernmost part of the existing Shetland North ward, thereby incorporating the electorate of Nesting, Lunnasting, Vidlin and Voe to compile a two member ward with the electorate of the remainder of the north ward forming another two member ward. This captured not only the benefit of the focus of the North Isles two member ward being solely on the islands of Yell, Unst and Fetlar, but also tackled the geographic extent of the existing coverage of the North ward from the top of North Roe to the southernmost point of Nesting.
- 4.8 Developing those considerations further, it might be worth exploring with the Boundary Commission, if they would be prepared to contemplate a wider use of the two member ward option by allowing all parts of the rural and Island areas of Shetland, where the predominant question is regarding representativeness over the geographic extent of the area covered. An amended proposal making full use of this option could result in all wards outside of the boundaries of Lerwick (thereby classed as rural) redesigned as 8 x two member wards: -
- Yell, Unst and Fetlar
 - Brae, Mossbank, Hillswick, North Roe, including Muckle Roe
 - Lunnasting, Vidlin, Nesting and Voe, incorporating Whalsay and Skerries
 - Aithsting & Sandsting, Walls & Sandness, including Papa Stour and Foula
 - Whiteness, Weisdale and Tingwall
 - Scalloway, Burra and Trondra
 - Sandwick, Cunningsburgh and Quarff
 - Levenwick, Dunrossness and Fair Isle
- 4.9 A proposal seeking to justify such a proposition would look to develop evidence of the balance that this could create between effective representation of relatively smaller geographic areas, whilst at the same time enabling a division of responsibility across all of the functional Committees of the Council. The aim in such an arrangement would be to still optimise the opportunity for improving gender balance in the makeup of the Chamber and tackling the question of age profile across both genders.
- 4.10 In order to maximise the benefits of the proposal of this nature, the Council would need to refocus attention on the membership of its Committees. It would be appropriate for these considerations to be addressed during the term of this

Council so that the experience of existing Councillors representing a cross section of members can reflect on the issues which currently hamper regular attendance at meetings to provide effective representation for constituents and convenience for Members to participate fully in the significant matters that require corporate decisions by the Council.

4.11 The attached response (Appendix 2) is an attempt to embrace these various factors and capture them in a proposal for an alternative view of representation on the Isles based on discussions with individual Councillors and taking into account the discussion which took place directly with the Commission during their last visit.

4.12 If Members consider that the proposal set out in paragraphs 4.7-4.9 above have sufficient merit to seek to develop them further, we could seek the concurrence of the Commission, in doing so, for a short delay in proceeding with their initial proposals to full public consultation. If Members accept this approach as set out in Appendix 2, this has to be set against the alternative options of either accepting the Commission's proposals as written to enable the next public consultation exercise to commence immediately, or to seek to again justify retention of the status quo, notwithstanding the legal reasoning put forward by the Commission in terms of the constraints within which they require to operate, to pursue electoral parity.

5.0 Exempt and/or confidential information:

5.1 None

6.0 Implications :

6.1 Service Users, Patients and Communities:

The eventual proposal accepted by Scottish Ministers, unless the status quo is confirmed, will affect the groupings of service users, the electorate, and manner in which they are represented by the Councillors they elect. The Boundary Commission are seeking to recommend boundary changes to the Scottish Ministers which provide for effective and convenient governance and the Council, in assisting with that process, have the same objectives. The considerations in this report are closely aligned with the Council's stated priority in its Corporate Plan of being a properly led and well managed Council.

In terms of representation, the Council maintains strong stakeholder engagement through the Association of Community Councils in the matter of Local Government Boundary Reviews. Individual Community Councils have already contributed by way of comment, in particular Whalsay and Walls & Sandness, both of which were concerned about the effectiveness of representation if the makeup of Council wards moved away from the current arrangements of three or four member wards. In both cases these Community Councils expressed support for retaining the status quo by sticking with the current arrangements, although neither addressed the question of parity of voters, which underpins the current considerations of the Commission and the Council.

6.2 Human Resources and Organisational Development:	None
6.3 Equality, Diversity and Human Rights:	<p>The fundamental principle of seeking to secure parity of voters for each ward is the pursuit, so far as can be achieved, of an equivalent weighing for the value of a single voter's vote in securing equality in participation in decision making by individual Councillors. That is a statutory requirement and a laudable principle. However, the pursuit of perfect parity would result in perverse outcomes and that is why the Boundary Commission, with the Council's input, seek to identify boundaries, which also have regard to natural ties, geography, etc.</p>
6.4 Legal:	<p>The Local Government Boundary Commission are a separate legal entity, established and appointed to provide an independent report to Scottish Ministers for the purpose of establishing electoral boundaries in each Local Government area. The purpose of this report is to address changes brought in specifically to assist in the determination of such boundaries when dealing with Councils responsible for inhabited island areas. The new legal provisions were brought in by the Islands (Scotland) Act 2018 which amended the Local Government (Scotland) Act 1973.</p>
6.5 Finance:	None
6.6 Assets and Property:	None
6.7 ICT and new technologies:	None
6.8 Environmental:	None
6.9 Risk Management:	<p>No strategic or operational risks to the Council have been identified from simply considering the terms of the Boundary Commission's initial proposals. However, when the final proposals are put to the Scottish Ministers and approved, if there is any resultant complexity, this could run the risk of discouraging candidature for elections and/or the electorate from engaging in the democratic process. If there should occur a significant dislocation between electoral boundaries and identified locality areas used for service delivery, with resultant additional bureaucracy, this could have a detrimental effect, not only for the Council but also for other public service providers. It is difficult to fully evidence at this point what any of these impacts might be, but from the recent engagement with the</p>

	Boundary Commission and participation from Members, it is clear that those considerations are at the forefront, with each looking to secure boundaries which provide for effective and convenient governance.	
6.10 Policy and Delegated Authority:	Participation in Local Government boundary reviews is not a matter which the Council has delegated to any Committee. The proposals put forward by the Commission and alternatives suggested in the Council's response would all lead to a need for some changes to the Council's Constitution before the end of the term of this Council. Amendments to the Constitution fall to be determined by the Council and have not been delegated to any other Committee.	
6.11 Previously considered by:	Not Applicable	Not Applicable

Contact Details:

Jan Riise
Executive Manager – Governance & Law



8 May 2019

Appendices:

Appendix 1 – News Release and Summary of the Initial Proposals for Shetland Islands Council Area (March 2019)

Appendix 2 – Shetland Islands Council Proposed Response in Respect of Commission's Initial Proposals

Background Documents:

Local Government Boundary Commission's Initial Proposals (including maps showing each ward, as proposed)

END

Extract from minute of Shetland Islands Council on 15 May 2019:

25/19

Local Government Boundary Review - Local Government Boundary Commission Initial Proposals

The Council considered a report by the Executive Manager – Governance and Law (GL-06-19-F) that provided information on the Local Government Boundary Review and sought approval of the response to the Local Government Boundary Commission for Scotland.

The Executive Manager – Governance and Law introduced the report. He provided background to the review, and outlined the proposal put forward by the Commission in March 2019, as set out in Section 4.5 of the report, and at Map 'B'. He referred to the Seminar held on 17 April 2019 where representatives of the Boundary Commission had been invited to address Members on the proposals. The Seminar also gave the Commission the opportunity to recognise the difficulties that the geography of Shetland creates. He outlined a number of the concerns and issues raised during the Seminar, and some of the suggestions put forward by Members. The Executive Manager – Governance and Law then summarised the amended proposal distilled from the engagement with Members, as set out in Section 4.8 of the report. He advised that the draft response at Appendix B, was to be submitted to the Commission by 20 May 2019, subject to any modifications Members may now wish to make.

In response to a question regarding parity with the proposals as set out in Section 4.8 of the report, the Executive Manager – Governance and Law reported that most area groupings would be under 10% parity, which he said would appear acceptable to the Boundary Commission. There was however one area that had a slightly higher deviation from 10% parity, being that of Sandwick, Cunningsburgh and Quarff, and that Levenwick, Dunrossness and Fair Isle would be short by quite a number of electorate. He said that these areas could require further consultation, however he outlined the resistance likely to be encountered with any suggestion of sorting that by dividing Sandwick. He referred to the legal requirement to get parity, and confirmed the willingness to work around constraints to find a solution for Shetland.

During the discussion, some Members posed questions relating to the proposed amended boundary areas set out at Section 4.8. In responding, it was confirmed that these would be explored further with the Boundary Commission in developing the proposals for Shetland.

In responding to a question regarding the proposal for two Member wards and Councillor representation on the functional Committees, the Executive Manager – Governance and Law advised that while geographic representation from each Ward would be advantageous with functional Committees, and of lesser significance to the regulatory Committees, he reported that this representation was not routine in most other Scottish Councils. The Executive Manager – Governance and Law acknowledged that the Commission's proposal for a single ward would put significant pressure on the one member to represent all areas of functional needs, and therefore the two member ward would be closer to a balance, and not beyond resolution when it came to amending the Council's Constitution.

During the discussion, reference was made to the Shetland South Ward being uncontested for the 2017 election, and it was questioned whether dividing the Shetland South Ward into 2 x two Member wards might generate more interest for future elections. After hearing the Executive Manager – Governance and Law outline his opinion in that regard, the Chief Executive advised on proposals to promote a role in politics and to encourage people to stand for election to the Council, which she confirmed would be brought to Members in due course. Members acknowledged that could also have benefit in addressing the current gender and age profile within the Council Chamber.

Comment was made that there could be justification for rural boundary areas with islands to have fewer voters due to the time it would take for the Members to visit all areas within their ward. .

A typographical error was highlighted in the draft response, where the “Islands Act 1918” should read “Islands Act 2018”.

During debate, the Convener referred to the amended proposal being a unique model which he said would make full use of the Islands Act. Members advised on their support for the response as drafted, and in particular for the Boundary Commission to consider the 8 x two Member wards, which would give rural areas better representation. Members advised on their full support for the draft response, and for the short delay in order to reach the right solution for Shetland.

Mr T Smith moved that the Council approve the recommendation in the report, for the response attached at Appendix 2 to be submitted to the Boundary Commission on or before 20 May 2019. The only change to be the minor amendment as highlighted during the discussion, for ‘1918’ to read ‘2018’. In seconding, the Leader advised that the engagement with the Boundary Commission was a real positive and he referred to the good attendance at the Seminar to inform the proposal going forward. In that regard he advised that the amended proposal by the Executive Manager – Governance and Law encapsulates that discussion, and that he fully supported the short delay to get to the right solution for Shetland.

The Convener thanked the Executive Manager – Governance and Law for the excellent report, and shared the Leader’s praise of the Boundary Commission for their valuable efforts during consultation with the Council.

Decision:

The Council RESOLVED to:

- APPROVE the response attached at Appendix 2, subject to the minor amendment, for ‘1918’ to read ‘2018’. This response is to be submitted on or before 20 May 2019.

End.