

2019 Reviews of Electoral Arrangements: Argyll and Bute, Highland and North Ayrshire council areas

Purpose

1. To propose an outline timetable for the 2019 Reviews of Electoral Arrangements in Argyll and Bute; Highland; and North Ayrshire council areas and consider the approach to risk management around the timing of the reviews.

Background

2. Under the terms of the Islands (Scotland) Act 2018, the Commission is required to review all 6 council areas containing inhabited islands “as soon as practicable”. The Reviews of Na h-Eileanan an Iar, Orkney Islands and Shetland Islands Council areas commenced in January 2019 and the consultation with councils ran from 20 March until 20 May. Plans for public consultation are in development and the consultation is expected to run from August until November.
3. In the case of the three mainland–island councils, the Commission recognised that the use of 2 and 5 member wards across Scotland, as consulted on by the Scottish Government in its consultation on electoral reform, would offer potential flexibility in ward design for these areas. (The 2018 Act allows use of one or two member wards only where wards contained inhabited islands). For that reason, while the announcement of all 6 Reviews was made in January 2019 the Commission set out that it would be conducting the reviews in two phases awaiting the introduction of the expected Electoral Reform Bill by the Scottish Government before progressing reviews in Argyll and Bute, Highland and North Ayrshire Council areas.
4. The Commission wrote to the Chief Executives of the mainland–island councils in April 2018 and January 2019 to explain the position. All 3 councils are therefore aware that the Commission wants to await the electoral reform legislation and that the intention is to make recommendations for each area in time for implementation for the 2022 local government elections. Only the Chief Executive of North Ayrshire responded, in April 2018, and that letter is attached at Appendix A.

Risk mitigation

5. The Secretariat intends to liaise closely with Scottish Government colleagues once the Bill is introduced. This, and liaison with the Clerk to the Standards, Procedures and Public Appointments Committee, which is expected to lead on Bill consideration, should also ensure full awareness over timescales and developing themes in the responses to the legislation as it progresses.
6. The Commission may wish to decide whether to ask the Secretariat to prepare options for its Initial Proposals which include 3 and 4 member wards only as well as 2 and 5 if appropriate. This would enable the Commission to proceed to consultation quickly in the event that the Bill does not result in the expected additional flexibility.

Timetable

7. Assuming that the Electoral Reform Bill will provide for use of 2 and 5 member wards, there is some risk in commencing the reviews with the three mainland-islands councils in advance of the Bill completing its passage through the Scottish Parliament. There may for example be pressure for single member wards to be allowed either across the mainland as a whole or in defined circumstances. However, it is expected that once stage 1 of the Bill is complete it should be clear whether there is opposition in principle to the use of 2 and 5 member wards and by stage 2 it will be known whether there is support for other amendments. The precise timing of the stages of the Bill is not yet known but it would be reasonable to assume that Stage 1 will be complete by the end of 2019.
8. The Secretariat proposes an outline timetable as follows:
 - August 2019** – write to the councils to arrange an initial meeting for after the introduction of the legislation (expected early September)
 - September 2019** – initial meetings with Councils
 - October to December 2019** – prepare Initial Proposals for Commissions consideration
 - January 2020** (after completion of stage 1 and assuming no opposition to use of 2 and 5 member wards) – consult with councils formally on Initial Proposals
 - Spring 2020** (after the Bill completes its Parliamentary passage) – consult the public for 3 months (possibly May to August 2020)
 - Autumn 2020** (after Royal Assent) prepare Final Recommendations
 - Early 2021** submit reports to Scottish Ministers

Conclusion

9. The Commission is invited to consider the issues in this paper and:
 - agree the outline timetable
 - agree the approach to risk mitigation
 - agree whether it wishes to consider options for Initial Proposals which include and exclude the use of 2 and 5 member wards.

Secretariat
July 2019