

2019 Review of Electoral Arrangements: Consideration of Initial Proposals for Highland council area

Action required

1. The Commission is invited to note that no response was received from Highland Council to the consultation on its Initial Proposals for electoral arrangements and in light of that to consider whether it wishes to make any changes to its Initial Proposals before the public consultation.

Background

2. The Commission agreed its Initial Proposals for Highland council area at its meeting of 7 April 2020 (see Paper LGBCS 2527).
3. Highland Council were consulted on the Initial Proposals from 16 July to 30 September 2020. The Commission extended its usual 2-month Council consultation period by 2 weeks so that Highland Council officers could prepare their report on the proposals for the 10/11 September Highland Council meeting.
4. The Commission's methodology for determining councillor numbers proposes 72 councillors for Highland council area and accordingly we presented an electoral arrangement for 72 councillors representing two 2-member wards, seven 3-member wards, eight 4-member wards and three 5-member wards, reducing the number of councillors by two and wards by one.
5. A map of the Initial Proposals is shown at Appendix A. A map of the existing electoral arrangements is shown at Appendix D.
6. The Commission's proposals for the council area:
 - take account of the Islands (Scotland) Act 2018 and retain Eilean a' Chèo as an island ward and rename Caol and Mallaig to include a reference to the Small Isles and so recognise the island communities within the ward. We considered special geographical circumstances as they apply to Skye and concluded that the level of forecast variation from electoral parity with 4 councillors (-20%) was not justifiable and therefore propose a 3 member Eilean a' Cheo ward, a reduction of one member from the existing ward;
 - take account of the Scottish Elections (Reform) Act that will allow the use of 2-member and 5-member wards to design wards that consider local ties in Caithness and Dingwall and create more easily identifiable ward boundaries in Inverness and to the south of Inverness;
 - make no changes to the boundaries of six of the existing wards: Caol, Mallaig and the Small Isles (previously Caol and Mallaig); Fort William and Ardnamurchan; Badenoch and Strathspey; Nairn and Cawdor; Cromarty Firth; and Eilean a' Chèo;
 - reduce variation from electoral parity in Caithness and Sutherland whilst recognising historical boundaries in the area;
 - consider special geographic circumstances in relation to variation from electoral parity in the proposed Fort William and Ardnamurchan ward due to its remoteness and poor transport links;
 - recognise local community ties in the Black Isle, Thurso and Wick; and
 - take account of the expected electorate growth in the proposed Culloden and Ardersier ward.

7. The table below details the electorates with actual and forecast variation from parity of the proposed wards.

Ward No.	Ward Name	Cllrs	Electorate (Dec 2018)	Variation from electoral Parity (%)	Forecast Electorate (2024)	Forecast Variation from electoral Parity (%)
1	Sutherland	4	10,791	5.8	10,436	1.0
2	Caithness	3	8,489	11.0	8,046	3.9
3	Wick	2	5,484	7.6	5,290	2.4
4	Thurso	2	5,925	16.2	5,596	8.3
5	Wester Ross and Lochalsh	3	7,388	-3.4	7,024	-9.3
6	Cromarty Firth	4	9,643	-5.4	9,529	-7.8
7	Tain, Easter Ross and Edderton	3	7,355	-3.8	7,083	-8.6
8	Dingwall and Seaforth	5	12,178	-4.5	12,538	-2.9
9	Black Isle	3	8,895	16.3	8,683	12.1
10	Eilean a' Chèo	3	8,579	12.2	8,299	7.1
11	Caol, Mallaig and the Small Isles	3	7,003	-8.4	7,150	-7.7
12	Aird	3	8,250	7.9	8,187	5.7
13	Inverness North West	5	14,091	10.6	14,140	9.5
14	Inverness North East	4	10,081	-1.1	9,620	-6.9
15	Inverness South West	5	11,250	-11.7	12,691	-1.7
16	Inverness South East	4	9,910	-2.8	9,926	-3.9
17	Culloden and Ardersier	4	8,521	-16.4	11,781	14.0
18	Nairn and Cawdor	4	10,425	2.2	10,047	-2.7
19	Badenoch and Strathspey	4	10,637	4.3	11,310	9.5
20	Fort William and Ardnamurchan	4	8,646	-15.2	8,567	-17.1
		72	183,541		185,943	

Response from Highland Council area

8. Highland Council did not respond to the statutory consultation and therefore the Commission cannot consider their views.
9. The Secretariat are aware that Highland Council discussed the Commission's proposals at its meeting of 10/11 September 2020.
10. The Report discussed by Highland Council is shown at Appendix B. The Report asked Members to:
- reject the proposals in their entirety as they stand;
 - agree to approach the Boundary Commission to change their recommendations to more appropriately reflect the requirements of a large local authority that has a mixture of urban, rural and island wards; and
 - agree to approach the Scottish Government to review the remit of the Boundary Commission in regard to rural authorities to lift the cap on total councillor numbers and provide for greater discretion in the application of parity ratios.
11. The minutes of the Council meeting are not available yet but the report recommendations were amended to delete the 2nd bullet above.

12. The Commission may wish to note that Section 18 (Procedure for reviews) of the Local Government (Scotland) Act 1973 gives Ministers powers to direct a council in relation to consultation. See Appendix C.

Conclusion and Recommendations

13. Highland Council have not responded to the consultation or contacted the Commission. They may respond as a council during the public consultation and at that point individual councillors may also respond. The purpose of the initial council consultation is, however, for the Commission to consider the Council's views before the public consultation but in the absence of any views being submitted there is nothing for the Commission to consider formally at this point.

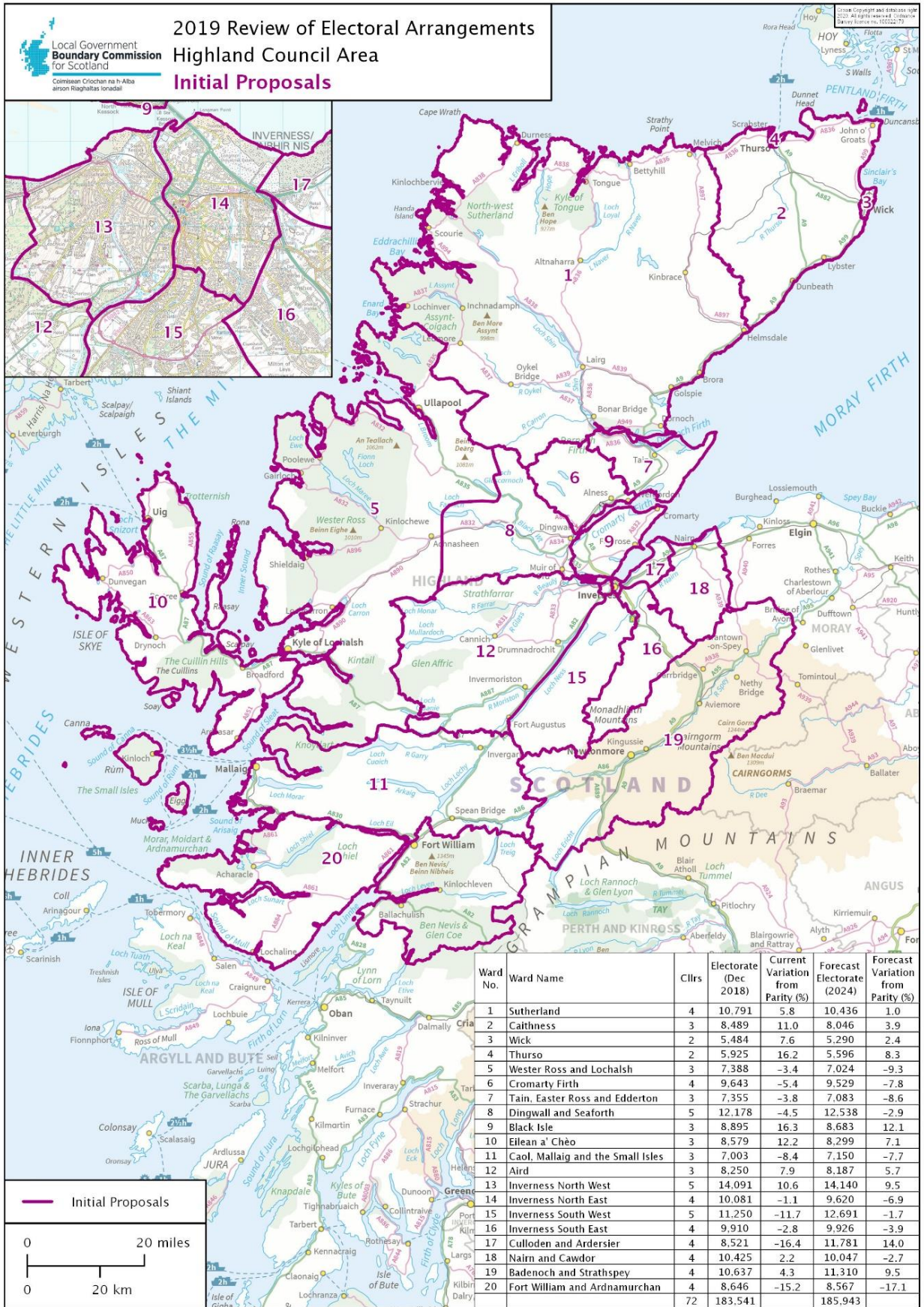
14. The report discussed by Highland Council rejects the Initial Proposals and makes no comment on any specific area(s) other than to note: "the proposals adversely affect rural areas in particular, Caithness, Sutherland, Wester Ross and Eilean a' Cheò which would all see a reduction in member representation." It has not however been submitted to the Commission for consideration.

15. The Commission could ask Ministers to direct a council to respond but as there is not time to do that and consider any subsequent response before the public consultation there seems little value in this at this time .

16. The Secretariat invites the Commission to consider whether it wishes to retain its Initial Proposals for public consultation, with or without amendments.

**Secretariat
October 2020**

Appendix A – Initial Proposals



Agenda Item	16
Report No	HC/27/20

Committee: The Highland Council

Date: 10 September 2020

Report Title: 2020 Review of Electoral Arrangements – Highland Council

Report By: ECO Performance & Governance

1. Purpose/Executive Summary

1.1 The Local Government Boundary Commission for Scotland wrote to the Chief Executive on the 16 July 2020 with the proposals for revised electoral arrangement for Highland from 2022. The Council is being consulted for a period of 2 months ending 30 September 2020 before the Commission launches a public consultation.

2. Recommendations

2.1 Members are asked to:

1. Reject these proposals in their entirety as they stand;
2. Agree to approach the Boundary Commission to change their recommendations to more appropriately reflect the requirements of a large local authority that has a mixture of urban, rural and island wards;
3. Agree to approach the Scottish Government to review the remit of the Boundary Commission in regard to rural Authorities to lift the cap on total councillor numbers and provide for greater discretion in the application of parity ratios.

3. Implications

3.1 There are no financial implications.

3.2 Rural and Community implications: The proposals adversely affect rural areas in particular, Caithness, Sutherland, Wester Ross and Eilean a' Cheò which would all see a reduction in member representation. The proposals overall show a reduction from 74 to 72 members and will be in place as of the May 2022 full Council election.

A reduction in councillors will have a significant detrimental impact on rural communities. Councillors will be required to cover even larger geographic areas with no reduction in the number of community councils, schools or community groups and initiatives seeking engagement with their local councillor, resulting in a democratic deficit for the communities in question.

3.3 Gaelic implications: With the ongoing threat to the Gaelic Language and Skye & Raasay home to 2 of the Gaelic strongholds in Highland, the current proposal, poses a further risk to the Gaelic language by weakening the democratic support.

3.4 There are no Legal, Climate Change/ Carbon Clever or Risk implications

4. Timetable

4.1 Highland Council was last reviewed in 2015 and reported in 2016 during the 5th Review of Electoral Arrangements. A further review is now required under the Islands (Scotland) Act 2018. This Act recognises the importance of the Scottish Islands and the opportunities and challenges they face.

4.2 The second period of consultation is due to be completed by the end of December this year and the Boundary Commission aim to report their final proposals to Scottish Ministers by May next year. If approved the new boundaries and member representation will be used for the next full Council elections in May 2022.

5. Legislative context

5.1 The Commission works under the Local Government (Scotland) Act 1973 which states “the number of electors per councillor in each ward shall be, as nearly as may be, the same” Under that Act Scottish Ministers may give direction generally or in relation to a review.

5.2 The different ratios adopted by the Commission for the 5th Reviews and this review, come from feedback to a consultation the Commission conducted in 2011. The Commission have used a parity ratio of 2800:1 electors to each member for Highland whilst they apply an 800:1 parity ratio for the three Islands Authorities. The Boundary Commission has some discretion in this matter and agreed a final Highland parity ratio in 2016 of 2458:1.

6. Member Engagement

6.1 All Members received a copy of the proposals by e-mail on the 16th July 2020 and the Election Manager has met with Members on a ward/area basis from 5 to 27 August 2020 to discuss the proposals at a local level. At the Council meeting in July it was agreed that a Cross Council Working Group should be set up to consider the response to the proposals. A number of meetings have been held subsequently, the most recent held on 1 September, and this report reflects the conclusions reached by the Group.

6.2 The Council and individual Members will have second opportunity to comment formally on the proposals during the public consultation which will commence in the Autumn.

7. Proposed response

7.1 The Cross Party Group has taken a very strong position that the changes proposed by the Boundary Commission fail to recognise the specific Highland context, particularly in

relation to parity, sparsity, rurality and deprivation and, if implemented, would result in significant democratic deficit and in a way that is at odds with the purpose of the boundary review which was meant to be specifically focused on reflecting the requirements of the Islands (Scotland) Act. It is therefore recommended that the proposals should be rejected in their entirety and an urgent meeting should be requested with the Boundary Commission to discuss to what extent they can use the flexibility that is at their discretion to change their proposals. At a minimum, this should ensure no reduction in the total number of elected members in Highland, but still more importantly, to press for the number of members to increase where there are clearly increases in population that warrant it; where large geographic wards require additional members to ensure appropriate levels of democratic representation; and to ensure there is parity across Scotland in terms of island representation. Fundamentally, increases in one area of Highland should not result in decreases in another.

- 7.2 Although the Commission has discretion to vary parity ratios, it is unclear just how much flexibility the Commission is able to employ. Furthermore, it is known that the most recent ministerial direction to the Commission was that, overall, the total number of councillors in Scotland should not be increased. Therefore, it is also proposed that the Council press the Scottish Government to lift the cap on councillor numbers and to review the remit of the Commission with regard to rural Authorities so that if needed, the regulations are amended by Statutory Instrument to allow the Commission exercise greater variation in the application of parity ratios. To this end, it is recommended that the Leader writes to the Cabinet Secretary for Communities and Local Government, Aileen Campbell, to seek an urgent meeting to press the case.

Designation: ECO Performance & Governance

Date: 02.09.20

Author: Kate Lackie, ECO P&G; and David Sutherland Election Manager

Background Papers:

Islands (Scotland) Act 2018

Scottish Electoral (Reform) Act 2020

[http://www.lqbc-scotland.gov.uk/sites/default/files/LGBCS_2527_\(Highland_Review\).pdf](http://www.lqbc-scotland.gov.uk/sites/default/files/LGBCS_2527_(Highland_Review).pdf)

[http://www.lqbc-scotland.gov.uk/sites/default/files/LGBCS_2520_\(Highland_Review\).pdf](http://www.lqbc-scotland.gov.uk/sites/default/files/LGBCS_2520_(Highland_Review).pdf)

Appendix C

Extract – Local Government (Scotland) Act 1973

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);]

(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—

(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.

Appendix D - Existing Electoral Arrangements

