

## **Minutes of Meeting held by videolink at 10am on Thursday 11 March 2021**

### **Present**

Mr R Hinds, Chair  
Prof. A Henderson, Deputy Chair  
Mr R Bean  
Mr G Macmillan  
Dr S Walker  
Mr J Collins

Ms I Drummond–Murray, Secretary  
Mr C Wilson  
Mr D Campbell  
Mrs Y Croll  
Mr D Logue

### **Apologies:**

None

### **Declaration of Interests**

1. There were no declarations of interest.

### **Minutes of previous meeting**

2. The Commission approved the minutes of the meeting on 8 February 2021 without amendment.

### **Matters arising**

3. The Secretary advised the Commission that a contract to provide legal advice had now been agreed with solicitors.
4. The Secretary advised the Commission that a letter of complaint had been sent to the Commissioner for Ethical Standards in Public Life regarding the submission by a councillor of multiple responses to the consultation on the Initial Proposals for Argyll and Bute council area, and that the Secretariat was assisting with the Commissioner's considerations.

### **Business Update**

5. The Secretary advised that the Scottish Government Public Appointments team were about to submit a business case for extension of the appointments of the Chair and 2 Commissioners, whose appointments were due to end in 2021, to the Commissioner for Ethical Standards in Public Life.
6. The Commission agreed that it would wish, if possible, for the current Chair to be on the interview panel or to have an advisory role in the appointment of the next Chair and commissioners as it would be beneficial to have the involvement of someone with direct experience of the Commission's work.
7. The Commission noted that it would be helpful if future appointments could be staggered to avoid so many members of the Commission having terms of appointment ending at the same time.
8. The Secretary advised the Commission that the pre-election period, for the Scottish Parliament election to be held on 6 May 2021, for the civil service (formerly known as "purdah") would begin on 25 March.

9. The Secretary advised the Commission that the parts of the Scottish Elections (Reform) Act 2020 relevant to the Commission would take effect from 14 May 2021. These include the changing of the Commission's name to "Boundaries Scotland".

**2019 Review of Electoral Arrangements: Argyll and Bute – development of the final recommendations (Paper LGBCS 2552)**

10. The Commission discussed the responses to its public consultation on its Initial Proposals for Argyll and Bute council area and whether to make changes to its Initial Proposals. The Commission acknowledged there had been a reasonable level of response to the consultation. The Commission noted that there had been some opposition to the proposals and a desire to retain the existing arrangements and retain links between islands and the mainland. However the Commission was pleased to see the levels of support for the proposed island-only wards, particularly the proposed Mull, Iona, Coll and Tiree ward. The Commission noted there had been support for the Commission's proposals in Cowal and Dunoon where the proposed wards were unchanged from the existing arrangements.
11. The Commission discussed paper 2552 and asked the Secretariat to make amendments prior to publication to make clear that the Commission would give full consideration to the alternative suggestions made, and would be prepared to amend its proposals if compelling arguments were made to support this, regardless of whether further consultation was taken or not. It also asked for amendments to clarify the options under consideration.
12. The Commission noted that a number of responses received during the public consultation misunderstood the legislative rules governing the electoral arrangements that the Commission can propose, despite attempts to make this clear on the consultation website and in publicity material. Such responses included suggestions such as such dividing the council area in two and moving parts of it to neighbouring council areas (and legislating that a resident of a particular area or island should be elected as that area's representative).
13. The Commission noted the responses in relation to the proposed Island-only wards: Islay, Jura and Colonsay; and Mull, Iona, Coll and Tiree. Whilst giving due consideration to those responses that called for the retention of the existing arrangements, the Commission noted that a number of responses to the consultation suggested island only wards will allow better representation for islanders, recognising distinctive, common interests, different to those of the mainland. While some responses argued that being part of an island only ward with 2 councillors would leave islands under-represented in fact the proposed island wards are relatively over-represented compared to other wards in the council area. The Commission considered that the creation of island-only wards would be within the spirit of the Islands (Scotland) Act, which sought to recognise the distinctive needs of remote island communities and advantageous in terms of effective and convenient local government, and decided to adopt these Island-only wards for its Final Recommendations.
14. The Commission noted the opposition to Bute being a 2-member ward in the Initial Proposals, but considering the compactness of the island, and its good transport links relative to other islands within the council area, felt that the higher level of forecast electoral disparity which a 3-member ward would entail

was not justified by special geographic circumstances. The Commission agreed to recommend a 2-member Isle of Bute ward for its Final Recommendations.

15. The Commission noted that some respondents had suggested that Gigha be included within the Islay, Jura and Colonsay ward, but that most respondents wished to retain links to the Mainland or retain the existing arrangements in which Gigha was in a ward with part of the Mainland. Taking this, the proximity of the Gigha to the Mainland and its transport links into account, the Commission agreed to maintain links between Gigha and Kintyre.
16. The Commission noted the suggestion to include Colonsay in a ward with Oban due to the direct ferry link. No responses were received from respondents on Colonsay itself. Given the low level of opposition to the proposed inclusion of Colonsay in an Islands-only ward, it was content to include it in the Islay, Jura and Colonsay ward per the Initial Proposals.
17. The Commission noted the various suggestions in other parts of the council area, but were content that no compelling arguments were made which would lead it to amend its Initial Proposals for these wards.
18. The Commission were content that the ward names in the Initial Proposals were descriptive of the proposed wards while being reasonably short. The Commission provisionally agreed its Initial Proposals for Argyll and Bute council area as its Final Recommendations.

#### **2019 Review of Electoral Arrangements – Highland – development of the final recommendations (Paper LGBCS 2553)**

19. The Commission discussed the responses to its public consultation on its Initial Proposals for Highland council area and whether to make changes to its Initial Proposals.
20. The Commission discussed paper 2553 and asked the Secretariat to make amendments prior to publication to make clear that the Commission would give full consideration to the alternative suggestions made, and would be prepared to amend its proposals if compelling arguments were made to support this, regardless of whether further consultation was taken or not.
21. The Commission noted that a number of the responses to the consultation did not take into account the legislative framework within which the Commission works. For example, due to the legislative requirement to achieve electoral parity across a council area, the Commission could not make proposals based on suggestions for different councillor to elector ratios for islands or remote areas compared to more urban areas within the same council area. The ratio for Highland of 1:2800 applied throughout the council area. The ratio of 1:800 for the wholly islands council areas of Orkney, Shetland and Na h-Eileanan Siar was not a ratio for islands but for those councils as a whole, taking account in particular of the need to achieve a minimum number of councillors for the councils to function, and could not be applied to parts of Highland, however remote or rural. Doing so would result in very large electoral disparities within Highland council area, with islands or remote areas being over-represented relative to the rest of the council area at levels which would not be justified in terms of special geographic circumstances.

22. Similarly, the legislation governing the Reviews does not permit the Commission to adopt suggestions it received such as that parts of Highland council area should join other council areas or that 1-member wards should be used on the Scottish mainland.
27. The Commission noted the opposition to 3-member Eilean a' Chèò (Skye) ward and preference that it remain a 4-member ward. The Commission considered that given Skye's bridge connection to the mainland that special geographic circumstances did not apply and it could not justify the large variation from electoral parity which would result from a 4-member ward, and agreed to retain the ward as a 3-member ward, as in the Initial Proposals.
28. The Commission noted that the Culloden and Ardersier ward had very high forecast electorate growth. The Commission agreed that a number of factors made it likely that the forecast growth would be achieved over a longer period than anticipated and that a 3-member ward was therefore acceptable at this time. The Commission noted that if the electorate of the ward did increase substantially in future, it had the option of an Interim Review to further consider the number of councillors.
29. The Commission noted the opposition to the reduction in councillor numbers in the north of the council area, and opposition to some ward boundaries in the Initial Proposals. The Commission asked the Secretariat to prepare further options for its consideration which would include additional councillors, using either the existing ward boundaries or the Initial Proposals' ward boundaries in the area.
30. The Commission also asked the Secretariat to further examine suggestions made in the public consultations which may better respect local ties without requiring significant changes to wards elsewhere in the Initial Proposals in the paper to its next meeting.

### **2019 Review of Electoral Arrangements – North Ayrshire development of the final recommendations (Paper LGBCS 2554)**

31. The Commission discussed the responses to its public consultation on its Initial Proposals for North Ayrshire council area and whether to make changes to its Initial Proposals. The Commission requested clarification of paragraph 73 before publication.
32. The Commission considered whether Arran should be a 1-member or a 2-member ward, and noted the mixed responses to this suggestion with compelling arguments for each option. The Commission considered special geographic circumstances, but was not persuaded that the very high level of electoral disparity which a 2-member ward in Arran would entail was justified, and agreed Arran should form a single-member ward.
33. The Commission noted the low number of responses opposing its proposals in North Ayrshire council area, and provisionally agreed to adopt its Initial Proposals as its Final Recommendations for North Ayrshire council area.

### **Final Reports – format and content (Paper LGBCS 2555)**

34. The Commission considered the final report template in Paper 2555, and asked the Secretariat to make some amendments. It asked the Secretariat to arrange

for legal advice on the template of the final reports to ensure the Commission has complied with all the legal requirements and that the report makes such compliance clear.

**Name Change to Boundaries Scotland (Paper LGBCS 2556)**

35. The Commission noted the timing of the name change to Boundaries Scotland and the rebranding steps the Secretariat will undertake. It asked the Secretariat to write to stakeholders advising them of the name change, and to also include background information on the Commission's scheduled review work and the legislative framework within which it operates to increase awareness of the Commission's role.

**Finance Update (Paper LGBCS 2557)**

36. The Commission noted the Finance update.

**Future meetings (oral update)**

37. The Commission agreed to meet again on Wednesday 14 April 2021.

**Any other business**

38. There was no other business.