

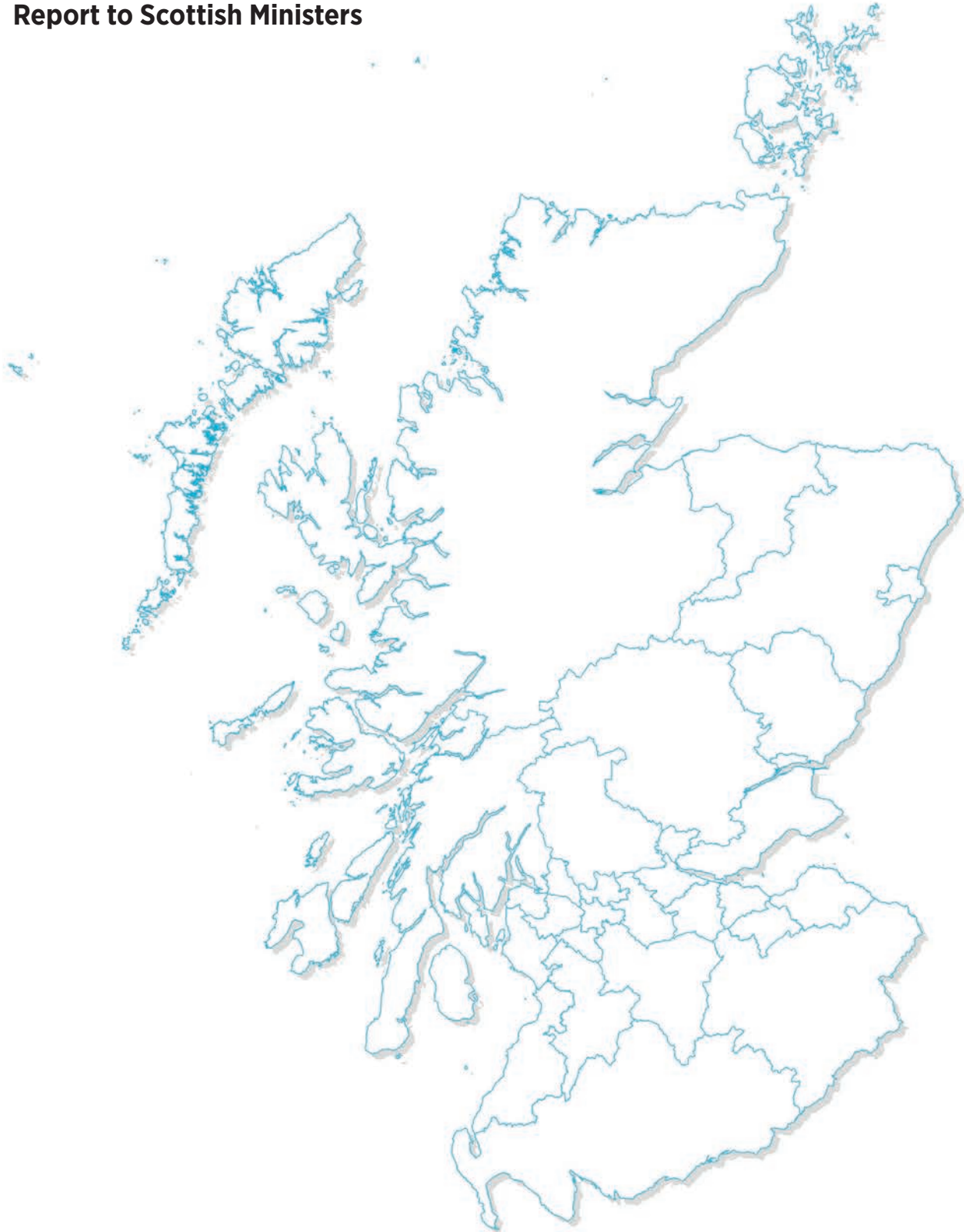


# Boundaries Scotland

Criochan na h-Alba

## Review of Electoral Arrangements Shetland Islands Council Area Final Proposals

Report to Scottish Ministers



# **Boundaries Scotland**

## **Statutory Review of Electoral Arrangements**

### **Final Proposals**

#### **Shetland Islands Council Area**

##### **Membership of the Commission**

Chair:	Ronnie Hinds
Deputy Chair:	Ailsa Henderson
Commissioners:	Roland Bean Jon Collins Gordon Macmillan Susan Walker

# Boundaries Scotland

Scottish Ministers

We, Boundaries Scotland<sup>1</sup>, present our proposals for Shetland Islands Council area resulting from our Review of Electoral Arrangements under, and in accordance with, section 20 of the Islands (Scotland) Act 2018.

In accordance with the provisions of section 18(3) of the Local Government (Scotland) Act 1973, copies of our report, together with illustrative maps, are being sent to Shetland Islands Council with a request that the report and maps should be made available for public inspection at its offices.

The report is available on our website and is being publicised on social media. Notice is also being given in newspapers circulating in the council area of the fact that the report has been made so that interested persons may inspect the report and maps at the Council's offices.



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May 2021

<sup>1</sup> We conducted this Review as the Local Government Boundary Commission for Scotland but have submitted our proposals and report to Ministers as Boundaries Scotland following the commencement of section 28 of the Scottish Elections (Reform) Act 2020 on 14 May 2021.

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## Part 1 Final Proposals for Shetland Islands Council area

1. We propose that in the interests of effective and convenient local government the future electoral arrangements for Shetland Islands Council area should provide for a council of 23 councillors in seven wards, comprising one ward returning 2-members, three wards each returning 3-members and three wards each returning 4-members as follows:

Ward No.	Ward Name	Cllrs	Electorate (Dec 17)	Variation from Electoral Parity (%) <sup>1</sup>	Forecast Electorate 2023 <sup>2</sup>	Forecast Variation from Electoral Parity (%) <sup>1</sup>
1	North Isles	3	2,207	-4.6	2,207	-5.3
2	Shetland North	3	2,504	8.3	2,523	8.2
3	Shetland West	2	1,373	-10.9	1,373	-11.7
4	Shetland Central	4	3,030	-1.7	3,078	-1.0
5	Lerwick North and Bressay	3	2,334	0.9	2,336	0.2
6	Lerwick South	4	3,174	2.9	3,208	3.2
7	Shetland South	4	3,107	0.8	3,148	1.3
		<b>23</b>	<b>17,729</b>		<b>17,873</b>	

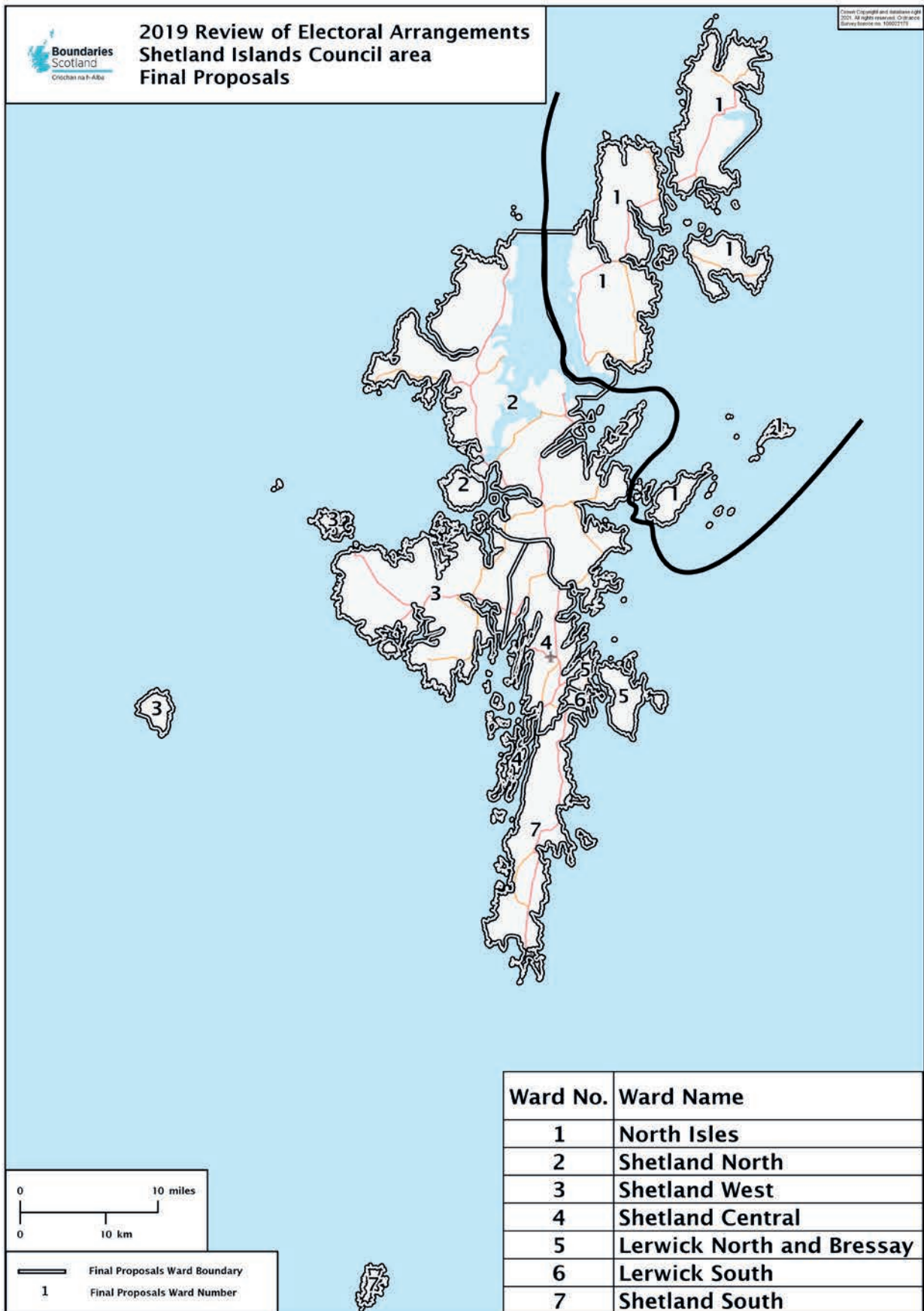
<sup>1</sup> Absolute parity throughout the council area would result in each ward being at 0% that is each councillor representing exactly the same number of electors. A negative parity % figure indicates a ward is over-represented, that is that each councillor represents fewer electors than absolute parity would require. A positive % figure indicates a ward is under-represented, that is each councillor represents more electors than absolute parity would require.

<sup>2</sup> Forecast electorate is derived from data provided by each council, including new build and demolition data, and population estimates published by National Records of Scotland.

### 2. Our proposals:

- retain three existing wards unchanged: North Isles; Shetland North; and Lerwick North and Bressay. Lerwick North and Bressay, previously named Lerwick North, was renamed to reflect the Shetland Islands Council Locality Lerwick and Bressay;
- address the imbalance in number of electors per councillor in two of the existing wards, Shetland West and Shetland South. This was achieved by adjusting ward boundaries and increasing the overall number of councillors in the whole council area from 22 to 23;
- take into account Shetland Islands Council's Localities and the local ties and communities that they represent;
- use the flexibility introduced by the Islands (Scotland) Act 2018 which allowed us to design a 2-member Shetland West ward to reflect local ties and recognised boundaries in the area; and
- make changes to the ward boundary south of Lerwick by placing Gulberwick within a Shetland South ward to better reflect local ties.

### Map of proposed ward boundaries



### Ward 1 North Isles – 3 councillors

Our proposals retain the existing North Isles ward, with the name, boundary and number of councillors unchanged. Councillors in this ward are forecast to represent 5.3% fewer electors than absolute parity would require.



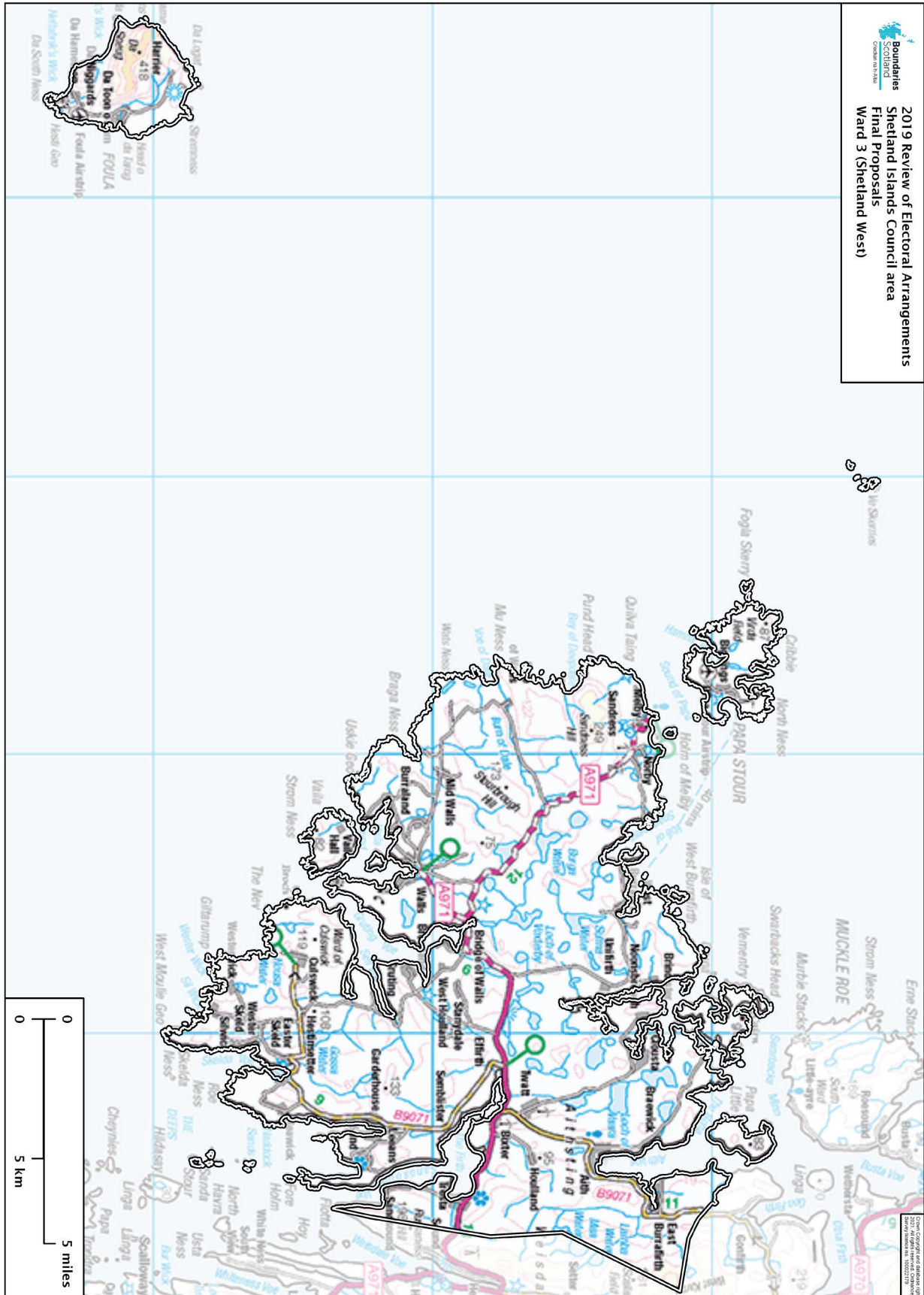
### Ward 2 Shetland North – 3 councillors

Our proposals retain the existing Shetland North ward, with the name, boundary and number of councillors unchanged. It covers the same area as the Council's Shetland North Locality. Councillors in this ward are forecast to represent 8.2% more electors than absolute parity would require.



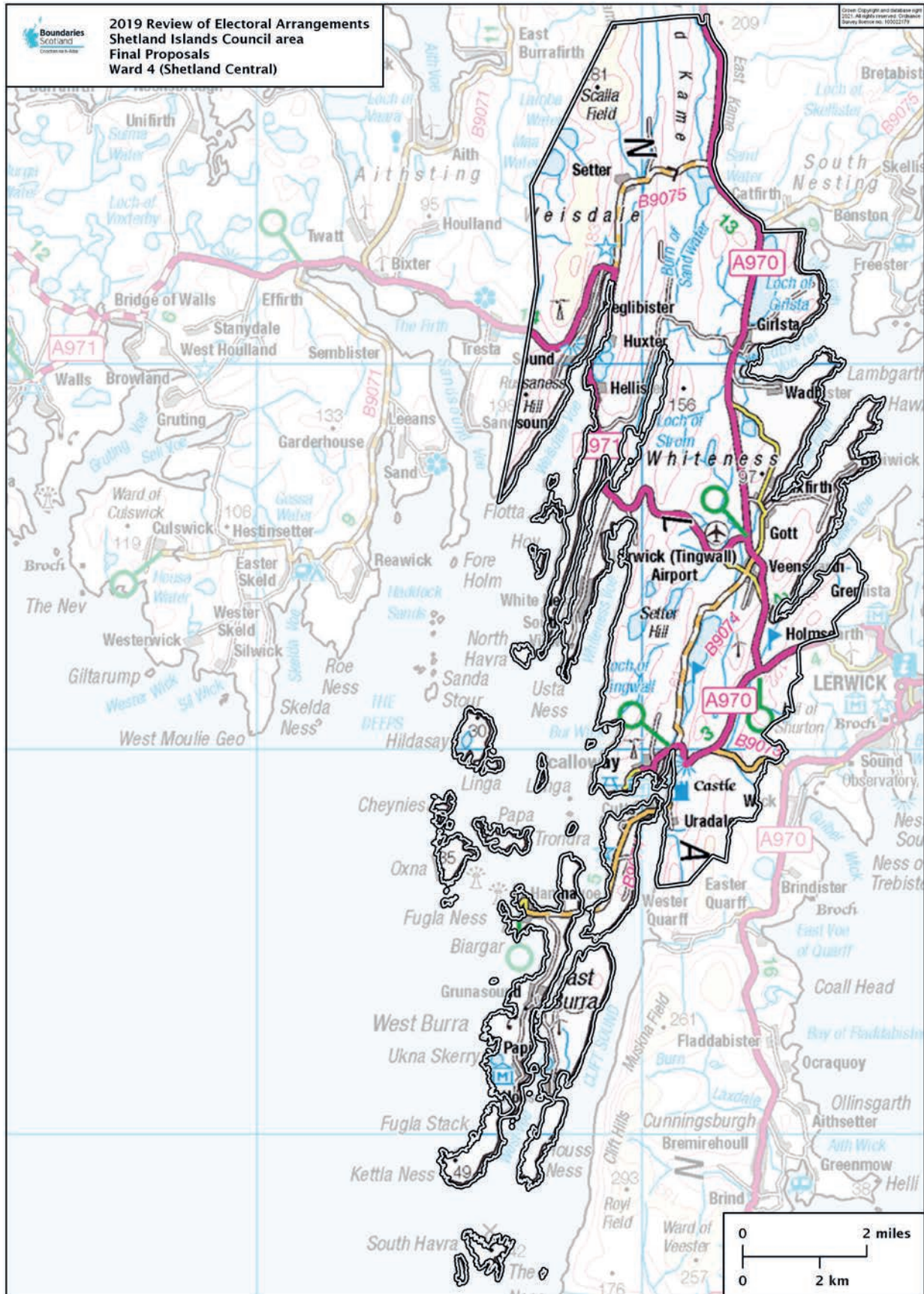
### Ward 3 Shetland West – 2 councillors

Our proposals create a ward with boundaries that follow a parish boundary, a community council area boundary and natural features (the watershed to the west of Weisdale). It covers the same area as the Council's Shetland West Locality. Councillors in this ward are forecast to represent 11.7% fewer electors than absolute parity would require.



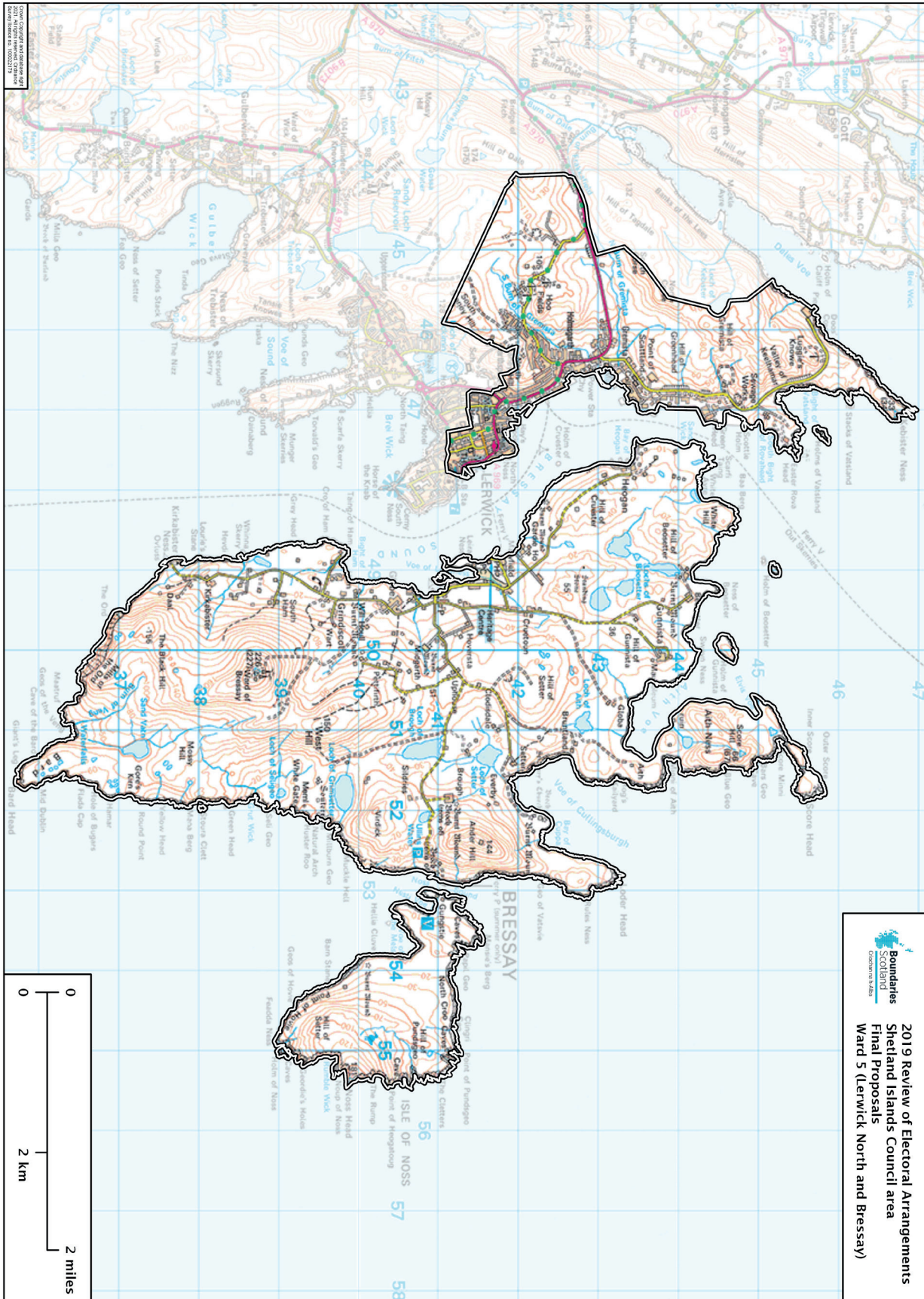
### Ward 4 Shetland Central – 4 councillors

Our proposals create a ward that covers the same area as the Council’s Shetland Central Locality. Councillors in this ward are forecast to represent 1.0% fewer electors than absolute parity would require.



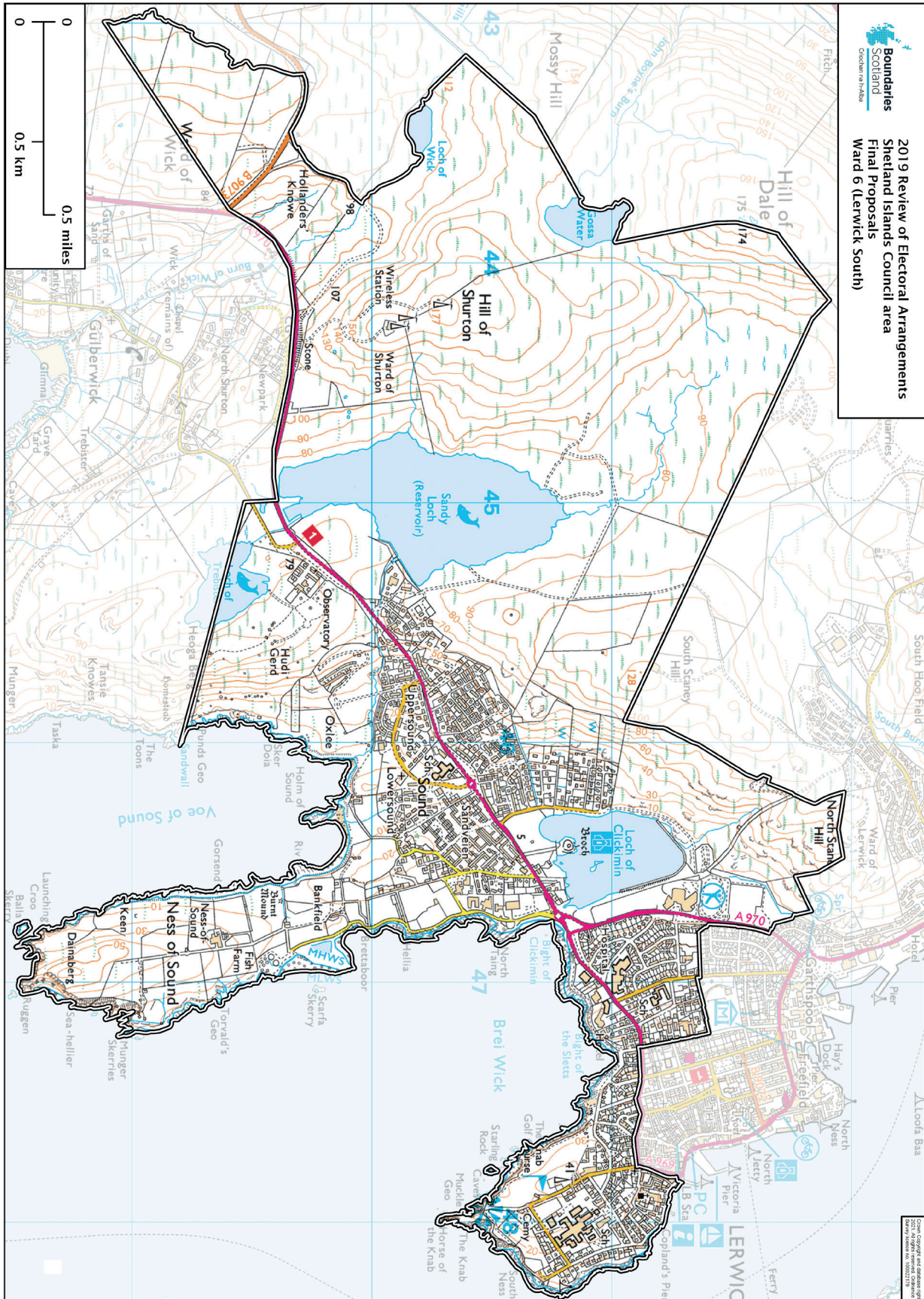
### Ward 5 Lerwick North and Bressay – 3 councillors

Our proposals retain the existing Lerwick North ward, with the boundary and number of councillors unchanged. We have renamed it Lerwick North and Bressay to recognise the island community of Bressay. The ward sits within the Council’s Lerwick and Bressay Locality. Councillors in this ward are forecast to represent 0.2% more electors than absolute parity would require.



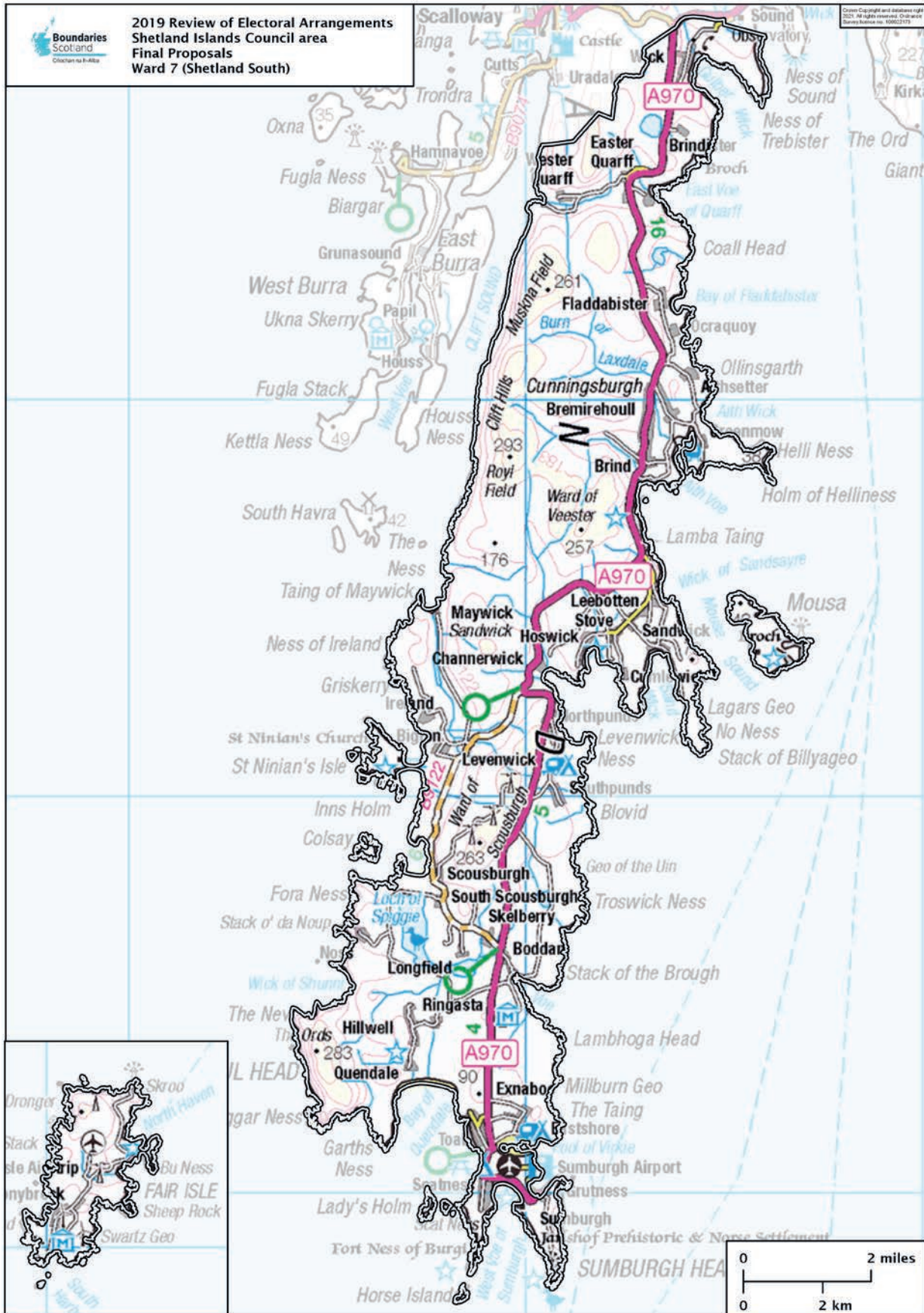
### Ward 6 Lerwick South – 4 councillors

Our proposals amend the existing Lerwick South ward boundary by following the Council’s Shetland South Locality boundary. Councillors in this ward are forecast to represent 3.2% more electors than absolute parity would require.



### Ward 7 Shetland South - 4 councillors

Our proposals create a ward that covers the same area as the Council's Shetland South Locality, which includes Gulberwick. Councillors in this ward are forecast to represent 1.3% more electors than absolute parity would require.



## Part 2 Background

### Who we are

3. Boundaries Scotland<sup>1</sup> is an independent, non-political, statutory body responsible for carrying out reviews of councillor numbers and electoral wards for council areas.
4. Under the Local Government (Scotland) Act 1973 (as amended) we undertake reviews to ensure effective and convenient local government and electoral fairness, which means that each councillor should represent broadly the same number of electors. Councillors represent electoral areas called wards.
5. The Commission is also responsible for carrying out reviews of council area boundaries and of constituencies and regions for the Scottish Parliament.

### Why we conduct electoral reviews

6. We conduct electoral reviews at intervals of no more than 15 years and take account of the factors set out in the 1973 Act (as amended by subsequent legislation). These say we must ensure that the number of electors per councillor in each ward are as nearly as may be the same. Subject to this, we must have regard to local ties that would be broken by fixing a particular boundary and to the desirability of fixing boundaries that are easily identifiable. Of these, local ties are more important.
7. We may depart from the strict application of electoral parity to reflect special geographical considerations.
8. The population of any council area is constantly changing, with people moving into or out of areas as well as within the same area. As a result of these changes, some councillors may represent considerably more or fewer electors than others. Such variations in levels of representation are one of the reasons that we carry out electoral reviews.
9. This Review of the Shetland Islands Council area is required under section 20 of the Islands (Scotland) Act 2018. This Act recognises the importance of the Scottish islands and the particular opportunities and challenges that apply to them. It offers additional flexibility allowing us to create wards that elect one or two councillors in wards which contain inhabited islands as well as the two, three, four or five councillor wards permitted elsewhere in Scotland following the amendments made to section 1 of the Local Governance (Scotland) Act 2004 by section 4 of the Scottish Elections (Reform) Act 2020 which take effect from 14 May 2021.
10. The current electoral arrangements in the Shetland Islands Council area have remained unchanged since 2007. They have been used for local government elections in 2007, 2012 and 2017.
11. Shetland Islands Council area was last reviewed during our 5th set of Reviews of Electoral Arrangements, which reported in 2016. However, the Scottish Government did not implement the proposals for the Shetland Islands because of the introduction of the Bill on the Scottish Islands, which became the Islands (Scotland) Act 2018.

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<sup>1</sup> We conducted this Review as the Local Government Boundary Commission for Scotland but have submitted our final proposals and report to Ministers as Boundaries Scotland following the commencement of the relevant section of Scottish Elections (Reform) Act 2020. Part 4 of the Act amended our name to reflect our added responsibilities for reviewing Scottish Parliament boundaries.

## How we work

### Effective and convenient local government

12. Effective and convenient local government is the fundamental consideration for proposals arising from any of our reviews.
13. Among the factors we recognise as contributing to effective and convenient local government are:
  - the ability of councils to manage and deliver all of the services they are responsible for in an efficient manner;
  - the ability of individual councillors to carry out their functions including representing the residents in their area; and
  - the ability of residents to access services and participate in local democracy readily and conveniently.

### Determining councillor numbers

14. We agreed at our meeting of 4 December 2017 to adopt the same methodology for councillor numbers for this Review as that used during our 5th Reviews of Electoral Arrangements. At that meeting we considered Paper 2429 (Islands Review: councillor numbers methodology) and agreed that, building on our research into councillor role and workload, we were broadly comfortable with the councillor number methodology, though would give further consideration to the role of councils in suggesting what its number of councillors should be and why. We agreed to consider a degree of flexibility over the number of councillors a council may have in order to assist with ward design, noting that we used such flexibility a number of times during the 5th Reviews.
15. We decide the number of councillors for each council area by placing it into a category with other similar councils. The categories we use are based on available data on population distribution and socio-economic conditions from the Scottish Index of Multiple Deprivation (SIMD). This Index includes a range of factors including data on: income, employment, education, health, access to services, crime and housing. The categorisation reflects the characteristics of the council area as a whole and the ratio for each category applies across the whole council area to ensure electoral fairness and compliance with the legislation. In determining the appropriate ratio for each category we also have regard to the minimum and maximum number of councillors required for a council to conduct its business and discharge its duties effectively.
16. Reflecting the process outlined above, for this Review we have applied the same ratio of councillors to electors of 1:800 in Shetland Islands council area as we applied during our 5th Reviews.
17. We are aware that a large change of councillor numbers might be disruptive so we incorporated a 10% change rule. This means that we will not propose increasing or decreasing the total number of councillors in any council area by more than 10% unless there is a strong case for doing so.
18. When we come to propose designs for wards we may move away from the exact number of councillors proposed by the methodology, if doing so means creating a pattern of wards that better meets the needs of the council area for effective and convenient local government.

### Determining ward boundaries

19. Once we have determined the proposals for the number of councillors, the next stage of the review is to consider proposals for ward boundaries and councillors per ward.

## Councillors per ward

20. As mentioned previously, for this Review each ward within the Shetland Islands council area can return between one and five councillors. Single member wards are permitted by legislation where all or part of the ward contains an inhabited island, which is the case for all of the Shetland wards. Use of two and five member wards throughout Scotland, in addition to the existing three or four member wards, was introduced by the Scottish Elections (Reform) Act 2020 from 14 May 2021.
21. The Bill that became the 2020 Act had not been introduced at the point we commenced our review. However, we were aware of the progress of the Bill and were open to use of a 5-member ward if the ward design process had suggested this would help meet the legislative requirements of the review.
22. The choice of the number of councillors for each ward depends on the overall pattern of wards we feel best meets all the legislative requirements which apply.

## Electoral parity

23. One of the principal aims of a review is to ensure a good level of electoral parity. This means, as far as possible, having the same number of electors per councillor in all wards of a council area. The legislation gives priority to electoral parity over other factors in ward design so we cannot use different ratios of electors to councillors within a council area.
24. Applying strict electoral parity for a review, the number of electors for each ward in Shetland Islands Council area would be:
  - 1 councillor ward = 800 electors
  - 2 councillor ward = 1,600 electors
  - 3 councillor ward = 2,400 electors
  - 4 councillor ward = 3,200 electors
  - 5 councillor ward = 4,000 electors
25. Best practice and previous reviews suggest an electorate within 10% of absolute electoral parity is acceptable. This is also suggested by the Venice Commission's 'Code of Good Practice in Electoral Matters'<sup>2</sup>. This means, for example, a 3-councillor ward could have between 2,160 and 2,640 electors, while a 4-councillor ward could have between 2,880 and 3,520 electors. This is intended to provide a reasonable degree of flexibility in most circumstances.
26. In designing wards, we aim to allow effective and convenient local government and to take account of local circumstances. We will consider moving away from electoral parity within the terms of the legislation if we consider special geographical considerations apply.

## Special geographical considerations

27. We can move away from strict adherence to electoral parity for a ward where there are special geographical considerations that make it desirable to do so. Such considerations include areas where transport and communication links are slow, infrequent or subject to interference by the weather and seasons. Examples include distinct island communities, sparsely populated areas and remote areas.

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<sup>2</sup> ["Code of Good Practice in Electoral Matters", Venice Commission, 2002](#)

## **Electorate change**

28. When aiming for electoral parity we take into account the likely change in the number or distribution of the local government electorate over a five year period from the start of the Review.
29. To do this, we collected data from Shetland Islands Council on expected new residential development and demolition within its area over the five year period. Using this data, combined with data on the average number of electors per household in the area, and population projections for the same period from the National Records of Scotland, we calculate a forecast of electorate for the five year period.

## **Local ties**

30. When designing wards, we aim to reflect local ties, and in particular we aim to avoid breaking local ties. According to the legislation, however, electoral parity must outweigh local ties.
31. For some, local ties could be defined by their community council area, school catchment area, or historical areas. For island communities we may consider transport links to the mainland or other islands.
32. Major roads could be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly. Alternatively, roads or rivers or other natural features could be seen as physical barriers marking the boundary between different communities. In sparsely populated areas, we may have to combine two or more distinct and separate communities within a single ward. Here we would also consider how the communities interact with each other.

## **Easily identifiable boundaries**

33. The legislation requires us to take into account the desirability of fixing boundaries that are and will remain easily identifiable.
34. In urban areas, a case can be made to define ward boundaries along roads since they are likely to remain clearly identifiable, and are unlikely to be straddled by new dwellings. As an alternative, drawing a boundary along the rear fences between houses will result in neighbours across a street being in the same ward which may better reflect local ties.
35. In rural areas, natural features may be appropriate where a ward boundary is required. Field boundaries may also be used while recognising that they may be subject to change, particularly in the case of fences. In upland areas, a watershed may be an appropriate ward boundary feature, particularly along narrow, well-defined ridges.
36. Where there is a conflict between the desirability of fixing boundaries that are and will remain easily identifiable and local ties which would be broken by the fixing of any particular boundary, the legislation requires us to give greater weight to local ties.

## **Ward names**

37. When considering ward names we may use an existing ward name where there is a successor ward that is recognisably similar and aim to propose ward names that are reasonably short rather than attempt to describe an area exhaustively. We also welcome local views when proposing ward names.

## Consultation

38. As required by the legislation, we consulted Shetland Islands Council for a period of two months and considered their response before consulting publicly.
39. All responses to our consultations are fully considered by the Commission. When considering consultation responses from the Council and others we took full account of our obligations in terms of the legislative framework within which we work.
40. This means that even a well-articulated proposal for change may not be accepted if it does not allow compliance with the legislation (either as it stands or in light of any forthcoming amendments). For example, suggestions which would require change to boundaries between council areas cannot be taken forward as part of a review of electoral arrangements. We are also unable to pursue suggestions which disregard the need to consider parity across a council area as a whole.
41. Where suggestions do comply with the legislative framework we look to see the weight of the argument and supporting evidence. For example, suggestions for alternative boundaries which are felt to better reflect community ties will carry more weight if there is supporting information explaining the community issues involved and any local support that has been canvassed. Evidence in support of a more easily identified boundary might include explanation of the suggested boundary features and an explanation of why it is a feature that divides rather than links communities. Evidence in support of special geographical considerations would include explanation of the factors affecting councillors representation of and engagement with ward residents.

## Reporting arrangements

42. Our Final Proposals arising from this Review are to be laid before the Scottish Parliament and may be implemented by regulations made by Scottish Ministers (which, depending on the content of the proposals, may be subject to the negative or affirmative procedure) under revised procedures introduced by the Scottish Elections (Reform) Act 2020.
43. We have planned our work so that our proposals from this Review will, if implemented in accordance with those revised procedures, be ready for the local government elections expected in May 2022.

## Part 3 Conducting the Review

### Review Stages

44. We followed the timetable laid out below for this Review.

Stage	Date
Commission met with Shetland Islands Council to provide background to the Review and discuss its approach.	June 2018
Commission formally announced start of the Review.	January 2019
Commission developed proposals on councillor numbers and ward boundaries.	December 2018 – February 2019
Two month statutory consultation with the Council on councillor numbers and ward boundaries.	March – May 2019
Commission considered Council response and developed proposals for public consultation.	June 2019
12 week public consultation on councillor numbers and ward boundaries.	September – December 2019
Commission considered all comments submitted and developed its Final Proposals.	From February 2020
Final Proposals and Report submitted to Scottish Ministers.	May 2021

### Consultation

45. We consulted with Shetland Islands Council on our proposals for a period of two months from 20 March to 20 May 2019.

46. We considered how best to publicise our 12 week public consultation and we: issued a news release; placed a single page newspaper advertisement in The Shetland Times; sent posters and further information regarding the Review to nearly 50 display points (such as airport terminals, schools, council offices, libraries, health centres and places of worship); met with the Association of Shetland of Community Councils to discuss our proposals; and paid for social media advertising on Facebook and Twitter. The materials encouraged those interested to respond to the consultation via the Commission's consultation site. Our public consultation ran from 10 September until 2 December 2019.

## Existing electoral arrangements

47. At the start of this Review, Shetland Islands Council area was represented by 22 councillors in six 3-member wards and one 4-member ward.
48. The electorates and associated variation from electoral parity for the existing electoral arrangements are shown in the table below.
49. The 5 year forecast electorate in the Shetland Islands Council area shows a minor increase from 17,729 in 2017 to 17,873 in 2023.

Existing electoral arrangements						
Ward No.	Ward Name	Cllrs	Electorate (Dec 2017)	Variation from electoral parity %	Forecast Electorate (2023)	Forecast variation from electoral parity %
1	North Isles	3	2,207	-8.7	2,207	-9.4
2	Shetland North	3	2,504	3.6	2,523	3.5
3	Shetland West	3	2,038	-15.7	2,051	-15.8
4	Shetland Central	3	2,365	-2.2	2,400	-1.5
5	Shetland South	3	2,836	17.3	2,852	17.0
6	Lerwick North	3	2,334	-3.5	2,336	-4.2
7	Lerwick South	4	3,445	6.9	3,504	7.8
		<b>22</b>	<b>17,729</b>		<b>17,873</b>	

50. The existing electoral arrangements in Shetland Islands Council area contain two wards with forecast variation from electoral parity of 10% or more: Shetland South (17.0%); and Shetland West (-15.8%).
51. The number of councillors we initially proposed for Shetland Islands Council area is set out below.

Council area	Existing councillor numbers	Electorate (Dec 2017)	Electorate divided by ratio councillors per electors (1:800)	Proposed councillor numbers
Shetland Islands	22	17,729	$17,729 \div 800 = 22$	22

## Initial Proposals – Consultation with Shetland Islands Council

52. We considered four options for our Initial Proposals at our meetings of 3 December 2018 (Paper 2462) and 13 February 2019 (Paper 2469). The option we selected:

- addressed variation from electoral parity in the existing Shetland West ward and Shetland South ward;
- retained the existing Shetland North and Shetland South ward boundaries;
- adopted recognised boundaries throughout the area – Shetland Localities (used by both the Council and NHS Shetland to deliver local services) and existing wards;
- proposed five wards coterminous with Shetland Localities (North Isles, Whalsay and Skerries, Shetland North, Shetland West and Shetland Central);
- made a minor change to the boundary between the two existing Lerwick wards by following existing and historical ward boundaries;
- retained local ties near Lerwick by keeping Gulberwick within a Lerwick ward;
- renamed the existing Lerwick North ward as Lerwick North and Bressay;
- took account of the Islands (Scotland) Act by using the flexibility offered by 1-member and 2-member wards to better reflect local community ties; and
- took account of local ties in the whole council area.

53. We agreed to consult Shetland Islands Council on an electoral arrangement which proposed 23 councillors representing one 1-member ward, two 2-member wards, two 3-member wards and three 4-member wards. We agreed 23 councillors, one more than our methodology proposed, because it enabled us to better respect local ties and improved variation from electoral parity throughout the whole council area.

54. The electorates and associated variation from parity for the Initial Proposals – council consultation are shown in the table below.

Initial Proposals for consultation with Shetland Islands Council						
Ward No.	Ward Name	Cllrs	Electorate (Dec 2017)	Variation from electoral parity %	Forecast Electorate (2023)	Forecast Variation from electoral parity (%)
1	North Isles	2	1,345	-12.8	1,345	-13.5
2	Whalsay and Skerries	1	862	11.8	862	10.9
3	Shetland North	3	2,504	8.3	2,523	8.2
4	Shetland West	2	1,373	-10.9	1,374	-11.6
5	Shetland Central	4	3,030	-1.7	3,077	-1.0
6	Lerwick North and Bressay	3	2,424	4.8	2,426	4.1
7	Lerwick South	4	3,355	8.8	3,414	9.8
8	Shetland South	4	2,836	-8.0	2,852	-8.2
		<b>23</b>	<b>17,729</b>		<b>17,873</b>	

55. We consulted on our Initial Proposals with Shetland Islands Council for a 2-month period from 20 March to 20 May 2019.
56. We considered the response received on our Initial Proposals from Shetland Islands Council at our meeting of 17 June 2019 (Paper 2482).
57. We noted that Shetland Islands Council had submitted a suggestion for eight 2-member wards throughout the area and for the retention of a 3-member and 4-member ward in Lerwick. The Council believed this suggestion would improve representation in rural areas and avoid a 1-member ward which it felt would be challenging for one councillor to represent.
58. We noted the opposition to a 1-member Whalsay and Skerries ward and agreed to adopt the Council's suggested amendment for 2-member wards in the north and west of the mainland. In Central and South mainland the pattern of 2-member wards suggested by the Council led to variations from electoral parity which we did not consider could be justified.

### **Initial Proposals – Public Consultation**

59. Our Initial Proposals for public consultation presented an electoral arrangement for 23 councillors representing four 2-member wards, one 3-member ward and three 4-member wards. We agreed 23 councillors, one more than our methodology proposed because it enabled us to better reflect local ties and improved variation from electoral parity throughout the whole council area. The proposals:
- addressed the imbalance in number of electors per councillor in two of the existing wards, Shetland South and Shetland West;
  - retained the existing Shetland South ward boundary but increased the number of councillors representing it to four;
  - made a minor change to the boundary between the two existing Lerwick wards;
  - renamed the existing Lerwick North ward as Lerwick North and Bressay;
  - modified the existing North Isles ward, reduced in size, with the islands of Yell, Unst and Fetlar remaining together within a ward named North Isles but the islands of Whalsay and Skerries were linked with the mainland, and the communities of Lunnasting, Vidlin, Nesting and Voe, to create a Shetland North East, Whalsay and Skerries ward; and
  - created a 2-member Shetland North ward, 2-member Shetland West ward and a 4-member Shetland Central ward.

60. The electorates and associated variation from parity for our Initial Proposals for public consultation are shown in the table below.

Initial Proposals for public consultation						
Ward No.	Ward Name	Cllrs	Electorate (Dec 17)	Variation from electoral parity %	Forecast Electorate (2023)	Forecast variation from electoral parity %
1	North Isles	2	1,345	-12.8	1,345	-13.5
2	Shetland North	2	1,699	10.2	1,717	10.5
3	Shetland North East, Whalsay and Skerries	2	1,667	8.1	1,669	7.4
4	Shetland West	2	1,373	-10.9	1,373	-11.7
5	Shetland Central	4	3,030	-1.7	3,077	-1.0
6	Lerwick North and Bressay	3	2,424	4.8	2,426	4.1
7	Lerwick South	4	3,355	8.8	3,414	9.8
8	Shetland South	4	2,836	-8.0	2,852	-8.2
		<b>23</b>	<b>17,729</b>		<b>17,873</b>	

61. The public consultation on our Initial Proposals for Shetland Islands Council area ran for a 12-week period from 10 September to 2 December 2019.

62. During the public consultation we publicised the review as outlined in paragraph 46.

63. There were 36 responses to the public consultation for Shetland Islands Council area. Overall the responses supported the proposed number of councillors but fewer than half of the responses supported the proposed ward boundaries. The principal reasons given were that they broke local ties in the north of Shetland and created an island-mainland ward. There were also suggestions to place Gulberwick within a Shetland South ward.

## Final Proposals

64. In developing our Final Proposals we considered carefully all responses received, including from the Council and during the public consultation.

65. Our Final Proposals retain the existing North Isles ward to avoid an island-mainland ward; retain the existing Shetland North ward to maintain local ties by Delting and Voe; retain our proposed Shetland West ward which follows recognised boundaries; retain our proposed Shetland Central ward because it partly recognised ward boundaries. We received few comments regarding our proposals in Lerwick so retained the existing boundary between the two Lerwick wards. We amended the Shetland South ward boundary to include Gulberwick within it to improve local ties as suggested by two community councils. Our Final Proposals retain all of the existing ward names, except for Lerwick North which is renamed Lerwick North and Bressay.

66. In developing our Final Proposals we took full account of the legislative factors governing our work and these are summarised below.

## **Islands (Scotland) Act 2018 and Scottish Elections (Reform) Act 2020**

- 67.** In developing our proposals we tested the flexibility of the Islands (Scotland) Act 2018 which allowed us to consult on options such as a 1-member Whalsay and Skerries ward; a 2-member North Isles ward; and 2-member wards in the north and west of mainland Shetland. However, there was support to retain the existing 3-member North Isles ward because it was argued that there are common island issues and the existing arrangements work well; and concerns were raised how a single councillor could effectively represent the electorate.
- 68.** During the Review we were aware of the imminent Scottish Elections (Reform) Act 2020 (enacted on 8 July 2020). We received no suggestions for a 5-member ward during our consultations and did not consider use of a 5-member ward would enable us to propose a better ward design option for the council area.

## **Electoral Parity and Special Geographical Considerations**

- 69.** We believe our Final Proposals meet the legislative requirement to ensure that the number of electors per councillor within a council area are as nearly as may be the same.
- 70.** Six of our proposed wards are within 10% of forecast variation from electoral parity.
- 71.** We have proposed one ward with forecast variation from electoral parity of over 10%, Shetland West, where our proposal follows recognised boundaries including Shetland Islands Council Localities, community council areas, and natural features.

## **Avoidance of breaking local ties**

- 72.** Our proposals retain three of the existing ward boundaries maintaining local ties within the north of the council area and in Lerwick.
- 73.** Our proposals align with Shetland Islands Council Locality boundaries which reflect local ties and communities that they represent throughout the council area. Locality boundaries are used by the Council and Health Board for community planning and health and social care.

## **Easily identifiable boundaries**

- 74.** The proposals retain three of the existing ward boundaries preserving easily identifiable ward boundaries in the north of the council area and in Lerwick.
- 75.** Our proposals align with Shetland Islands Council Locality boundaries which consider the geography of the area, notably in the Shetland West; North Isles; and Whalsay and Skerries Localities.

## Conclusion

- 76.** At our meeting of 4 February 2020 we considered Paper 2515 and the views expressed by respondents to our consultations before agreeing our Final Proposals for Shetland Islands Council area as set out in Part 1.
- 77.** In considering responses to our consultations we have acted in accordance with the relevant provisions of the Islands (Scotland) Act 2018, the Local Governance (Scotland) Act 2004, and the Local Government (Scotland) Act 1973. Certain of those provisions are amended by the Scottish Elections (Reform) Act 2020, and following its enactment (it received Royal Assent on 8 July 2020) we were aware that our proposals would be submitted after their commencement. We have, therefore, exercised our functions, where we have considered it to be necessary or expedient, in anticipation of those provisions in the 2020 Act being commenced in order to give full effect to those provisions at the time our Report is submitted.
- 78.** When developing our Final Proposals we considered the issues raised and suggestions made during our consultations. We agreed that the information we had available was sufficient to reach a decision for Shetland Islands Council area and that there was not a need for further consultation or a local inquiry.
- 79.** We adopted suggestions from both Shetland Islands Council and members of the public when developing our Final Proposals because they better reflect local community ties within the area and created more easily identifiable ward boundaries.
- 80.** We believe that our proposals fully meet all requirements of the legislation and provide for effective and convenient local government for Shetland Islands Council area.
- 81.** All papers and minutes of meetings relating to our consideration of Shetland Islands Council area are available on our website: **[www.boundaries.scot](http://www.boundaries.scot)**.
- 82.** The timetable for this Review of electoral arrangements and index of our meetings, papers and minutes concerning Shetland Islands Council area is at Appendix B.
- 83.** A digitised description of the ward boundaries in the form of GIS shapefiles has been securely stored on digital media storage at the date of publication of our report.
- 84.** Our report has also been deposited for public inspection at offices designated by the Council and a news release announcing the publication of our report has also been issued.
- 85.** Our report is available on our website at **[www.boundaries.scot](http://www.boundaries.scot)**.

## Appendix A

### Legislation governing our work as of 14 May 2021

1. The legislative framework for these reviews is set out in the Local Government (Scotland) Act 1973, as amended. In particular, section 28 and Schedule 6 sets out the rules to be observed:

#### **Schedule 6 – Rules to be observed in considering electoral arrangements**

1 (1) This schedule applies to the consideration by Scottish Ministers or the Boundary Commission of electoral arrangements for election of councillors of local government areas.

(2) Having regard to any change in the number or distribution of electors of a local government area likely to take place within the period of five years immediately following the consideration, the number calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.

(3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to –

- (a) the desirability of fixing boundaries which are and will remain easily identifiable;
- (b) any local ties which would be broken by the fixing of any particular boundary

but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.

2. The strict application of the rule stated in paragraph 1(2) above may be departed from in any area where special geographic considerations appear to render a departure desirable.

2. The requirement for this review at this time is set out in the Islands (Scotland) Act 2018:

#### **20 Review of wards in certain local government areas**

(1) As soon as practicable after the commencement of this section, the Local Government Boundary Commission for Scotland (“Boundary Commission”) must—

- (a) review the electoral arrangements for each local government area mentioned in subsection (2), for the purpose of considering future electoral arrangements for those areas, and
- (b) formulate proposals for those arrangements.

(2) The local government areas are the areas of—

- (a) Argyll and Bute Council,
- (b) Comhairle nan Eilean Siar,
- (c) Highland Council,
- (d) North Ayrshire Council,
- (e) Orkney Islands Council,
- (f) Shetland Islands Council.

3. With regards to numbers of councillors per ward allowed, section 1 of the Local Governance (Scotland) Act 2004, as amended by the Islands (Scotland) Act 2018 and the Scottish Elections (Reform) Act 2020 provides:

#### **1 Electoral wards**

(1) Each local government area shall be divided into electoral wards; and there shall be a separate election for each electoral ward.

(2) The number of councillors to be returned in an electoral ward shall be two, three, four or five, as determined by order made under section 17 of the Local Government (Scotland) Act 1973 (c. 65) (“the 1973 Act”) (regulations giving effect to proposals made by Boundaries Scotland after, in particular, complying with the duty in section 28(2), and schedule 6, of the 1973 Act).

(2A) But, in relation to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018), an order made under section 17 of the 1973 Act may determine that the number of councillors to be returned is one.

(3) Different numbers may be determined in relation to different electoral wards.

## Appendix B

### Index of meeting papers and Commission meetings

Date	Meeting Papers
4 December 2017	Paper 2429 Islands Reviews: councillor numbers methodology
3 December 2018	Paper 2462 Review of Electoral Arrangements – Shetland Islands Council area – Preliminary consideration of Initial Proposals
13 February 2019	Paper 2469 Review of Electoral Arrangements – Shetland Islands Council area – Agree Initial Proposals
20 March to 20 May 2019	2-month statutory consultation period with Shetland Islands Council
17 June 2019	Paper 2482 Islands Reviews: Consideration of Initial Proposals for Shetland Islands Council area – Consideration of response to council consultation
10 September to 2 December 2019	12-week public consultation period
4 February 2020	Paper 2515 Islands Reviews: Final Proposals for Shetland Islands Council area – Consideration of responses to public consultation
May 2021	Commission submits its reports to Scottish Ministers

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