

Third Statutory Review of Electoral Arrangements

Comhairle Nan Eilean Siar Area

Report to the Secretary to State for Scotland

Local Government Boundary Commission for Scotland

Report Number E98028
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Introduction

1. The Local Government etc. (Scotland) Act 1994 determined that on and after 1 April 1996, Scotland should be divided into local government areas as named and described in Schedule 1 to the Act and that, for each area, there should be a council consisting of a convener and councillors. It further determined that each council should have all the functions exercised immediately before 1 April in relation to their area by any existing regional, islands or district council.

2. On 1 April 1996 all local government areas existing immediately before that date which were regions and districts and all regional and district councils ceased to exist.

3. Schedule 2 of the Local Government etc. (Scotland) Act 1994 also established that every local government area (other than the islands areas of Orkney, Shetland and Western Isles) should be divided into such electoral wards as may be specified in a direction made by the Secretary of State after carrying out such consultations as he considered appropriate. Those wards were to apply for the purpose of any election of councillors held before 'the relevant year of election' (defined as meaning the first year of ordinary election of councillors for the area in question occurring after the making of an order constituting the new electoral wards of that local government area in consequence of the review currently being undertaken by the Commission). In accordance with procedures that applied prior to the reorganisation in 1975, the views of councils were invited. However, the 1994 Act determined that in the islands councils, councillors elected for the islands areas of Orkney, Shetland and Western Isles at the ordinary election held in 1994 should continue as Councils until the second ordinary election of councillors for the new councils held under section 5 of the 1994 Act. Under the existing structure, Comhairle Nan Eilean Siar, therefore, retained 30 councillors.

Origin and Commencement of the Review

4. The Commission has a statutory duty under section 14 of the Local Government (Scotland) Act 1973 to undertake periodic reviews of local authority electoral arrangements. The Local Government etc. (Scotland) Act 1994 amended section 20 and schedule 5 of the 1973 Act, directing that:

as soon as practicable after 1 April 1996, the Boundary Commission shall-

review the electoral arrangements for all local government areas for the purpose of considering the future electoral arrangements for those areas; and

formulate proposals for those arrangements.

5. This, therefore, is one of the statutory reviews required in terms of section 16(2) and Schedule 5 of the Local Government (Scotland) Act 1973, as amended.

6. On 22 March 1996, the Scottish Office Development Department gave local authorities advance notice of the intention of the Commission to carry out a third statutory review of electoral arrangements. On 29 March 1996, we wrote to all councils to announce the commencement of the third statutory review of electoral arrangements and to explain the procedures to be followed. We also gave notice of the commencement of the review to all Community Councils, Electoral Registration Officers, Members of Parliament with a constituency interest and the Scottish headquarters of the political parties. In addition, public notice of the commencement of the review, which included an invitation to interested parties to apply to us for a copy of our consultation letter to councils, was given in newspapers.

Background

7. During the passage through Parliament of the 1994 Act, there was cross-Party understanding that we would review the number of councillors and boundaries of electoral wards for each council in time for changes to be implemented for the 1999 local elections. This was seen to be important because at the time of reorganisation, as mentioned above, the Secretary of State defined the electoral wards for the new councils and to a great extent based these on existing district wards. It was, however, recognised that using the existing district wards led to some councils being significantly over-represented in relation to other areas. Further, it also led to councillors within the same local authority areas representing wards with significantly different numbers of electors. Accordingly, our review was seen as important to ensure equity in representation across and within all local authorities. Further, the new authorities were now responsible for the provision of the full range of all services and, accordingly, consideration had to be given to determining an appropriate number of councillors for service provision to be effectively managed.

8. This review is, therefore, the first conducted by us which sets out to determine the appropriate number of councillors required for councils to operate efficiently and to establish the boundaries of electoral wards. To achieve both objectives our review was conducted in 2 main stages:

identification of a suitable methodology for determining numbers of councillors which, applied across all local authority areas, would be seen to be equitable and consistent; and

the division of each local authority area into the appropriate number of electoral wards in accordance with the statutory rules.

9. A copy of the statutory rules to be employed by us and the Secretary of State in considering proposals for electoral arrangements is provided at Appendix A.

Number of Councillors

10. In formulating proposals for the number of councillors we have been guided by two main principles:

effective management of councils; and

equity amongst electors.

11. We recognised that the number of councillors is crucial because there is, undoubtedly, some number below which it would be impossible for a council to discharge its duty to deliver services to its population and, conversely, there is also some number above which a council becomes unwieldy and cumbersome. We were influenced in this respect by the prior considerations of two other bodies.

12. The Royal Commission on Local Government In Scotland 1966-69, under the Chairmanship of the Rt. Hon. Lord Wheatley, provided a basis by which the number of regional councillors and the size of constituency to be represented might be determined by taking into account the fact that population density varies widely in Scotland as a whole and within regions. The then accepted view was that council size should not generally exceed 75 members. In England and Wales the Redcliffe-Maude Commission, which reported to Parliament in 1969, also drew attention to the management problems of large councils and endorsed the recommendation of The Committee on the Management of Local Government that a maximum number of 75 councillors should be set.

13. After careful consideration we concluded that, in the Scottish context and to provide additional flexibility, an upper limit of 80 councillors should be set. We also concluded that a minimum number of councillors should be set, recognising that even the smallest local government areas are now responsible for a wide range of functions. Accordingly, we decided that the minimum number of councillors should be 18. Further, these limits should apply to all councils.

14. Regarding equity as between voters, we considered that ideally each elector's vote should possess the same weight and significance in local government elections throughout the country; furthermore, ideally, there should be similar mutual accessibility between electors and councillors. However, since Scotland is a country of great diversity, both geographically, and demographically, a fact reflected in the areas for which councils created by the Act of 1994 are

responsible, and since we are satisfied that, in the interests of good local government, the number of councillors in any council must fall within certain limits, we concluded that these ideals are unattainable in practice. In this situation, recognising that a fair degree of homogeneity exists within certain groups of councils, which exhibit broadly similar geographic and demographic characteristics, we resolved to strive for equity in the senses mentioned within these groups, so far as that is possible within the constraints of the legislation under which we operate.

15. We, therefore, proposed a methodology which initially categorised council areas by density and distribution of population using data available from the 1991 Census of Population. Having classified council areas according to these criteria and adjusted the ratio of electors to each councillor to take account of similar characteristics, we have been able to achieve a broad equity of electorate across and within all council areas.

16. In our letter of 29 March 1996, all councils were informed of the proposed methodology and future pattern of representation for their council area. Councils were requested to make any representations they wished on numbers of councillors by 29 April 1996 so that a meeting could be arranged with the Deputy Chairman and Secretary to discuss the pattern of representation and any matters regarding our review that the Council wished to raise. Following visits to all councils by the Deputy Chairman and Secretary to discuss the proposed methodology and to consider alternatives which could be applied across Scotland, no alternative methodologies were offered but a number of councils suggested that the underlying classification should be amended to include an additional category.

17. At our meeting of 17 June 1996, we re-examined the criteria to be used to categorise mainland councils with similar characteristics in light of the representations made by a number of councils. We concluded that there should be 6 rather than 5 categories. The final categorisation of similar mainland councils was then agreed as follows:

- Category 1 Large Cities Glasgow and Edinburgh.
- Category 2 Cities Aberdeen and Dundee.
- Category 3 Authorities with less than 60% of the population living outwith settlements of 10,000 or more persons AND an overall population density of one person or more per hectare.
- Category 4 Authorities with EITHER 60% or more of the population living outwith settlements of 10,000 or more persons OR an overall population density of less than one person per hectare.
- Category 5 Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons AND an overall population density of less than one person per hectare.

- Category 6 Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons AND an overall population density of less than 0.2 persons per hectare.

18. In addition to the 6 categories we then determined the ratio of councillors to electorate for mainland councils that would allow for efficient management and appropriate representation, as set out in paragraphs 11 - 14 above, and considered that the following would be appropriate:

- | | |
|--------------|---------|
| • Category 1 | 1:6,000 |
| • Category 2 | 1:4,000 |
| • Category 3 | 1:3,500 |
| • Category 4 | 1:3,000 |
| • Category 5 | 1:2,500 |
| • Category 6 | 1:2,000 |

19. On 20 June 1996 we wrote to all mainland councils informing them of the revised criteria for determining councillor numbers and inviting them to prepare a draft scheme of electoral arrangements for their Council area. Following upon that, Aberdeen City Council brought a petition for Judicial Review of the decision taken by us at our meeting of 17 June, 1996 in the Court of Session. In it they sought a decree of declarator that that decision in relation to them was unlawful, ultra vires and null and void; they also sought a decree of reduction of the decision in relation to them and certain ancillary remedies. We resisted this petition, which was dismissed by the Court on 20 December 1996 after a hearing.

20. We considered the ratio of councillors to electors for the 3 islands councils at our meeting of 26 August 1996 and concluded that the appropriate ratio would be 1:750. On 28 August 1996 we wrote to these councils informing them of our decision. We proposed a council of 30 members for Comhairle Nan Eilean Siar area.

Comhairle Nan Eilean Siar Proposals

21. The Council's proposals for 30 electoral wards were received by the Commission on 20 February 1997. Details of where copies of the scheme could be inspected were published in the Stornoway Gazette and the West Highland Free Press in the week commencing 28 February 1997 and those wishing to make representations were asked to write to the Council and the Commission. All the Community Councils in the Council area were provided with a copy of the draft proposals and notified where maps and other documents could be inspected.

22. The Council also provided a summary of the consultation process which had taken place during the preparation of its draft proposals. Six Community Councils informed the Council that they supported the status quo. Sandwick Community Council asked that the boundaries revert to the pre-1994 situation. Benbecula Community Council asked that the island be split into two wards but did not offer any suggestions of where the boundary should be fixed. Lochboisdale

Community Council asked that Garryhallie and Askernish be included in the Lochboisdale Ward rather than the Iochdar Ward.

23. The Council incorporated the amendment suggested by Sandwick Community Council in its draft proposals.

24. Only one representation was received by the Commission. Sandwick Community Council wrote to say that it fully supported the views of the Council, the local Councillor and the electorate that the boundaries of the Sandwick Electoral Division should revert to the pre-1994 boundaries which would mean that Sandwick village would once again be included in the Sandwick Ward.

25. Our initial analysis of the Council's draft scheme of electoral arrangements showed that the divergence from electoral parity in the proposed wards ranged between $\pm 39\%$. It was also clear that 28 of the 30 wards were identical to those wards already in place. Only the boundary between Ward 15 and Ward 16 had been amended to take account of the representation made by Sandwick Community Council.

26. The 1996 electorate data and forecast of electorate at 2001 supported the view that, in a 30 ward scheme, the area covered by Lewis and Harris fully justified 23 wards and that there was sufficient electorate in the Uists, Benbecula and Barra and Vatersay for 7 wards. However, an analysis of the data at ward level suggested that the area covered by Wards 9-16 fully justified an additional ward. It was equally clear that, overall, 12 of the wards in Lewis were under-represented and that wards to the northwest, west, and southwest of Stornoway were over-represented, as were the 3 wards proposed for the Harris area. In the Uists, Benbecula, Barra and Vatersay the number of electors indicated that, on balance, the Uists and Benbecula should have 6 wards and Barra and Vatersay a single ward. It was noted, however, that the arithmetical balance was only marginally against Barra and Vatersay.

27. We concluded that there appeared to be scope to prepare a scheme of electoral representation which better reflected electoral parity in and around the Stornoway area. We considered also that some of the imbalances in the wards covering the Uists, Benbecula, Barra and Vatersay could also be addressed and directed our Secretariat to examine the possibility of preparing a draft scheme of electorate for the Council area which better reflected the primary rule, bearing in mind any special geographical reasons which would justify deviation from the application of this rule.

Development of an Alternative Draft Scheme

28. Officers of the Commission visited the Council area during May 1997 and examined the options available for a revision of the boundaries as we had directed. During their visit they met Senior Council officials and outlined their remit in broad terms. Our officers noted the views expressed by Council officials regarding decentralisation and the perceived need to maintain the

influence of the rural electorate on the Council. During their visit to the Council area, time was spent in Lewis and Harris, the Uists and Benbecula.

29. Our officers reported that, in the area covered by Wards 1-6, whilst it might be possible to improve the balance between Wards 3 and 4, the settlement pattern and geography of the area precluded any alteration of Wards 1 and 2 and Wards 5 and 6. Our officers proposed no changes to the boundaries of Wards 7 and 8, but concluded that an additional ward could be included in the area covered by Wards 9-18 in order to address the imbalance in electoral parity. Our Secretariat also carefully examined the potential for reworking the boundaries covered by Wards 19 - 23 which would result in 4 better balanced wards. However, a close examination of the area indicated that there was little practical opportunity for associating excess electorate in Wards 19 and 20 with the northernmost part of the area covered by Wards 21 - 23. It was noted that the only practical solution for area as a whole seemed to be the division of the Harris area into two wards on an east/west basis, splitting the settlement of Tarbert and making it the focal point of both wards.

30. In North Uist it was thought that two wards could be created in a way which produced a marginally better balance of electorate. However, the net effect of the change was small and, in such circumstances, the boundaries proposed by the Council for this area might be preferred. There did not appear to be scope to create a ward which linked North Uist and Benbecula because of the settlement pattern. In assessing alternative ward structures for Benbecula and South Uist, our officers concluded that it would not be practicable to divide Benbecula into two wards as the result would create a parity situation not dissimilar to that in Barra and Vatersay. The only practical solution was to create a ward which covered north Benbecula and a ward which associated the remaining Benbecula electorate with settlements on South Uist. The remainder of South Uist could then be formed into two better balanced wards. If the above proposals for the Uists and Benbecula were considered to be acceptable, Barra and Vatersay would form a single ward with a divergence from parity of 32% rather than two wards which diverged from parity by -30% and -39%.

31. We carefully considered the alternatives outlined by our officers and agreed to accept the Council's proposals for Wards 1 -8 subject to a minor alteration to the boundary between Ward 3 and Ward 4. We concluded also that the revised proposals for the area covered by Wards 9 to 18 in the Council's proposals should be adopted because of the improved electoral parity. We further concluded that it would not be practicable to revise the boundary between Wards 19 and 20 to release electorate which could be associated with the Harris area in an effort to produce balanced wards. We agreed, therefore, that Wards 19 and 20 in the Council's draft proposals should remain unchanged, but that the Harris area should comprise two wards as set out in our officer's revised proposals.

32. We concluded that North Uist should comprise two wards as determined by the Council subject to minor boundary changes which had no effect on the electorate. We also concluded that Barra and Vatersay should comprise a single ward and that the revised proposals for Benbecula, South Uist and Eriskay should be accepted as our provisional proposals because, bearing in mind the nature of the areas involved, a more appropriate balance of representation had been achieved.

33. The visit of our officers to the Council area generated comments based on speculation as to the nature of changes to the Council's draft proposals which we might consider. Whilst we noted the views expressed, we agreed that it would be appropriate to consider this correspondence together with representations made in response to publication of our provisional proposals.

Publication of Commission's Provisional Proposals

34. Public notice was given of the publication of our provisional proposals on 26 February 1998. The Council was asked to make available for inspection at its offices copies of the electoral ward boundary descriptions, electoral statistics and illustrative maps. Additionally, copies of our proposals were sent to all who had received our consultation letter or had expressed an interest. We asked that any comments should be made to us by 26 March 1998.

Consideration of Representations

35. Five representations, received prior to publication of our proposals, were considered together with the representations received following publication of our provisional proposals.:

- **The Council** wrote to say that it now considered it would be better represented by thirty one electoral divisions. For the Uists and Barra the status quo should remain due to special geographical considerations. Barra and Vatersay should have two wards because of difficulties in being represented as one ward. It was suggested also that the electorate on Benbecula might not be as high as shown on the electoral register and that many people in the area were not permanent residents but holiday home owners. The existing boundaries should, therefore, remain. The Council appreciated that the additional seat in the Stornoway/Point area was necessary to reflect the previously high electorate in the Sandwick ward but the communities of Aignish (Aignish and Aignish are the Gaelic and English spellings respectively) and Sandwick felt that Aignish would be more properly represented as part of Point in the Knock Ward. The Council endorsed the views made by Councilors expressed in representations to the Commission. The proposals for Harris had caused deep concerns and dissatisfaction in Harris because of the remote geographical conditions pertaining to the area that made it necessary to have three wards. The proposed division of Harris would place six schools in one ward and only one school in the other ward. The proposals would divide the principal settlement of Tarbert which was very much one community.

The Council hoped that the Commission would listen sympathetically. It expressed the view that, due to the special geographical conditions and a strong

sense of community in the islands, the aim of achieving electoral parity should be put aside in the interests of the human aspect of community. If the Council's proposals did not find favour with the Commission, an Assistant Commissioner should be appointed so that further consultations on the views of the communities could take place.

- **Castlebay Community Council** wrote to say that it was vehemently opposed to the provisional proposals. Islands had separate and diverse needs which were entirely different from mainland wards. Barra and Vatersay had the largest electorate and were the farthest from the seat of decision making. It could take three days to attend a Council meeting and, should a single Councillor have Committee responsibilities, the individual would rarely see his or her family. Recent community surveys indicated a high level of apathy and disillusionment with the decision-making process. Before it made its final decision, the Commission should make an effort to visit the islands and meet the communities. This dangerous denial of the democratic process, to already hard pressed remote communities, would have far reaching consequences.
- **Northbay Community Council** wrote to say that the proposal to create a single ward for Barra caused surprise and great concern and took no account of the special geographical circumstances of an Islands authority. Barn was the most distant island community in the Council area, being approximately 100 miles from Stornoway. There needed to be some parity of influence amongst islands beyond that of electorate size alone and the remoteness of Barn made it essential that its interests were adequately represented in the Council Chamber. The Council recognised this and considered that Barn should be represented by two Councillors. A single ward would place an intolerable burden on one Councillor who would be absent from the ward to a far greater extent than any other representative in the Western isles. With two wards the burden could be shared and the voice of Barra could still be heard even if one Councillor was unable to attend in. Lewis. The Community Council strongly opposed the provisional proposals and asked that a public meeting be held in Barra before a final decision was made.
- **Laxdale Community Council** wrote to say that it preferred that Sand Street should remain within the Community Council area.
- **Point Community Council** wrote to state its opposition to the proposals which created a ward covering Aignish and Sandwick. Electoral parity might be considered to have merits, but there were no perceived benefits from separating Aignish from its neighbouring townships and linking it with townships on the other side of the narrow isthmus that links Point to the rest of Lewis. A discussion was requested.

- **Sandwick Community Council** wrote to say that our provisional proposals had been discussed at a public meeting. All those present agreed with the proposals for Sandwick village but the villagers of Aignish would never accept being part of anything other than the Knock electoral area. There was no opposition to the proposed Plasterfield Ward.
- **South Harris Community Council** wrote prior to the publication of our provisional proposals to say that it had come to its notice that there might be moves afoot to reduce the number of Councillors in Harris. This had caused some degree of anxiety. There might be a strong case for such a reduction on population grounds but the nature of the Isle of Harris required to be considered using different criteria. The nature of the island would make it logistically difficult to divide. Thereafter, the Community Council wrote to ask what was going on with regard to the proposed electoral division within Harris. Stockinish had disappeared and the main village of Tarbert had been divided in half, presumably in response to the need to have numerical equivalence. Common sense should prevail when deciding a boundary. The community was incensed.
- **Councillor Macmillan** wrote on behalf of the people of Aignis to state outright opposition to the Commission's proposals which removed Aignis from the current Aignis Ward. The proposal caused extreme disquiet in the community. The Councillor would be calling on the Council to join with the Community Council to campaign for the status quo. The existing arrangements contained two wards which were coterminous with the area of Point, an area which was regarded as a distant community with a geographical boundary at Braighe. It was a designated Parish, had its own Community Council, sports teams and Historical Society. Aignis was an integral part of the Point community and there was a clear logic in having a local government representative for a community where a geographical boundary had been accepted without question. The most logical boundaries were the existing ones.
- The Councillor also forwarded a petition with 83 signatures from the people of Aignis expressing outright opposition to the proposals.
- **Councillor Macdonald** wrote to say that the Commission's lack of knowledge astounded him, that the Argentines had more knowledge of the geographical nature of the Falklands than the Commission had of Harris, and that this was a matter of grave concern. The Councillor opposed the proposals and urged that a public meeting be held.
- **Councillor Blaney** wrote to say that he appreciated that the Commission was trying to create wards with roughly the same number of electors. He had previously asked that Askernish and Garryhallie be transferred from the Iochdar Ward to Lochboisdale. The Rocket Range on Benbecula was becoming less reliant on Service personnel and the population of the area around West Gerinish was

increasing as a number of civilians involved in running the establishment chose to live in that vicinity. To create a new ward of Daliburgh and Eriskay broke many existing local ties. The Councillor considered that Benbecula, Iochdar and Lochboisdale Wards should remain unchanged. Councillor Blaney wrote further to say that, on checking the draft electoral register for 1998, there were more entries which should be deleted than late additions which meant that the actual electorate for Lochboisdale was smaller. He thought that the same could be said for Benbecula.

- **Councillor Bremner** wrote to question the electorate data for Benbecula, which were used in our provisional proposals. Forces personnel were leaving, 209 houses were for sale and there would be a reduction in the electorate, which would obviate the need for an additional Councilor. The Councillor also considered that one of the criteria for revising boundaries was continuity in recognising community links. Viewed in this light the proposals to break up South Uist were ludicrous. The need to equalise electorate was accepted but this could be done by redrawing the boundaries within South Uist. This would recognise community ties and parish links.
- **Councillor Maclead** wrote, prior to publication of our provisional proposals, to object in the strongest possible terms to the suggestion that the Commission would even consider reducing the number of wards on the Island of Barra from two to one. It was already difficult to have proper representation in Stornoway and any reduction in representation would be a return to pre-1974 and the dark days of Inverness County Council. The Councillor further wrote expressing regret and annoyance that the proposals ignored the views of the Council and those democratically elected by the people of Barra, were a retrograde step and would serve to exacerbate the feeling of remoteness from the centres of local government in Stornoway and Ballivanich. The status quo should be considered.
- **Councillor MacKinnon** wrote prior to the publication of our provisional proposals to say that there were very grave concerns amongst the people of Barra to any suggestion that the Commission would be recommending, and the Secretary of State implementing, a boundary change which would create a single ward for Barra. Apart from the geographical, social and cultural issues, a single ward would be substantially in excess of what was considered to be the Commission's rule of thumb parity figure. The Commission should not underestimate the strong sense of community identity which the two Barra Councillors have and the value which Barra places upon the voting rights secured by two wards in the Council Chamber. If the Commission was minded to proceed with the proposal, it should visit Barra and hear directly at a public meeting that there was no support for combining the two wards. It was hoped that Commissioners would show a real sensitivity to the needs of an island community.

- **Councillor Nicholson** wrote to say that the reinstatement of Sandwick village to the Sandwick electoral area met with his whole-hearted approval and was logical. However, the proposal that Aignish village be integrated with Sandwick did cause real difficulties for communities. To redress the balance of electorate in Sandwick Ward, the village of Plasterfield could be reincorporated which would be welcomed by the Sandwick Community.
- **Councillor Macdonald** wrote to say that the proposals for Harris from a Commission which did not consult the community beggared belief. The Council's proposals that the status quo remain were soundly made and should remain, as Members and Officers were very aware of the difficulties, particularly in travel, which the Commission's proposals would create. Harris had special geographic problems and Commissioners should visit the Island, not in anonymity or secret, to discuss the matter with the inhabitants.
- **Councillor Mackay** wrote to say that the electorate in his ward strongly opposed the proposals which affected Harris because it meant a reduction from three to two councillors, which added to the disadvantages suffered by the community resulting from the stronger voting power of Lewis. Further, the way the division into two wards had been made meant that the Councillor for Rodel was also responsible for Hushinish which was 40 miles away. Consultation with the electorate should take place before any decision was made on such an important matter.
- **Councillor Campbell** wrote to say that, together with a number of Council colleagues, he believed that the Commission had not given sufficient weight to the fact that the Council area consisted of a community of islands each with its own cultural, historical and often religious identifies. It appeared that the main thrust of the proposals was concerned with levelling of numbers but, whilst this might be a necessary principle, it was hoped that where differences were not extreme other local factors could be taken into account. The logistical problems which would face Councillors in South Uist might provide a latter-day Compton Mackenzie novel. The Councillor was indifferent as to whether Benbecula should become two wards or remain as one. However, to add on bits of South Uist to Benbecula would be regarded as bureaucracy running riot. In view of the decreasing military presence in Benbecula, a trend which was likely to continue, it should remain as a single ward. A copy of the electoral register corrected to show those who have left Benbecula was provided. It was also mentioned that there were no Councillors standing under party political colours in the southern isles thus no political factor coloured the combined responses to the Commission.
- **Aignis Grazings Committee** wrote to register outright opposition to the proposed ward changes in Aignis. It would be totally illogical to tie Aignis and Sandwick Wards together as there was no natural link between the two.

- **Harris Council for Voluntary Service** wrote to say that it was extremely disappointed with the proposal to reduce the number of wards in Harris from three to two. The Council for Voluntary Service had written to the Commission on 23 August 1997, prior to the publication of our provisional proposals, following a report from the Western Isles Policy and Resources Committee in June 1997 which, apparently, speculated that the Commission proposed to reduce the number of wards in Harris. The Council for Voluntary Service considered that, although the population of Harris was declining, the profile of the area deserved three wards in order to provide democratic cover. The reduction in the population meant that there were more issues to be tackled, not fewer. The area remained unchanged and the sparse nature of the population made a Councillor's job more onerous. The low population base caused many problems ranging from high unemployment, economic viability of businesses, high costs and lack of facilities. The area had a disproportionately high elderly population and a low proportion of young people. All of this added to the work that a councillor had to carry out. The Council for Voluntary Service wrote also to forward a petition of 1,200 signatures opposing the provisional proposals for Harris. It was further stated that, under our proposals, one Councillor would be responsible for one Secondary and five Primary Schools whereas the other Councillor would be responsible for one Primary School only and this was an unfair division of responsibilities. The Bays area of Harris had also recently been designated an Area of Special Need, which supported the claim that, as an area of economic difficulties, Harris needed more representation not less.

The Council for Voluntary Service thought also that the settlement pattern in Harris made it extremely difficult to divide the population in a way which was logical or practical. Harris Development Ltd had worked hard to try and reverse the decline in population and its efforts had had some success. In view of the needs which the area still had, it was felt inappropriate to reduce the level of local authority representation.

It was submitted that the division of Harris which the Commission proposed was haphazard and there was no natural break which would give electoral parity. The village of Tarbert, which had been an identifiable community as far back as recorded history went, had been split in two and the dividing line went between two houses. Houses on one side of a road were in east Tarbert whilst houses on the other side were in West Tarbert. The statutory rules regarding fixing of boundaries and community ties were thought to have been ignored in our proposals. It was thought that all statutory rule regarding special geographical considerations would allow the Commission to deviate from parity in the Harris area. It was hoped that the Commission would reconsider the proposals and the Council for Voluntary Service considered that a member of the Commission should visit the area to see at first hand the geographical complications and hear the views of local people.

- **Scottish Labour, Western Isles Constituency, Point Branch** wrote to say that it did not agree with the provisional proposals for the reorganisation of Aignis to be part of a ward with Sandwick. It should stay part of Point. Whilst the change of a ward boundary in a city may not cause problems, in a rural ward it made no sense. What was proposed had never functioned as one community and the imposition of a ward boundary would not make it work as one community. The job of being a Councillor for the proposed ward would not be easy. Our proposals were regarded as a bureaucratic imposition.
- A letter was received from a correspondent who wished to register support for the people of Aignis who wished to remain part of the existing Aignis Ward. Whilst accepting that the boundaries of Tiumpan had not changed, Point was a distinct geographical area and the community should remain so for local elections. Aignis was regarded as part of Point and had never been regarded as part of Sandwick. Point was a parish, had its own sports teams, Historical Society and was a Community Council area in its own right. Many of the issues which were raised at the Community Council affected Aignis as much as other areas of Point. The Commission should retain the status quo for two wards in Point.
- A letter was received which stated that Aignish was geographically, socially and historically part of the parish of Point and the Commission's attempts to remove it from the Point wards made no sense. The proposal smacked of ignorance of history and total disregard of the view of the community.
- A letter was received which objected to our proposals for Aignis. There was no reason, apart from bureaucratic muddled-thinking, why the ward should be forced to change.
- A letter was received which stated that the correspondents believed the reduction in the number of councillors for Barra would have a devastating effect on the Island. The Council area had an enormous political problem: with the greater population of Lewis relative to the remainder of the Western Isles. This was exacerbated by the decision to locate the Council in Stornoway and allowed Lewis to dominate the Council's affairs whenever it desired. So far as the other islands were concerned, this made a farce of any idea that the Council was a genuinely democratic institution. It was not the number of votes that the other islands and Harris could muster, it was the number of voices available to present their position. It was already difficult for two Barra Councillors to carry out their functions and it would be virtually impossible for one to do so. Such a reduction would mean representation on half as many committees and other key bodies. The opportunities for informal networking would similarly reduce. The Barra Councillor would be alone. Every psychological study ever made demonstrated how difficult it was for one individual to stand against a crowd. Looking solely at population figures, Barra must be very close to being entitled to two representatives. It was ironic that when Barra was one of the areas which was not

losing electorate, it was proposed to halve the number of Councillors. Barra should have two Councillors.

36. Our initial consideration of Council size for the Islands Areas indicated that 31 wards would be appropriate. The Commission had earlier determined that, in circumstances where the number of wards we proposed for a Council area varied from the existing number of wards by ± 1 ward, then the Council should be given the option of retaining the existing number of wards. Initially, the Council decided to exercise this option by retaining its existing number of 30 wards. It was not until March 1988 that the Council informed the Commission that it had decided to alter its original position in favour of 31 wards for the Council area. This significant change of mind on the part of the Council at such a late stage in the review process created problems for the Commission but the Commission responded by doing everything possible to accommodate the wishes of the Council in this respect. We, therefore, agreed to the Council's request for 31 wards for its area but noted that increasing the number of wards would have an impact on electoral parity. We were not prepared to accept the Council's proposals for a scheme of 31 wards as outlined in its response to our provisional proposals.

37. We noted also that the Council, and others making representations, considered that the electorate in Benbecula had reduced significantly because of the withdrawal of Forces personnel and dependants and that the electorate was not properly reflected because of the number of electors registered at holiday homes. We also noted representation which suggested that the electoral registers might, for various reasons, be inflated.

38. In considering electoral parity, the Commission's provisional proposals reflected the Council's 1996 electorate data and the forecast electorate at 2001. Information provided from Electoral Registration Officer staff supported the view that the number of electors in Benbecula had reduced as a result of the withdrawal of Forces personnel and dependants and other changes. We were, however, assured that any over-inflation in the electoral registers because of holiday accommodation etc. was unlikely. Nevertheless, we concluded that a scheme of 31 wards should be based upon a revised forecast of electors for the whole Council area at 2001. Accordingly, we asked the Council to revise its forecast of electorate at 2001. Revised information was provided for the Council area and the existing 30 ward structure.

39. Reviewing the ward structure on the basis of electoral parity calculated for 31 wards, indicated that, over the Council area as a whole, there was a case for increasing the number of wards in the Stornoway area. It appeared also that there was a case for reconsidering our provisional proposals for other wards within the Council area. We noted comments regarding our consideration of the primary rule concerning parity in determining revised electoral arrangements. We noted also requests for public meetings but concluded that, on the basis of the representations received, there were no justifiable reasons to hold public meetings. We instructed our Secretary to visit the Council area in order to prepare proposals for revised electoral arrangements for 31 wards for our consideration.

40. Our Secretary notified the Chief Executive of the Council that he would be working in the area and consequently a number of brief, informal, discussions were held with Council

officials. In developing options for revised ward boundaries, our Secretary visited a number of localities. Our Secretary agreed to a request that he meet elected representatives and, as a result, two separate, brief, meetings were held with two of the Councillors for the Harris area. As a result of these meetings, steps were taken to obtain electorate information from staff of the Electoral Registration Office in order to consider if it would be practical to redefine boundaries in the manner proposed.

41. We considered proposals for 31 wards in the Council area and concluded that an additional ward should be added to the area in and around Stornoway and that a number of boundaries proposed in our provisional proposals should be amended in light of the revised forecast of electorate provided by the Council.

42. We remained of the view that Harris should comprise two rather than three wards. The possibility of associating electorate from a redefined North Lochs/Lochs area had been thoroughly investigated but was thought to be impractical. It had also been suggested that Berneray could be associated with Harris given the strong possibility of a direct ferry service, but this, too, was thought to be impractical. Berneray was more closely associated with North Uist to which it would soon be connected by a causeway and doubts were expressed about a direct ferry service to Harris.

43. We also concluded that Barra and Vatersay should be a single ward and that a better balance of electorate should be sought between the remaining wards on Benbecula and South Uist. The potential to include Eriskay with Barra and Vatersay had been explored but the issue of a causeway link to South Uist had been raised and it was thought that the association in that direction was strong and would strengthen should building of the causeway proceed. We noted that Barra and Vatersay were the islands most remote from Stornoway but we believed that the communications links between the islands and Stornoway were good. We further considered that a single ward covering Barra and Vatersay was more manageable in terms of settlement patterns and communication links than some other parts of the Uists.

Revised Proposals

44. Public notice was given of the publication of our revised proposals on 18 June 1998. The Council was asked to make available for inspection at its offices copies of the electoral ward boundary descriptions, electoral statistics and illustrative maps. Additionally, copies of our proposals were sent to all who had received our provisional proposals. We asked that any comments should be made to us by 16 July 1998.

Consideration of Representations: Revised Proposals

45. Twelve representations were received.

- **The Council** wrote to say that it welcomed the creation of an additional ward but was totally opposed to the revised structure. The Council wished to reiterate the representations it had already made in respect of the arrangements for Barra and Watersay, Benbecula and South Uist, Harris and the Sandwick/Point areas. The proposed designation of the Harris Wards as 'Tarbert East' and 'Tarbert West' was opposed by the Council which believed that 'Harris' would be more appropriate. The Council had also instructed its Chief Executive to investigate the possibility of seeking Judicial Review of the Commission's proposals and in this matter it intended to work directly with Orkney, Shetland and Highland Councils which had expressed similar concerns about the Commission's proposals for these areas.

We noted the Council's views regarding our proposals for Barra and Watersay, Benbecula, South Uist, Harris and the Sandwick/Point areas which we discuss further below. However, we noted that the primary rule concerning electoral arrangements required the consideration of electoral parity and, as we mention above, the increase in the number of wards coupled with the downward revision of the forecast of electorate in the Council area (and at existing ward level) at 2001 had an impact on the likely distribution of wards. The Commission could not ignore the forecast electorate data provided by the Council and it was also clear that there were, for example, in the Stornoway/Point areas, no special geographical considerations which would allow the Commission to deviate from the application of the primary, rule regarding electoral parity.

We noted also the remarks regarding the designation of the Harris Wards and agreed to the change proposed by the Council.

- **Point Community Council** wrote to confirm its objection to our proposals to take part of the area out of an established ward and join it with other communities at the other end of the Braighe isthmus. The proposal had no supporters and broke all traditional local boundaries. A petition with 40 signatures from the areas of Point, now also affected by the Commission's proposals, was enclosed.
- **Sandwick Community Council** wrote to say that it wished to support fully the views of Councillor Nicholson.
- **Councillor Macmillan** wrote to say that earlier submissions made to the Commission had emphasised the distinct identity of the Point area and that because of Points' distinctive identity, the most logical boundaries were the existing ones. The Commission appeared to have accepted some of the points raised by recognising the need for two Councillors for Point but the unanimous view of the Council and the Point community was that the already seriously flawed provisional proposals had been worsened. Nobody in Point wished to see any villages in Point removed from the Point Community, nobody wished to see

the creation of Braighe Ward and nobody in. Claypark, Upper Garrabost or Aignis wished to be part of such a ward. The revised proposals not only ignored the express wishes of Aignis but made the situation worse by adding more Point villages to the new Braighe Ward. The Commission appeared to be unwilling to accept evidence that Point is a distinct area and that the stated will of the Point community is to retain it as such. The Councillor would, in these circumstances, support the proposals for a Judicial Review. The Commission should respond positively to the Point community and in the final analysis the boundaries should reflect communities and not be based on arithmetic convenience.

- **Councillor Nicholson** wrote to say that he had looked forward to some revision of our provisional proposals because of the mass and strength of comment regarding the inclusion of part of the Point community in Sandwick but was astonished by the revised proposals. The name Sandwick had been discarded and replaced with Braighe, the ward stretched further east to include Garrabost, and Sandwick village was no longer entirely in one ward. While the Councillor recognised the desire to equalise numbers, he wished formally to object to our proposals on a number of grounds. There was no local or political wish to change electoral boundaries or names in the Western Isles. The new boundaries intruded into the Point Area which was a clearly defined community on its own. There was no wish within the Aignish or Garrabost communities for amalgamation with the Sandwick Ward and the proposals removed the possibility of the re-instatement of Sandwick Village in the Sandwick Ward. Further, the new name 'Braighe' served only to form a common geographical description and would mean the removal of the original Sandwick title. The proposals were unsound and incongruous and possibly bordered on being farcical. The Councillor asked that the proposals be abandoned and the status quo remain. If this was not possible, the boundaries proposed in the provisional proposals should be reinstated as a 'best attempt', although it was far from perfect. If the Commission proceeded with these radical boundaries throughout the Council area, the Council might wish to seek Judicial Review, but it was hoped that the Commission would listen to communities and that this would be unnecessary. Consultation was an essential ingredient of democracy and it should also be a tool to influence change.

We noted the various representations made in respect of Sandwick and the settlements on the Point peninsula. It is clear from the number of electors in the Council's forecast of electorate for the Stornoway area that eleven wards are necessary to comply with the primary rule regarding electoral parity. We noted that, in developing proposals for revised electoral wards, we were not concerned or constrained by boundaries of Community Council areas, by boundaries devised by others for other purposes or by perceived historical boundaries. We concluded that our proposals for the Sandwick and Point areas were equitable within the statutory rules and that in the Stornoway area there were no special geographical considerations which would allow us to depart from the primary rule regarding

electoral parity. Accordingly, we were not prepared to propose revised electoral arrangements which deviated significantly from electoral parity.

- **The Harris Council for Voluntary Service** wished to reiterate all the points set out in previous correspondence. It noted that the Commission had not referred to the contention raised by the Council for Voluntary Service that the statutory rules regarding identifiable boundaries and local ties had been ignored. The Commission was asked to reconsider its proposals.
- **Coastal Quarry Local Supporters Network** wrote to say that it understood that our revised proposals reduced the number of Harris wards from three to two but felt that it would be a backward step. It was thought that naming the wards 'East Tarbert' and 'West Tarbert' was unfair and, if our proposals were to go ahead, the wards should be named 'North Harris' and 'South Harris'.

We noted the representations made in respect of our provisional and revised proposals for the Harris area. Our revised proposals had made a minor change to the boundary between the two proposed wards. As we mention earlier, other options had been explored to ascertain if it would be possible to associate wider communities with Harris in such a way that three wards could be justified within the primary rule regarding electoral parity. We noted that, in determining the ratio of Councillors to Electors in the Islands authorities at approximately 1:750, substantial account had been taken of geographical considerations. It was not unusual for wards in rural areas on the Scottish mainland to cover larger geographical areas with substantially larger numbers of electorate than those involved here and to have, arguably, more difficult communications between both settlements within these wards and with Council headquarters. Accordingly, we were not prepared to adopt the proposals that the Harris area should be divided into three, rather than two, electoral wards. We noted the comments regarding the names allocated to the two wards we proposed and that the Council had suggested 'Harris East' and 'Harris West'. In line with our general policy regarding the naming of wards, we adopted the names proposed by the Council.

- **Councillor Campbell** was disappointed with the proposals for the Benbecula Ward and the fact that no cognisance had been taken of his initial representation. It was thought that the arguments then presented would have been enough to persuade any responsive agency that a meticulous reassessment was necessary. The proposal to split Benbecula would produce two unrecognisable, ersatz and difficult-to-administer wards. Dividing the related communities on the eastern seaboard was unbelievably insensitive and the proposed boundary was simply an insult to the nature and sensitivities of the whole community. The proposed boundary line separated, it was hoped by chance, electorate according to religious affiliation and anyone with a knowledge of the area would have identified this and abandoned such plans. Rueil, the proposed name for the northern ward, was a synonym in the Uists for a rubbish tip and was inappropriate as a ward name, as

anyone with local knowledge would have known. Benbecula was represented by a Community Council and boasted a Community Trust. It did not make sense to damage the island's integrity as a single community. The reference to electorate in the Commission's letter to the Council did not acknowledge that the rapid and continuing decline was attributable to the reduction in MOD personnel, which was astonishing. The official approach to the review was deplored. Consultation was a statutory provision but it seemed that it could be completely ignored.

We noted the representation made by Councillor Campbell. In revising proposals for electoral ward boundaries, the Commission is constrained by the statutory rules. Religious affiliation was, therefore, not an issue when proposals for electoral boundaries are being determined. The Commission was not concerned with the boundaries of Community Council areas or of areas which are determined for other purposes which have no regard to the statutory rules regarding electoral arrangements. We noted also that the information regarding the forecast of electorate at 2001, in both our provisional proposals and our revised proposals, is based on data provided by the Council. Clearly, in considering options for revised electoral arrangements in the Uists, Benbecula (and Barra and Vatersay) alternatives are possible. However, communications between islands linked by a causeway give rise to fewer obstacles, when developing proposals for electoral arrangements, than might otherwise exist. We concluded that, because of the distribution of settlements, topography and communication links in the Uists and Benbecula, there should be a better balance of electors between wards on Benbecula and South Uist than presently exists. We were, therefore, unable to agree that electoral arrangements should be artificially constrained and concluded that our revised proposals for the Uists and Benbecula should remain unaltered. With regard to the ward name 'Rueval', we noted the Councillor's remark. Rueval, the highest point on Benbecula, was suggested to the Commission by a resident of the Council area but we consulted the Council and it was suggested that 'North Benbecula' might be appropriate.

- **Councillor Blaney** wrote to say that the revised proposals would lead to difficulties and split small communities which had been working together. The fact that the existing Lochboisdale Ward was above parity was not a problem, the people of Daliburgh and Lochboisdale worked as one community.

We noted the Councillor's views but, as we mention above, we were concerned that a better balance of electorate should be achieved between the wards in the Uists and Benbecula. Our proposals did not affect the manner by which community groups worked together.

- **Castlebay Community Council** wrote to say that it was considerably distressed by the proposals and, for reasons already expressed, condemned them as a serious blow to democratic representation of the community.

- **Northbay Community Council** wrote to say that it continued to oppose our proposals that Barra and Vatersay should become a single ward. It appeared that the Commission had ignored the evidence presented to it by both Castlebay and Northbay Community Councils and the views held by Comhairle Nan Eilean Siar. It was hoped that the Commission would review the evidence again and that final proposals would result in the retention of the status quo.
- A letter was received which stated that, for reasons set out in earlier correspondence the proposals to reduce the representation on the Council for Barra and Vatersay by 50% would have a devastating effect on the capability of these islands to have effective representation. The reduction had been proposed despite representations from the Council to the contrary and the Commission increasing the number of Councillors to 31. It was obvious that the Commission had made its decision entirely on the basis of population and that paragraph 2 of Schedule 6 to the Local Government (Scotland) Act 1973 had been ignored. It was equally obvious that these principles had been applied in earlier reviews and nothing had changed, in either numbers or the special geographical conditions, to make a departure from strict numerical equality less desirable than it was in the past. The Commission had given no reason for this vital change of pertinent principles and was urged to apply the same rules that it had in the past. Should the Commission adhere to its present position, the people of Barra and Vatersay were entitled to an explanation.

In deciding a revised scheme of electoral arrangements for the Council area, we are required by the primary rule to consider electoral parity as the principle test. Where it is clear that near electoral equity is unlikely to be achievable, we are concerned that a 'best balance' is sought. In looking in detail at the Uists, Benbecula, Barra and Vatersay, it was clear that electoral equity could not be achieved and that a compromise would be necessary. Overall, we were clear that the Southern Island Group should retain seven wards. After careful consideration, we concluded that the distribution of settlements, topography and communications links on Barra and Vatersay, compared with, for example, Benbecula and South Uist, were such that it was an area which could be served by a single Councillor. We also noted that there was a regular air service between these islands and Stornoway. We, therefore, agreed that our revised proposals for electoral arrangements in Barra and Vatersay should remain unaltered.

Final Recommendation

46. Having conducted the third statutory review of electoral arrangements for Comhairle Nan Eilean Siar in accordance with the procedures described above, we **recommend** that future electoral arrangements for the said Council should provide for a Council of 31 members.

47. The designation of the electoral wards that we recommend for Comhairle Nan Eilean Siar, together with information as to the 1996 electorate and forecast 2001 electorate of the proposed wards, are set out at Appendix B to this report.

48. The boundaries of the proposed electoral wards are described in Appendix C and the following illustrative maps accompany this report:

Map	Area	Scale
1	Comhairle Nan Eilean Siar Area	1:50,000
2	Comhairle Nan Eilean Siar Area	1:50,000
3	Comhairle Nan Eilean Siar Area	1:50,000
4	Comhairle Nan Eilean Siar Area	1:50,000
5	Stornoway	1:10,000
6	Tarbert	1:10,000
7	Daliburgh	1:10,000

Appendix B

Western Isles Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Port of Ness	709	670
2	Dell	721	716
3	Barvas and Arnol	742	729
4	Shawbost	701	652
5	Carloway	755	760
6	Uig	660	596
7	Gress	746	741
8	Coil	752	741
9	Blackwater	731	756
10	Laxdale	714	714
11	Coulregrein	713	716
12	Castle	718	725
13	Manor Park	748	748
14	Goathill	692	672
15	Bayhead	729	733
16	Newton	760	724
17	Plasterfield	776	770
18	Braighe	751	767
19	Knock and Bayble	710	716
20	Tiumpan	804	784
21	North Lochs	804	776
22	Lochs	867	812
23	Harris East	890	856
24	Harris West	903	870
25	Paible	647	611
26	Lochmaddy	767	726
27	North Benbecula	781	662
28	Eochar	629	625
29	Loch Eynort	639	615
30	Daliburgb and Eriskay	670	646
31	Barra and Vatersay	1,021	1,021
	Total	23,250	22,650