

Third Statutory Review of Electoral Arrangements

The Highland Council Area

Report to the Secretary of State for Scotland

Local Government Boundary Commission for Scotland

Report Number E98011
September 1998

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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 areas of the old islands councils) 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. Thereafter, the Secretary of State determined that, for the purpose of any election of councillors before the relevant year of election, 72 electoral wards were appropriate for The Highland local government area. Additionally, the proposed wards should be as set out in Schedule 2 of The Highland Local Government Area (Electoral Arrangements) Direction 1994.

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:

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.

21. On 13 May 1996 The Highland Council informed us that it had considered the proposed size of the Council and fully supported our initial proposal for a Council of 80 electoral wards. On 24 June the Council informed us that it hoped to have its draft proposals for electoral arrangements approved at the Council meeting on 12 September and immediately thereafter provide the Commission with details.

The Highland Council's Proposals

22. On 18 September 1996 the Council informed us that, having looked in detail at the implications of the review, it now considered that a Council of 82 or 83 electoral wards would meet the Commission's requirement for electoral parity and the Council's objectives of protecting the representation of rural areas and the viability of existing Area Committees. The Commission was invited to consider the Council's revised position regarding the number of wards.

23. A copy of the Council's detailed report was submitted which included alternative proposals for wards in a number of areas. Within the Council's various alternatives, wards which maintained existing levels of representation were proposed in remoter rural areas on the basis that the geography and sparsity of population justified retention.

24. In The Highland Council area, setting the ratio of 1 councillor to 2,000 electors provides the most favourable ratio on mainland Scotland, which is shared with Argyll and Bute Council only. The ratio was determined specifically to meet the needs of the remote rural areas, geography and topography of the Council area. We concluded, therefore, that the proposal for SO elected members for The Highland Council was, in the overall Scottish context, correct and that we were not prepared to accept proposals for either 82 or 83 wards.

25. Having considered the options provided by The Highland Council, together with representations regarding the overall distribution of wards within the Council area, it was evident that the various options had been produced within the constraints of the boundaries of former administrative authorities and with the apparent objective of maintaining the viability of existing Area Committees. Accordingly, we directed our Secretariat to pursue with Council officials areas of change which would lead to a scheme of electoral representation of 80 wards, bearing in mind the representations we had received from interested parties.

26. Seventeen representations were received.

27. Robert Maclennan MP wrote to say that he was concerned about the possibility of the representation of Sutherland on Highland Council being reduced. He supported the submission which was the preferred option of the Sutherland Committee. He considered also that it was important that Councillors were able to represent genuine local communities and that the problems of the area required no less representation on the Council if they were to be given the proper weighting within the Council, bearing in mind the size of the area and its relatively undeveloped infrastructure. The Council was operating in part through devolved area committees and it would seem unsuitable to reduce the numbers on the present Sutherland Committee. He had received strong representations from many constituents who were concerned that the review would further diminish Sutherland's democratic representation in local government since the amalgamation of the Regions and Districts had already placed the burden on fewer shoulders.

28. Caithness, Sutherland and Easter Ross Conservative and Unionist Association wrote to say that, with regard to proposals to reduce the number of Councillors and whilst it supported every effort being made to reduce Council Tax, the criterion of using numbers of population to determine wards was grossly unfair to sparsely populated areas and would lead to a reduction of service to the community.

29. Nether Lochaber Community Council wrote to say that it had been brought to its attention that Highland Council was considering altering the boundaries of electoral wards in Nether Lochaber and that it wished strenuously to voice its objections.

30. Brora Community Council wrote to say that a scheme which provided only five Councillors for Sutherland was not acceptable. Sutherland should be treated as a special case because of the geography and small population. The number of Councillors should be increased to eight. If, however, the number of Councillors was to remain at seven, then no virtue was seen in breaking up established boundaries purely to play a numbers game; the prime consideration

had to be the good of the community. The Community Council also thought that any delay between making changes and an election would leave voters disenfranchised.

31. Bettyhill and Strathnaver and Altnaharra Community Council supported the proposals for retaining seven Councillors in Sutherland. It considered that the vast geographical distances and poor roads made it essential to have seven Councillors. Further, the burden of travelling to area meetings and the Council meetings in Inverness was considerable.

32. Assynt Community Council wrote to say that it wished to retain the existing seven wards in Sutherland. It considered that, in the existing structure, five of the wards were large and had poor road links. Reducing the number of Councillors could only be achieved by 'increasing ward sizes and the Community Council felt that this would lower the effective representation at Council level. The Councillor for northwest Sutherland had considerable problems and already carried an unfair burden of travel compared to a Councillor in a compact ward. We were asked to accept Highland Council's proposals for 7 wards. It was suggested that for this and future reviews there should be some sort of weighting in the calculation of electoral parity which would take account of the problems of rural areas.

33. Rogart Community Council strongly opposed the proposals to reduce the level of representation in Sutherland. It believed that the size of the area and the communications difficulties made the constituencies too large and led to a loss of democratic representation.

34. Lairg Community Council considered that Sutherland could not be represented by 6 Councillors. It supported the existing number of Councillors and concluded that any reduction would lead to councillors losing touch with electors in remote areas.

35. Strathy and Armadale Community Council was concerned that the restructuring would lead to fewer Councilors in Sutherland. The Community Council supported any effort to maintain the current number of elected representatives within the County of Sutherland.

36. The Federation of North and North West Sutherland Community Councils wrote to say that achieving a parity figure of 2,000 in Sutherland was well nigh impossible and it was anxious that the current level of seven councilors should be maintained.

37. The Association of East Sutherland Community Councils was concerned that the democratic deficit arising from the recent reorganisation of local government was not further increased. It believed that Sutherland lent itself to at least seven representatives and any lesser figure would be detrimental.

38. Councillor MacRae wrote to say that he believed Sutherland should have five electoral wards. He noted that his views were opposed by the Sutherland County Committee which supported seven wards by a majority vote of 4:3. Should seven wards be awarded to Sutherland, one member for the area would, as a consequence, be almost guaranteed a permanent seat on the Council.

39. Councillors Keith, McDonald, Holden, Mackay and Magee wrote to support the Council's proposals for the Sutherland area. They believed that within the agreed total of 80 wards for The Highland Council area, Sutherland should have seven wards. The area was substantial, with poor road services and inadequate public transport. It was difficult for Councilors to have reasonable access to electors and any reduction would make it more so. Sutherland was remote from the Council headquarters which placed a heavy travel burden on Councillors. Councillors in rural areas were frequently called upon to resolve problems which, in an urban situation, would be dealt with routinely at Council offices. It was noted that the Scottish Office and the Boundary Commission had recognised the unique situation of Sutherland and the Local Government Boundary Commission should also offer the same recognition when determining ward boundaries.

40. Councillor Allan wrote to say that he believed that the number of Sutherland Wards should be reduced by one. Boundaries should not be decided by the so called democratic method. It should be the Commission that decided. Councillor Allan also forwarded a letter he had received which stated that the correspondent supported the view that the redrawing of boundaries by politicians was plain and simple gerrymandering and that such changes should be made by the Commission alone. Because the population of Sutherland was low, it made little sense to have Councillors additional to the number recommended by the Commission. It did nothing for the public perception of Councillors' integrity to engage in this unseemly scramble to justify' jobs for the boys.

41. A letter was received which stated that the correspondent had been informed that there was a move to reduce the number of councillors in Sutherland to five and that this had been prompted by the low population of the County and a general criterion for 2,000 electors in each ward. The correspondent believed that, while the number of electors per ward might make sense in more populated areas such as the Central belt and larger towns, in Sutherland the situation was markedly different given the large geographic area and low population density. This situation was further exacerbated by the concentration of voters along the east coast of the County. There were specific concerns that the proposals would alter the boundaries around Brora and Dornoch and would break local ties within parishes and split communities. For example, an area known as 'The Doll' would now be linked with Golspie which was eight miles away and Camore, near Dornoch, would be associated with a ward some miles away. Under the proposals the correspondent's company would have its local government representative in the next town and as the biggest employer, with many local issues to address, such a situation would be untenable. At present it was possible to discuss issues with a locally based councillor who knew and understood local issues. The correspondent trusted that the Commission would take note of the issues raised.

42. A letter was received which stated that, at the time of reorganisation, the public was reassured that the power and decision making were not being removed from local areas to be concentrated in Inverness. To this end, Councillors for Sutherland met in the County and had control over matters directly affecting their constituents. Prior to reorganisation, the Sutherland area had nineteen representatives. The reduction to seven was considered by many to be a serious attack on democracy. Any further reduction would lead to disquiet. Any changes to the present

wards would probably lead to artificial groupings of communities. Sparsity of population was a serious problem. It affected the costs of providing local services and on the ability of Councilors to serve their constituency. Any reduction in Councillors would diminish their effectiveness.

43. A letter was received which said there should be no reduction in the number of Councillors in Sutherland.

44. Following discussions between our Secretariat and Council officials, several alternatives were further explored and electorate information and revised boundaries were suggested for our consideration.

45. We concluded that Wards 2 - 10 in the Council's scheme were generally acceptable but agreed that work should be undertaken to improve the balance of parity in Wards 1 and 12, noting that the outcome might necessitate making alterations to adjoining wards. Accordingly, our Secretariat developed alternative proposals, which also involved amending the boundary of Ward 2 - 5 and 15. We accepted the proposed revision.

46. After careful examination of the alternatives for the area covered by Wards 11 - 16 in the Council's draft scheme, we concluded that, although only five wards could be justified, the geographical and topographical features, combined with a widely dispersed settlement pattern indicated that, on balance, six wards might be more appropriate. However, we directed our Secretariat to look in detail at Ward 16 and Ward 19 with a view to improving electoral parity in these areas. We were broadly content with the Council's proposals for Wards 17 - 40, subject to minor boundary changes which might be necessary and our views regarding Ward 19. Our Secretariat proposed changes to the boundaries of Wards 16, 19 and 20 which we considered to be acceptable.

47. We considered the area covered by Wards 41 - 63 and concluded that, adjustments were necessary to improve electoral parity throughout the area. Our Secretariat developed alternative proposals which we considered were acceptable.

48. We considered the areas covered by Wards 64 - 67 and concluded that the Council's proposals for four wards was acceptable with one amendment.

49. The Council's proposals for Wards 68-72 were accepted subject to an amendment to the boundaries of Wards 69 and 70.

50. We considered the Council's proposals for Wards 73 - 80 and concluded that these were acceptable subject to changes to Wards 78-80.

51. We noted that, in uninhabited areas, there were considerable problems in describing ward boundaries and agreed that, where it was necessary, boundaries should follow straight lines between defined Ordnance Survey Grid Reference points.

Publication of Commission's Provisional Proposals

52. Public notice was given of the publication of our provisional proposals on 14 August 1997. The Highland 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 11 September 1997.

Consideration of Representations

53. One hundred representations were received:

- **Aviemore and Vicinity Community Council** considered that our proposals would be detrimental to the electorate and would lead to confusion where small villages were split between two wards. The Commission should reconsider. Aviemore should be form one ward and the Badenoch and Strathspey area should retain 6 wards. If, however, six wards was not acceptable then the Community Council preferred the scheme proposed by The Highland Council.
- **Badenoch and Strathspey Community Council Forum** supported the representation submitted by Cromdale and Advie Community Council.
- **Bettyhill, Strathnaver and Altnaharra Community Council** wrote to emphasise the importance of retaining seven electoral wards in Sutherland. With regard to Ward 12, the vast geographical distance between settlements and the Council Headquarters in Inverness added to the considerable problems faced by the elected member, particularly because of single track roads. There was little logic behind the reasoning for changing the existing boundaries and there were inconsistencies regarding decisions on former Regional Council and Parliamentary boundaries. The overall parity figures did not tie in with those suggested for Skye and Lochalsh.
- **Boat of Garten and Vicinity Community Council** considered that it should be grouped with Dulnain Bridge and Nethy Bridge. It believed that the community would be better served if the existing arrangements were continued.
- **Brora Community Council** wrote to say that the provisional proposals were not satisfactory. It was stated that Skye and Lochalsh had six wards but a substantially smaller land mass and electorate than Sutherland. The problems of rural Councillors were not properly understood. Sutherland should have eight wards and anything less would leave the people of Sutherland disadvantaged. To

accommodate such a change, Highland Council should have 82 wards. In revising the Sutherland Wards it was nonsense to have Brora and Helmsdale in the same ward because this led to the ward having a substantially greater number of electors than other wards. The proposals put forward by the Sutherland Area Committee were also not acceptable since they ignored geographic realities to play the numbers game.

- **Caithness West Community Council** strongly objected to the inclusion of Reay in the County of Sutherland. It suggested that the proposed boundary was not easily identifiable and did not meet the statutory rules. The Community Council suggested that proposals would have an adverse impact on the delivery of Council services, which are presently based in Wick. If the proposals went ahead the services would come from Golspie, Brora or Dornoch. Existing communities should not be divided and if electoral parity was to be achieved this could be done by adding twenty electors to each of the existing wards in Caithness.
- **Carr-Bridge and Vicinity Community Council** expressed concern that the proposals would lead to a loss of representation for the Badenoch and Strathspey area. It believed that it was not appropriate to decide electoral boundaries on the basis of electoral parity which led to small communities being split. Six wards should remain to provide effective representation for local people.
- **Creich Community Council** objected to the proposals which it considered reduced its fragile, ancient boundaries and would undoubtedly lead to a substantially reduced level of services and democratic accountability. Ward 13 was a monstrously unwieldy area which one Councilor would find impossible to represent.
- **Cromdale and Advie Community Council** supported Badenoch and Strathspey Area Committee in its request that the area retain six wards. If six wards was unacceptable, the Community Council supported the Area Committees option for five wards.
- **Crown Community Council** had no objection to the creation of the Milton Ward. However, it suggested that the boundary of Ward 46 be altered so that both sides of Ardconnel Street and Gordon Terrace would be contained in Ward 56.
- **Dornoch Community Council** requested that seven wards be retained in Sutherland to allow effective representation in the former County. The area required special attention because of the vast geographic distance covered in Sutherland, especially its distance from Inverness and the high proportion of poor quality single track roads. The short timescale for consultation when many people were engaged in the holiday trade or agricultural business had restricted debate. The proposals went against recent decisions of the Commission in connection

with Regional Electoral Divisions and the review of Parliamentary Boundaries. The parity figures were inconsistent with those in Skye and Lochalsh.

- **Dalnain Bridge and Vicinity Community Council** opposed the proposal and requested that the existing arrangements be retained.
- **Fort William Community Council** wrote to support the Lochaber Area Committee in its objections to the provisional proposals.
- **Glenurquhart Community Council** was opposed to the proposals because the changes to its area would create too large a ward, irrespective of the number of electors.
- **Grantown-on-Spey and Vicinity Community Council** wrote to say that the area should have six Councillors, not five. Community identity was more important than electoral parity. Alternative arrangements were broadly set out. The Community Council wrote further to say that Grantown-on-Spey should be represented as one ward.
- **Helmsdale and District Community Council** wrote to say that it objected to the provisional proposals. Sutherland could not operate with any reduction in the number of Councillors. Sutherland should be seen as the vast geographical area it is, with Councillors covering larger areas than other Highland Councillors. The proposals would mean a reduction in service. The status quo should remain.
- **Invergordon Community Council** wrote to say that the proposed wards were unacceptable and would seriously undermine community identity. A Councillor would have divided loyalties, especially in the fields of education and housing.
- Kincaig and Vicinity Community Council wrote to say that members objected to the reduction in Councillors and proposed boundaries.
- **Kingussie and Vicinity Community Council** expressed alarm and dismay at the proposals which split Kingussie. It stated that the town was a Royal Burgh. There was great rivalry between Kingussie and Newtonmore and it was wrong to expect electors in Kingussie to vote for a Newtonmore Councillor. The Commission should, therefore, reconsider its proposals.
- **Kinlochbervie Community Council** wished to retain seven wards in Sutherland because of the vast geographical area covered, the distance from Inverness and the single track roads. The short timescale for consultation when many people were engaged in the holiday trade or agricultural business had restricted debate. The proposals went against recent decisions of the Commission in connection with Regional Electoral Divisions and the review of parliamentary boundaries. The parity figures were inconsistent with those in Skye and Lochalsh.

- **Knockbain Community Council** agreed with the proposed boundaries but asked that 'North Kessock' Ward name be designated 'Black Isle South'.
- **Lairg Community Council** wrote to say that it had informed the Council that the lack of time for consideration of the proposals showed an inconsiderate disregard for the democratic process. Additionally, points made by the Community Council in earlier representations appeared to have been ignored.
- **Nairn River Community Council** was concerned that the provisional proposals reduced the number of Nairnshire Wards because it would make it very difficult to maintain the Nairn Area Committee. The Community Council would not be happy 'bussing in' another Councillor from elsewhere to make local decisions. The western boundary of Nairnshire was being manipulated for the sake of numbers; it should be moved westward to encompass Ardersier and the whole of Croy. By taking in these areas, it should be possible to revise Nairnshire into five wards. Nairnshire and once proud Royal Burgh of Nairn had been decimated by local government reorganisation and, whilst it was recognised that there had to be a fair balance, there had been far too many changes, resulting in confusion about which Councillor represented which area.
- **Nairn West Community Council** expressed anger at the timing and length of the consultation exercise. Nairn had previously been a Royal Burgh then District Council with 10 elected members and 3 Regional Council members but would now be represented by only 4 elected members which made a mockery of democracy. It felt cynicism and contempt for the manner in which the population of the area had been presented as continuously diminishing when it had been growing. It believed that the proposed boundaries had been drawn in a manner which justified views that the population was reducing.
- **Newtonmore and Vicinity Community Council** opposed the proposals and suggested it would be non-productive to split Kingussie into two wards. Requiring some of the residents of Kingussie to travel to Newtonmore to vote was impractical. The Community Council supported Badenoch and Strathspey Area Council's opposition.
- **Nethy Bridge Community Council** preferred to remain linked to Carrbridge and Boat of Garten and also have 6 Councillors for the area.
- **Rogart Community Council** wrote to express concern at the provisional proposals. It believed that attaining parity may well be credible in relatively well-populated rural areas but, in Sutherland, it was sheer nonsense. The timescale for public consultation was too short and part-time elected representatives found it difficult to meet at such short notice because of the travelling distances and the fact that crofting communities were at their busiest. The size of the area was vast,

with many single track roads which severely hampered the work of Councillors both in attending meetings and talking to the local electorate. It considered that the proposals were at odds with earlier decisions of the Commission with regard to Regional Council Wards and Parliamentary boundaries. Further, problems in Skye and Lochalsh had been recognised by the Commission but not in Sutherland which would have twice the area but the same number of Councillors. If Edderton was to be added to Sutherland, it would be more appropriate to include the settlement with Ardgay and Culdrain. Removing Reay from Caithness would lead to a difficult situation as the area had no affinity with Sutherland, having differences in local culture and language.

- **Ross, Skye and Inverness West Community Council** agreed with the proposals as far as they covered its area but suggested that Ward 46 should not straddle the River Ness.
- **Royal Burgh of Wick Community Council** stated that if observance of the statutory rules had awkward consequences, then there needed to be some other mechanism to resolve the difficulty. It believed that, whilst the demography suggested one Councillor for Reay and Tongue, the geography and ethnicity indicated that two were necessary.
- **Tarbat Community Council** was concerned about the proposed changes and could not support the breaking of long-standing rural community ties. It believed that under the proposals it would lose a Councillor who had a relationship of co-operation and trust with Portmahomack villagers, understood the particular problems of the area and who had represented the community well. The proposals should be reconsidered.
- **The Community Council of the Royal Burgh of Tain** considered that Edderton should be retained in Ross and Cromarty and Tam should be divided into the former district wards.
- **Tongue Community Council** objected to the provisional proposals and the time allowed for consultation. If the proposals went ahead, the present Councillor would have to attend 6 Community Council meetings plus Council meetings and the distances to be covered on single track roads were great. The proposals clashed with previous recommendations for Highland Regional Council wards and for revised Parliamentary boundaries.
- **The Federation of North and West Sutherland Community Councils** wrote to point out that elected members were the custodians of the much acclaimed environment and the Commission should give due consideration to the huge land mass involved. The status quo should be maintained in Sutherlandshire.

- **Councillor Dunlop** wrote to say that, with regard to Ward 72, it was very much in the interests of the Badenoch and Strathspey area that the present six Councillors be maintained to retain the voting power of the area and to protect the viability of the decentralised area structure operated by the Council. However, should the Commission decide that five wards were appropriate, the boundaries should be based on local community identities, historical traditions and geographical features, not on electoral parity. If electoral parity was paramount, then the boundary of Ward 72 should be amended. An alternative boundary was described.
- **Councillor Keith** wrote to object to the proposals as far as they affected Sutherland. The Sutherland Area Committee had called a meeting of all Community Councils and the representatives were unanimous in their views that the status quo should prevail in Sutherland. Although there were no strong objections to Reay or Edderton being included in Sutherland, there were reservations on the understanding that this would strengthen the case for seven Councillors in Sutherland and remove the necessity for adjustments to ward boundaries in Caithness and Ross and Cromarty. The Sutherland Area Committee offered proposals for dividing the enlarged Sutherland area into seven wards and believed that they compared favourably with Skye and Lochalsh
- **Councillor Macrae** wrote to say that the provisional proposals were acceptable. However, Tam East and Tam West should be put into the County of Sutherland. Tam and Dornoch are only 8 miles apart and connected by a first class road.
- **Councillor Macdonald** wrote to say that it was a sad day when the Commission had to divide a County where there was already a natural boundary. People in Reay wanted to stay in Caithness The Council 'Service Point' for residents of Reay was in Thurso, eight miles away, but, if the Commission's proposals were adopted, the nearest Service Point would be in either Golspie or Dornoch which were 75 miles and 85 miles away. The Councillor recommended that 20 electors be added to each of the 10 Caithness Wards to solve the problem created with Reay.
- **Councillor Magee** wrote to object to the provisional proposals for Sutherland and, in particular, to the loss of an electoral ward. The Councillor believed that the proposals were inconsistently applied within the Council area in that the statutory rules had been applied to Wester Ross and Skye and Lochalsh but had not been applied to Sutherland, which had a larger land area and a more scattered population. The provisional proposals were inconsistent with former decisions of the Commission. The period for consultation was totally insufficient and the dogmatic clinging to 80 seats as the optimum number for any Council in Scotland eroded the democratic representation in the Highlands. Effective representation was more important than any notional number of seats. The status quo of seven seats with the existing boundaries was supported by all Sutherland Community Councils. The proposed Sutherland Central Ward, with 2,000 electors scattered

over 150,000 square hectares with very poor communications, would not have equal access to local government representation as a ward based on a few streets in Inverness. A Councillor who lived 40 or 50 miles from electors could not be described as local. The provisional proposals would lead to greater voter apathy. The Councillor also understood that the proposals to include Reay and Edderton with Sutherland was highly contentious. The Council had a duty to decentralise to its constituent areas and this process was undermined if area boundaries were altered. The Commission should recognise, as it had done in the past, the difficulty of maintaining electoral parity in an area of unique sparsity of population and adjust its proposals to reflect the status quo in Sutherland. Should this not be possible, local consultation should take place to enable an Assistant Commissioner to hear representations and, hopefully, arrive at a solution that did not disadvantage Sutherland democratically.

- Fifty-four letters were received regarding the Commission's proposals for Reay. Many correspondents stated that their families had a long association with Caithness, that the County March, in places a visible turf wall, had long been the established boundary between Caithness and Sutherland whereas the proposed boundary definition would defeat a qualified surveyor. A number of correspondents contended that the proposed boundary was not well defined, split neighbouring families and farms and, in some cases, split farms between two wards. Many correspondents mentioned that the Council's 'Service Points' for Reay were based in Wick and Thurso and that, if the proposed changes were pursued, this would be changed to Golspie or Dornoch some 75/85 miles away. There were concerns that the resident Police Officer would be lost and, that, in future Court cases, those involved would be required to travel to Dornoch. It was suggested also that the school catchment area boundaries would be altered, that children would have to attend primary schools elsewhere and that the budget of the local primary school would be adversely affected. A number of correspondents said that leisure and other activities, such as golf and other sports, which had long established inter-County competitions, would be affected and that some players would no longer be eligible for County teams. There would be confusion in the local amateur dramatics programme.

It was suggested by many that electoral boundary changes should not affect historical links or affect the economic or social environment. Electoral parity was not important and splitting the community would increase costs and work.

It was also variously stated that the village of Reay had always been part of Caithness County, with Norse and Viking customs, and that ethnic differences precluded the alteration of boundaries. The people of Sutherland were 'Cattachs' and traditionally Celtic. To mix the two would be like trying to blend Celtic with Rangers, a proposal the Commission would find impossible.

- A petition containing 346 signatures opposing our proposals in the Reay area was received.
- A letter was received which expressed disappointment with the proposals for six wards in Sutherland. The correspondent believed that electoral parity had been set at 1,500 in Skye and Lochalsh whilst it was 2,000 in Sutherland, which was not equitable. Further, to achieve parity in Sutherland, Reay and Edderton had been added to the area but the number of wards had been reduced. In city wards a Councillor could cover the area on foot but the geography of Sutherland made this impossible. When the Council was established it was promised that there would be a devolved system of management and any reduction in Councillor numbers made operating such a system less viable in peripheral areas and led to a tendency to centralise.
- A letter was received which stated that the correspondent was concerned with proposals to increase the number of Councillors. If a revision of boundaries was the order of the day, it would be far more economical to reduce the numbers by increasing the size of wards thereby freeing some of the monies paid to Councillors for much needed services. Many Councillors could now be classed as full-time and expect to be reimbursed for their time whereas, in the past, those who stood as Councillors did so out of civic duty, many at a financial cost to themselves.
- A letter was received which objected to the proposals for Ward 21 and surrounding areas. Logie Easter should form part of the Seaboard Ward which would be sympathetic to the topography of the area and had the benefit of being well known and understood locally.
- A letter was received which stated that the provisional proposals were a great improvement on the present arrangements which commanded no support, except from Councillors engrossed in protecting their own power base. The Commission should accept that Sutherland as presently defined is an artificial creation of local government. Using North West Sutherland as a ward name was misleading as it historically referred to a wider area which included Tongue and Farr
- **The Highland Council**, in accepting the principle of achieving electoral parity, believed that higher priority should be given to special geographical considerations and to the fixing of boundaries which were and would remain easily identifiable and which avoid breaking local ties. The Council felt also that a Council of 82 Wards would be better capable of meeting its objective of protecting the rural areas whilst meeting the Commission's objective of broad parity. The Council had written to the Secretary of State for Scotland to say that, with regard to 'decentralisation', the Commission's remit should have included the provision to depart from parity to secure effective and viable local area administration.

The Council believed that the six electoral wards in Sutherland should take into account the area's special geographical circumstances, community interests and social cohesion. Seven wards would more appropriately cover Sutherland. The area of Reay should be transferred from Ward 11 to Ward 1 in the interests of maintaining a boundary which was easily identifiable and sustained local ties and further adjustments to equalise the electorate around the Thurso wards were proposed. The Edderton area should be transferred from Ward 16 to Ward 19 in the interests sustaining local ties and community interests. Further adjustments to Easter Ross Wards were proposed to balance electorates. The Badenoch and Strathspey areas should have six electoral wards, being similar in size to Skye and Lochalsh, which would allow existing community ties to be retained.

The Council stated that it placed considerable store on the need to avoid dividing local communities when drawing electoral boundaries. Retaining boundaries which reflected social cohesion and communities of interest were important to the effective working of local government. Alternative boundaries were, therefore, offered for a number of areas. The Council also believed that a number of ward boundaries could be improved with minor modifications which would resolve some ambiguities in the provisional proposals. Alternatives were offered. Revised ward names were also proposed in a number of areas. The Council also recommended that the watershed between hilltops and the mid-point of lochs should be used in describing electoral boundaries.

The Council considered that, should these representations be considered by an Assistant Commissioner at a local hearing, then hearings should be held in each location affected by the proposed changes and not at a single meeting place.

The Council considered that the maps were of extremely poor quality and the limited availability of plans across the Council area meant that elected members and others had often to travel great distances to see the maps and written descriptions. The four week period allowed for consultation was seen as minimal and took little account of the fact that Community Councils would have difficulty of drawing together views from members and local residents during the peak tourist season. The statutory advertisement of the proposals was, again, the minimum.

The Council believed also that it was disappointing that the Commission appeared to have adopted a minimalist approach to its consultative procedures with little or no cognisance of local circumstances. For future consultation exercises the Commission should consider a more media-friendly approach to allow details and maps to be reproduced in a press release at little cost to the Commission. Newspapers in the Highland Council area had genuine difficulties in pictorially reporting the proposals.

- **Robert Maclellan MP** wrote to protest about the period of consultation which he considered was too short. He was also deeply unhappy about the proposed redrawing of boundaries in Caithness, Sutherland and Ross and Cromarty which cut across area committee boundaries. This would be difficult to administer and create public hostility. Mr Maclellan wrote further to say that he believed that a local hearing would be appropriate since it was difficult, within the compass of written submissions alone, to express the reasons which are best known to local communities and their representatives for their concerns about the provisional proposals.

Mr Maclellan supported the Council's proposals for the area and wished to emphasise the fact that the Commission's proposals split the population of the village of Reay. The proposed boundary ran across the Dounreay site and split the catchment area for the local primary school. The boundary followed no historical or geographical line. The Council's proposals for the adjustments to other wards in the area were thought to be within tolerable limits. There were also concerns about the area of Edderton. Changing the boundary as the Council suggested, would mean moving about 300 electors but the electorate in Ward 16 would still be higher than in some other proposed wards. The Commission had ignored centuries-old established and recognised boundaries. In Invergordon and Alness the proposals were particularly strange and unwelcome. It was thought that the boundaries of Wards 18, 22 and 23 needed to be redrawn and an alternative was offered. Mr Maclellan also thought that Sutherland should have seven wards and it was noted that the Council had argued this proposal fully. To reduce the number of Councillors in Sutherland would deprive many communities of a 'local' Councillor.

Mr Maclellan further wrote to say that the Local Government etc. (Scotland) Act 1994 required The Highland Council to submit a scheme of decentralisation and that the Council had established a devolved scheme of eight area committees. The effect of the Commission's proposals was, in some areas, to switch an elected representative to a different administration area which would leave electors without representation in the area administration which continued to provide many of the services.

- **Inverness East Nairn and Lochaber Conservative and Unionist Association** wrote to say that it understood that the provisional proposals would put a large part of the existing Ward 43 into the existing Ward 44 leaving approximately 300 voters on the west side of the river in the new Inverness Central Ward. If implemented, it believed that it would be necessary for an Order in Council to be passed to alter the Westminster Constituency boundary. To save problems at a future date it would be sensible to use the river as the ward boundary. Regarding Wards 68 and 69, the Association asked that Kingussie should not be split and considered that Ward 79 should not include the area around Onich which should be in the Glencoe-Nether Lochaber Ward.

54. With regard to various requests for a local public enquiry, having considered the various representations, we concluded that there were no reasonable grounds for appointing an Assistant Commissioner to conduct a local hearing and that it was entirely appropriate for the Commission to address representations on the basis of the information provided and additional information obtained from The Highland Council.

55. With regard to the representations concerning the Council's decentralisation of functions to eight Area Committees, we noted that the decentralisation provisions of Section 23 of the Local Government etc. (Scotland) Act 1994 had no bearing on the Commission's considerations regarding the primary rule concerning electoral parity in determining recommendations for future electoral arrangements. The Commission could not be constrained in its consideration of electoral arrangements by boundaries which were determined for other purposes and were not subject to the statutory rules. Similarly, the Commission could not be constrained in its considerations by the boundaries of Community Council areas, which were determined by the Council in consultation with local communities, or by Parliamentary Constituency boundaries which were the responsibility of the Boundary Commission for Scotland. We noted that the Boundary Commission for Scotland would be conducting a review of Parliamentary Constituency boundaries in the near future.

56. We noted, also, comments that the provisional proposals were not consistent with decisions made in previous reviews. We concluded that in previous reviews the Commission's considerations were constrained by the nature of the interlocking Regional Electoral Division and District Ward structure which no longer applied to the unitary Council area.

57. With regard to special geographical considerations, we concluded that, in determining the ratio of electorate to Councillors, full account had been taken of the geographic features of the area. Further, we noted that, in many 'rural' wards in the provisional proposals the considerable divergences from parity clearly demonstrated that the Commission had adopted a pragmatic approach to fixing boundaries which had regard to geography, communications links and settlement patterns where it was practicable and possible to do so within the statutory rules.

58. Regarding Wards 1 and 12, we noted that, in the main, representations were concerned with the maintenance of historical boundaries, perceived community ties and the Highland Council's scheme of decentralisation and local service provision and that none of the arguments presented concerned electoral matters. We considered the various representations regarding the boundary between these wards and sought a solution which would be acceptable within the statutory rule regarding electoral parity. We concluded that, in this area, there were no special geographical considerations and that adopting the alternative boundary proposed would have a significantly adverse effect on electoral parity. Accordingly, we were not prepared to amend our provisional proposals.

59. Regarding Wards 11 - 16, we noted that the representations were, in the main, concerned with maintaining seven Councillors for the Sutherland area or for increasing the number to eight. We carefully considered the representations and noted that, in the provisional proposals, most of

the wards in this area were already significantly over-represented. We noted that, in a number of alternative proposals for seven wards which were submitted to us, the divergence from electoral parity ranged between -16% and 34%. After considering the geography, topography, settlement patterns and communications links, we concluded that no changes to the provisional proposals could be justified.

60. For Wards 18, 21, 22 and 23 we considered the representations received and concluded that changes proposed by the Council which subdivided Wards 22 and 23 and linked the eastern portion of Alness with Rosskeen, Newmore, Delny and Saltburn should be adopted.

61. We noted the request that Ward 32 be renamed 'Black Isle South', however, in line with our general policy regarding the designation of wards we agreed to 'Knockbain and Killearnan' as requested by the Council.

62. We rejected the proposal for Wards 44 and 46 that the boundary should be redrawn to reflect the existing Parliamentary Constituency Boundary.

63. For Wards 42,43,46 50, 51 and 56 we considered the alternative proposals but noted that there would be greater divergences from parity than displayed in the provisional proposals. We concluded that there were no compelling reasons for accepting the proposed amendments and, accordingly, were not prepared to alter our provisional proposals.

64. We rejected the suggestion that the area covered by Ward 49 was too large.

65. Regarding Ward 48, we considered the proposal that Ardersier and Croy be associated with Nairn to create an area containing five wards in order to protect community/decentralisation interests. As we mention above, we concluded that proposals for electoral arrangements could not be constrained by boundaries put in place to meet the perceived needs of local administrative arrangements. We noted that the amendments proposed had an adverse impact on electoral parity and, accordingly, were not prepared to alter our provisional proposals in this area.

66. We rejected submissions for Wards 68 - 72 which would increase the number of Councillors from five to six, which we concluded was not justified in terms of geography or electoral parity.

67. We considered and accepted representations which proposed alternative boundaries in Wards 78 - 80.

68. We noted that The Highland Council had requested a number of minor modifications to ward boundaries and names which it set out in detail in an Annex to its submission regarding our provisional proposals. We agreed to the minor modifications suggested to boundaries where it was practicable to do so. In line with our general policy regarding the naming of electoral wards, we accepted the revised designations proposed by the Council.

Final Recommendation

69. Having conducted the third statutory review of electoral arrangements for The Highland Council area in accordance with the procedures described above, we **recommend** that future electoral arrangements for the said Council should provide for a Council of 80 members.

70. The designation of the electoral wards that we recommend for The Highland Council, together with information which we have received from the Council as to the 1996 electorate and forecast 2001 electorate of the proposed wards, are set out at Appendix B to this report.

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

Map	Area	Scale
A	The Highland Council Area (Part)	1:150,000
B	The Highland Council Area (Part)	1:150,000
C	The Highland Council Area (Part)	1:150,000
D	The Highland Council Area (Part)	1:150,000
E	The Highland Council Area (Part)	1:150,000
F	The Highland Council Area (Part)	1:150,000
G	The Highland Council Area (Part)	1:150,000
H	The Highland Council Area (Part)	1:150,000
I	Thurso	1:10,000
I	Wick	1:10,000
K	Alness	1:10,000
L	Maryburgh/Conon Bridge	1:10,000
M	Dingwall	1:10,000
N	Invergordon	1:10,000
O	Tam	1:10,000
P	Inverness	1:10,000
Q	Inverness	1:10,000
R	Nairn	1:10,000
S	Aviemore	1:10,000
T	Kingussie	1:10,000
U	Fort William	1:10,000

Appendix B

The Highland Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Caithness North West	2,044	1,972
2	Thurso West	2,036	1,987
3	Thurso Central	2,051	1,990
4	Thurso East	2,104	2,032
5	Caithness Central	1,976	1,920
6	Caithness North East	1,928	1,840
7	Wick	2,056	1,990
8	Wick West	2,110	2,040
9	Pulteneytown	2,084	2,020
10	Caithness South East	1,888	1,800
11	Sutherland North West	1,661	1,700
12	Tongue and Farr	1,588	1,533
13	Sutherland Central	1,987	2,000
14	Golspie and Rogart	1,737	1,730
15	Brora	2,251	2,226
16	Dornoch Firth	2,107	2,137
17	Lochbroom	1,689	1,720
18	Alness and Ardross	2,386	2,420
19	Tam West	2,125	2,170
20	Tam East	2,229	2,254
21	Seaboard	2,314	2,350
22	Invergordon	2,260	2,310
23	Rosskeen and Saltburn	2,361	2,410
24	Gairloch	1,737	1,780
25	Lochcarron	1,512	1,540
26	Ferindonald	2,364	2,408
27	Strathpeffer and Strathconon	2,046	2,100
28	Dingwall South	2,168	2,210
29	Dingwall North	2,170	2,250
30	Muir of Ord	2,236	2,280
31	Conon and Maryburgh	2,065	2,140
32	Knockbain and Killearnan	2,093	2,200
33	Black Isle North	2,291	2,350
34	Avoch Fortrose	2,305	2,370
35	Snizort and Trotternish	1,707	1,780
36	Skye West	1,510	1,580
37	Portree	1,780	1,880
38	Skye Central	1,469	1,540

39	Kyle and Steal	1,539	1,604
40	Kinlochshiel	1,457	1,506
	Electorate		
Number	Name	1996	2001
a	b	(Actual)	(Estimated)
		c	d
41	Beaully Strathglass	1,935	1,965
42	Kirkhill	2,248	2,298
43	Scorguie	2,374	2,394
44	Muirtown	2,304	2,344
45	Merkinch	2,216	2,241
46	Inverness Central	2,342	2,382
47	Culloden	2,249	2,379
48	Ardersier, Croy and Petty	2,050	2,123
49	Loch Ness West	2,074	2,119
50	Inverness West	2,119	2,289
51	Canal	2,317	2,332
52	Ballifeary	2,372	2,392
53	Lochardil	2,228	2,303
54	Hilton	2,247	2,272
55	Milton	2,299	2,330
56	Crown	2,339	2,374
57	Raigmore	2,237	2,262
58	Loch Ness East	2,112	2,192
59	Culduthel	1,692	2,242
60	Inshes	2,072	2,170
61	Drumossie	2,174	2,274
62	Westhill and Smithton	2,218	2,318
63	Balloch	2,244	2,394
64	Nairn Alltan	2,178	2,140
65	Nairn Ninian	2,157	2,100
66	Nairn Cawdor	2,087	2,057
67	Nairn Auldearn	2,109	2,070
68	Badenoch West	1,707	1,780
69	Badenoch East	1,919	2,006
70	Strathspey South	1,892	2,064
71	Strathspey North East	1,943	2,040
72	Grantown on Spey	1,941	2,080
73	Mallaig and Small Isles	1,498	1,470
74	Kilmallie and Invergarry	1,755	1,740
75	Claggan and Glen Spean	1,624	1,610
76	Ardnamurchan and Morvern	1,598	1,590
77	Caol	2,358	2,360
78	Fort William North	2,076	2,063
79	Fort William South	1,993	1,982
80	Glencoe	2,389	2,375