Local Government Boundary Commission for Scotland

Coimisean Crìochan na h-Alba
airson Riaghaltas Ionadail

2019 Reviews of Electoral Arrangements in Na h-Eileanan an Iar, Orkney Islands and Shetland Islands Council Areas

Guidance Booklet

Contents

Introduction

Who we are

1. The Local Government Boundary Commission for Scotland is an independent, non-political body responsible for carrying out reviews of councillor numbers and electoral wards for council areas.

2. Under the Local Government (Scotland) Act 1973 we undertake reviews to ensure effective and convenient local government and in particular electoral fairness, which means that each councillor should represent broadly the same number of electors. Councillors represent electoral areas called wards.

3. We conduct electoral reviews at intervals of 8 to 12 years and take account of the factors set out in the 1973 Act. These say we must ensure:

   - the number of electors per councillor in each ward are as nearly as may be the same;
   - subject to this we must have regard to:
     - local ties that would be broken by fixing a particular boundary; and
     - the desirability of fixing boundaries that are easily identifiable, with the first of these taking precedence over the second;
   - we may depart from the strict application of electoral parity to reflect special geographical considerations.

4. The Commission is also responsible for carrying out reviews of council area boundaries and of constituencies and regions for the Scottish Parliament.

Why we are conducting these reviews

5. The population, and therefore the electorate, of any council area is constantly changing, with people moving into or out of areas as well as within the same area. As a result of these changes, some councillors may represent considerably more or fewer electors than others. These variations in levels of representation are one of the reasons that we carry out regular electoral reviews.

6. The current reviews of Na h-Eileanan an Iar, Orkney Islands and Shetland Islands Council areas are required under the Islands (Scotland) Act 2018. This Act recognises the importance of the Scottish islands and the particular opportunities and challenges they face. It offers additional flexibility allowing us to create wards that elect 1 or 2 councillors in wards with inhabited islands as well as the 3 or 4 councillor wards permitted elsewhere in Scotland.

7. The current number of councillors and ward boundaries in Na h-Eileanan an Iar, Orkney Islands and Shetland Islands Council areas have remained unchanged since 2007. They have been used for local government elections in 2007, 2012 and 2017.

Effective and convenient local government

8. It is difficult to provide a simple definition of effective and convenient local government. It is, however, the fundamental consideration for recommendations arising from any of our reviews.

9. Among the factors we recognise as contributing to effective and convenient local government are:

   - the ability of councils to manage and deliver all of the services they are responsible for in an efficient manner;
   - the ability of individual councillors to carry out their functions including representing the residents in their area; and
   - the ability of residents to access services and participate in local democracy effectively and conveniently.

10. Electoral reviews are concerned with electoral matters only and do not affect house values, council tax, insurance premiums, postcodes or school catchment areas.

Determining councillor numbers

11. We decide the number of councillors for each council area by placing it into a category with other similar councils. The categories we use are based on available data on population distribution and socio-economic conditions from the Scottish Index of Multiple Deprivation (SIMD). This Index includes a range of factors including data on: income, employment, education, health, access to services, crime and housing.

12. For each category, we assign a ratio of councillors to electors in order to calculate the appropriate number of councillors for each council.

13. For these reviews we have grouped Na h-Eileanan an Iar, Orkney Islands and Shetland Islands together with a ratio of councillors to electors of 1:800.

14. We are aware that a large change of councillor numbers might be disruptive so we have incorporated a 10% change rule. This means that we will not propose increasing or decreasing the total number of councillors in a council area by more than 10%.

15. When we come to design wards we may move away from the exact number of councillors proposed by the methodology, if doing so means creating a pattern of wards that better meets the needs of the council area for effective and convenient local government.

16. The number of councillors we initially propose for each council area currently under review is set out below.

Council area	Existing councillor numbers	Electorate (Dec. 2017)	Electorate divided by ratio (1:800)	Proposed councillor numbers
Na h-Eileanan an Iar	31	21,661	21,661 ÷ 800 = 27	28*
Orkney Islands	21	17,038	17,038 ÷ 800 = 21	21
Shetland Islands	22	17,729	17,729 ÷ 800 = 22	22
*10% change rule applied				

Determining ward boundaries

17. Once we have agreed the number of councillors, the next stage of the review is to consider ward boundaries.

Councillors per ward

18. As mentioned earlier, for these reviews each ward can return either 1, 2, 3 or 4 councillors. The choice of the number of councillors for each ward will depend on the overall pattern of wards we feel best meets the requirements set out in paragraph 3 of this guidance.

Electoral parity

19. One of the principal aims of a review is to ensure a good level of electoral parity. This means, as far as possible, having the same number of electors per councillor in all wards of a council area. The legislation gives priority to electoral parity over other factors in ward design.

20. Applying strict electoral parity for a review, the number of electors for each ward would be:

   • 1 councillor ward = 800 electors
   • 2 councillor ward = 1,600 electors
   • 3 councillor ward = 2,400 electors
   • 4 councillor ward = 3,200 electors.

21. Best practice and previous reviews suggest an electorate within 10% of strict electoral parity is acceptable. This is also suggested by the Venice Commission's 'Code of Good Practice in Electoral Matters'. This means, for example, a 3-councillor ward could have between 2,160 and 2,640 electors, while a 4-councillor ward could have between 2,880 and 3,520 electors. This is intended to provide a reasonable degree of flexibility in most circumstances.

22. In designing wards, we consider local circumstances and will consider moving away from electoral parity within the terms of the legislation.

Electorate change

23. When aiming for electoral parity we take into account the likely change in the number or distribution of the local government electorate over a 5-year period from the start of the review.

24. To do this, we collect data from each council area on expected new residential development and demolition within its area over the 5-year period. Using this data, combined with data on the average number of electors per household in the area, and population projections for the same period from the National Records of Scotland, we calculate a forecast of electorate for the 5-year period.

Local ties

25. When designing wards, we aim to reflect local ties, and, in particular, we aim to avoid breaking local ties. However, other factors – especially electoral parity – may outweigh local ties.

26. For some, local ties could be defined by their community council area, school catchment area, or historical areas. For island communities we may consider transport links to the mainland or other islands.

27. Major roads could be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly. Alternatively, major roads or rivers or other natural features could be seen as physical barriers marking the boundary between different communities. In sparsely populated areas, we may have to combine two or more distinct and separate communities within a single ward. Here we would also consider how the communities interact with each other.

Easily identifiable boundaries

28. The legislation requires us to take into account the desirability of fixing boundaries that are and will remain easily identifiable.

29. In urban areas, a case can be made to define ward boundaries along roads since they are likely to remain clearly identifiable, and are unlikely to be straddled by new dwellings. As an alternative, drawing a boundary along the rear fences between houses will result in neighbours across a street being in the same ward which may better reflect local ties.

30. In rural areas, natural features such as rivers or streams and edges of woodland may be appropriate where a ward boundary is required. Field boundaries may also be used, while recognising that they may be subject to change, particularly in the case of fences. In upland areas, a watershed may be an appropriate ward boundary feature, particularly along narrow, well-defined ridges.

Special geographical considerations

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

Ward names

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

Review stages

Consultation

33. We consult with councils on our proposals for a period of 2 months before commencing a 12-week public consultation.

34. We aim to develop recommendations that are influenced by local input as far as possible. We publicise the review as widely as we can, and ask that local councils, political parties, community groups, other stakeholders and the general public do the same.

35. We publicise the start of the review and all consultations we undertake. We usually issue news releases and public notices in local newspapers, write to interested parties, place our proposals on display in public areas such as libraries and council offices and ask councils to help make our information materials available. We also use social media to publicise our work.

36. During public consultations we publish our proposals on our website and place copies of them in council offices and libraries.

37. We welcome views from individuals or community groups on any aspect of our proposals. You may, for example, want to comment on councillor numbers overall or just in the ward where you live. You may have thoughts on boundaries across the council area or on a specific boundary you think we could improve, or you may want to suggest a different ward name. Whatever your thoughts, your contribution is welcome.

38. Responses can be made to the Commission via our online consultation website at **www.consult.lgbc-scotland.gov.uk** or by letter or email.

39. We will decide whether to amend our proposals once we have considered responses to our consultations. If we decide to make significant changes we may consult again or hold a local inquiry to find out more information.

Final Report

40. At the conclusion of our reviews we prepare our Final Recommendations and our Reports for Scottish Government Ministers. We submit our Reports to Ministers and provide a copy to each council for public display. We make the Reports available at the same time on our website.

41. The publication of our Final Recommendations marks the end of our role in the electoral review process. Ministers will consider our Final Recommendations and may seek further clarification, information and advice as necessary.

42. They can implement our recommendations with or without modification, decide not to implement them, or ask us to undertake another review of the area involved. We have planned our work so that our recommendations from these reviews will be ready to be implemented for the local government elections in May 2022.

Further information

43. More detailed information about our reviews and the legislation governing our work is available on our website **www.lgbc-scotland.gov.uk**.

44. We expect to follow the timetable laid out below for these reviews.

Stage	Start	Finish	Duration
1. Commission meets separately with the three islands councils to provide background to the reviews and discuss its approach	June 2018	July 2018	2 months
2. Commission formally announces start of reviews	January 2019		
3. Commission develops proposals on councillor numbers and ward boundaries	October 2018	February 2019	
4A. Consultation with councils on ward boundaries	March 2019	May 2019	2 month statutory consultation period after which Commission considers responses
4B. Public consultation on ward boundaries	September 2019	November 2019	12-week consultation period
5A. (Optional) Development of Revised Proposals for wards	December 2019*	January 2020*	
5B. (Optional) Consultation of Revised Proposals for wards, local inquiry	February 2020*	June 2020*	
6. Commission considers all representations and develops its Final Recommendations before submitting its Reports to Scottish Ministers	June 2020*	July 2020*	
* Estimated dates			