

Agenda Item	12
Report No	HC/18/21

THE HIGHLAND COUNCIL

Committee: Highland Council

Date: 24 June 2021

Report Title: Boundaries Scotland – Review of Electoral Arrangements for the Highland Council Area – Final Proposals

Report By: Executive Chief Officer Performance and Governance

1. Purpose/Executive Summary

- 1.1 The purpose of this report is to provide a summary of the final proposals submitted by Boundaries Scotland to Scottish Ministers regarding their review of Electoral Arrangements for the Highland Council Area. The report also highlights the next steps in this process.

2. Recommendations

- 2.1 Members are asked to
- i. Note the final report from Boundaries Scotland [Review of Electoral Arrangements, The Highland Council Area Final Proposals](#);
 - ii. Accept where the status quo has been maintained or where minor boundary adjustments have no impact – actually or consequentially - on ward representation: Wards: 1-4; 6-9; 11; 18; 20 & 21¹;
 - iii. Oppose any more fundamental changes, particularly where this has led to a reduction of ward membership, and argue that these should instead await the Local Governance Review and outcomes of the Scottish Government's work on addressing West Coast depopulation;
 - iv. Agree to write to the Deputy First Minister, Highlands and Islands MSPs and the Chair of the Local Government and Communities Committee to express the concerns raised by the Review's proposals, as set out in Paragraph 7 and the conclusions reached by the Council set out at ii) and iii) above.

3. Implications

¹ Current ward numbering is being used, not the numbering used by Boundaries Scotland in their report for the new ward arrangements. Current Highland Council Ward names and numbers are included in Appendix 1

- 3.1 Resource – As a result of these proposals the number of councillors will reduce from 74 to 73 and wards will reduce from 21 to 20.
- 3.2 Legal – this review has been undertaken in accordance with the Local Government (Scotland) Act 1973, the Islands (Scotland) Act 2018 and the Scottish Elections (Reform) Act 2020.
- 3.3 Community (Equality, Poverty, Rural and Island) – these proposals will have a negative differential impact for rural and island communities in terms of reduced representation. They will have a particularly negative impact on West Coast communities which are already facing significant challenges due to depopulation. Reducing the membership of Ward 10, Eilean a' Cheo, is in direct opposition to the Islands (Scotland) Act 2018 and the purpose of the boundary review which was intended to reflect the requirements of that Act.

The changes are likely to negatively impact most on those with disabilities, those with young families and women due to the need to travel into remote and rural areas often after dark and in bad weather with limited or no access to public transport, broadband and/or mobile phone signals. There is therefore a need to undertake a full equalities impact assessment.

- 3.4 Climate Change / Carbon Clever – In wards where representation has been reduced, councillors will be required to drive much longer distances in order to undertake their representative duties - engage with constituents, parent councils, community councils, local businesses and community bodies.
- 3.5 Risk - Members in some and island rural wards may be unable to properly represent their constituents. There is a risk that the changes will deter candidates from standing in the next local government elections in May 2022, particularly in the large rural wards.
- 3.6 Gaelic - although many of the adversely affected communities are Gaelic speaking, there are no direct implications for Gaelic as a consequence of this report.

4. Background

- 4.1 The Local Government Boundary Commission submitted 32 reports arising from the 5th Reviews of Local Government Electoral Arrangements to Scottish Ministers in 2017. At that time, it was Scottish Ministers and not the Parliament who decided whether to accept recommendations and the decision was made to reject the proposals in 5 of the Reviews.
- 4.2 As anticipated, as a result of the Islands (Scotland) Act 2018, Boundaries Scotland was required to review the electoral arrangements for the six councils containing inhabited islands - Argyll and Bute, Highland, North Ayrshire, Orkney Islands, Shetland Islands and Comhairle nan Eilean Siar as soon as practicable. The reviews formally commenced in January 2019 and Boundaries Scotland are working on a timescale that would allow the proposals to come into force, if accepted by the Scottish Parliament, in time for the local government elections in 2022.

5. Initial Proposals

- 5.1 Boundaries Scotland published their initial proposals for Highland for consultation last year and proposed 72 Councillors for Highland Council area based on two 2-member

wards, seven 3-member wards, eight 4-member wards and three 5-member wards, reducing the number of Councillors by two and wards by one.

- 5.2 These were considered by the Council on 10 September 2020 and following detailed discussion, the Council agreed to reject the proposals in their entirety as they stood and to approach the Scottish Government to review the remit of the Boundaries Scotland in regard to rural Authorities, to lift the cap on total Councillor numbers and provide for greater discretion in the application of parity ratios.
- 5.3 The Council made representations to Scottish Government Ministers, raised the matter with MSPs and also advised Boundaries Scotland of the specific ward issues following engagement the then Elections Manager had undertaken with Members in each Ward.

6. Final Proposals

- 6.1 Boundaries Scotland submitted their final proposals to Scottish Ministers on 10 June 2021 and are now proposing that the Highland Council area should have a Council of 73 Councillors in 20 wards, comprising one ward returning 2 members, eight wards each returning 3 members, eight wards each returning 4 members and three wards each returning 5 members. This represents a reduction from 21 wards to 20; and 74 councillors to 73. The detailed report is included at Appendix 1.
- 6.2 The specific proposals for each Ward are as follows: -

Ward 1 North, West and Central Sutherland – Retain the boundary and name of the Ward but reduce to 2 Councillors;

Ward 2 Thurso and Northwest Caithness – Retain boundary, name and 4 Councillors;

Ward 3 Wick and East Caithness – Align existing boundary with the Caithness-Sutherland County boundary and retain name and 4 Councillors;

Ward 4 East Sutherland – Align existing boundary with the Caithness-Sutherland County boundary, with Edderton moving to a Tain Ward. Change name and retain 3 Councillors;

Ward 5 Wester Ross and Lochalsh – Create a similar boundary to the existing Wester Ross, Strathpeffer and Lochalsh Ward but transfer Strathpeffer to the Dingwall and Seaforth Ward. Change name and reduce from 4 to 3 Councillors;

Ward 6 Cromarty Firth – Retain boundary, name and 4 councillors;

Ward 7 Tain, Easter Ross and Edderton – Amend the Ward with the addition of Edderton. Change name and retain 3 Councillors;

Ward 8 Dingwall and Seaforth – Amend existing ward with the addition of Strathpeffer. Retain name and increase from 4 to 5 Councillors;

Ward 9 – Black Isle – propose minor changes to boundary and revert to boundary in use from 2007-2017. No change to name and retain 3 Councillors;

Ward 10 - Eilean a' Cheò – Retain boundary and name of Ward and reduce from 4 to 3 Councillors;

Ward 11 Caol, Mallaig and the Small Isles – Propose minor changes to ward boundary at Knoydart and amend name to recognise the Small Isles. Retain 3 Councillors;

Ward 12 Aird – Propose to follow existing ward boundary to the West of Loch Ness but changing the Ward's eastern boundary to follow the centre of Loch Ness. Communities including Foyers and Dores to move into Inverness Ward 15. Change of name and reduce from 4 to 3 Councillors;

Ward 13 Inverness North West - This ward contains the whole of Inverness West and part of Inverness Central. Change of name and increase from 3 to 5 Councillors;

Ward 14 Inverness North East – This ward would contain most of the existing Millburn Ward, except the Inverness Retail and Business Park, and part of the existing Central Ward with the River Ness as a boundary. Change of name and increase from 3 to 4 Councillors;

Ward 15 Inverness South West – Propose to extend the existing ward southwards and include the area to the east of Loch Ness with the western boundary following the centre of Loch Ness. Change of name and increase from 3 to 5 councillors;

Ward 16 Inverness South East – This ward retains most of the existing Inverness South Ward, except for an area to the west of Fairways Golf Course. Change of name and increase from 3 to 4 Councillors;

Ward 17 Culloden and Ardersier – retain the existing Culloden and Ardersier Ward with the exception of Inverness Retail and Business Park. Retain the name and 3 Councillors. The reports notes this still represents a significant level of under representation (54.2% above parity) and so will keep this under review and an interim review will be conducted if necessary.

Ward 18 Nairn and Cawdor – Retain boundary, name and retain 4 Councillors;

Ward 19 Badenoch and Strathspey - A change to the boundary in a small area of Laggan to follow the Cairngorm National Park Boundary. Retain name and 4 Councillors.

Ward 20 Fort William and Ardnamurchan - Retain boundary, name and retain 4 Councillors.

7. Council Response

7.1 An urgent meeting of the Members Boundary Review Group was arranged for Monday 14 June to discuss the review outcomes with Member representatives and the assessment that follows reflects this discussion and further subsequent feedback on the draft report proposals.

7.2 Initial analysis and feedback indicates that:

- Boundaries Scotland is proposing a reduction in councillors for 3 out of the 6 councils reviewed - Highland, Argyll and Bute and Comhairle nan Eilean Siar. Shetland Islands Council has a proposed increase of 1 member and the others maintain the status quo. The net loss of representation to the Highlands and Islands area is 2 councillors.
- The Highland Council area is the only one out of the six local authorities reviewed that is projected to have an increase in population, but the number of Highland councillors is being reduced.
- Reflecting the rising in population in Inverness by increasing ward representation is largely welcomed but not where it impacts detrimentally on another area.
- The review represents a shift to the East with a concentration around the Moray Firth and Inverness and reductions in the West. Whilst this reflects Boundaries Scotland's overriding focus on electoral parity, it contradicts and undermines the Scottish Government's publicly stated commitment to addressing West Coast

depopulation and fails to recognise the challenges of representing very large geographical areas with a dispersed population.

- Reducing the membership of Ward 10, Eilean a' Cheo, is in direct opposition to the Islands (Scotland) Act 2018 and the purpose of the boundary review which was intended to reflect the requirements of that Act. An Island Impact Assessment needs to be undertaken before this recommendation can be considered.
- As a result of Covid, engagement with constituents has been challenging, introducing a change during this ongoing pandemic may cause further distress among already vulnerable communities.
- Due to Covid, population demographics may have changed, demand for houses in the Highlands has increased, particularly with inward migration to more rural areas. Previous population projections may no longer be appropriate.
- There is a risk that candidates will be deterred from standing in the next local government elections in May 2022 in the rural wards where the number of councillors reduce because they will need to cover larger areas to engage with and represent more community councils, more parent councils, more communities. This will extend the length of the working day in order to accommodate the additional workload.
- The changes are most likely to negatively impact prospective candidates with disabilities, those with young families and women due to the need to travel into remote and rural areas often after dark and in bad weather with limited or no access to public transport, broadband and/or mobile phone signals. There is therefore a need to undertake a full equalities impact assessment.
- Boundaries Scotland notes in its report that Ward 17, Culloden and Ardersier, still has a significant level of under representation (54.2% above parity) and so will keep this under review and will conduct an interim review if necessary. This is a significant departure from the metrics used in deciding on councillor numbers and it is not clear why the opportunity has not been taken now to increase the level of representation when the forecast is for further growth.
- Boundaries Scotland's guidelines are that communities should not be split, and that established community boundaries should be respected but this has not been adhered to in all of their recommendations for ward boundary changes - examples include the communities around Loch Ness and moving the Inverness Retail Park from the Millburn Ward to Culloden and Ardersier.
- Initial feedback from the communities affected, particularly in rural areas is that they have not been listened to.
- A number of the new ward names do not reflect the communities that they represent and there should be scope to review and rename via a meaningful consultation process.
- The delay in presenting Boundary Scotland's proposals to Ministers, with the Parliamentary approval not possible until August at the earliest due to recess, means there will be very little time to introduce and publicise the changes in

advance of the local government elections. Increasing the potential for confusion and uncertainty amongst prospective candidates and the electorate.

- The Scottish Government plans to re-initiate the Local Governance Review and so no boundary changes should proceed until they can link in with that wider Governance review.

8. Next Steps

- 8.1 The final report was submitted to Scottish Ministers on 10 June and unlike the 5th review where Ministers made the decision and Parliament passed without debate, the new process requires Ministers to lay the report before the Scottish Parliament as soon as practicable and seek approval for the resulting Scottish Statutory Instrument (SSI) by affirmative resolution procedure. The SSI must be considered by Parliamentary Committee before being approved by a vote in Parliament.
- 8.2 As an affirmative instrument, the motion to approve the instrument can only be accepted or rejected in its entirety by Parliament. If the motion for the approval of the draft instrument is rejected, Scottish Ministers will notify Boundaries Scotland that it is required to conduct a further review of the proposals. The extent of any further review is determined by Boundaries Scotland; however, the legislation requires Boundaries Scotland to consider any representations made by the Scottish Parliament in conducting any further review.
- 8.3 It is understood that in advance of the debate on the motion to approve the statutory instrument, the lead Parliamentary committee will take evidence from witnesses on the instrument. The determination of witnesses and the format will be a matter for the Committee.
- 8.4 Under changes made by the [Scottish Elections \(Reform\) Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk) if the draft instrument is withdrawn, or if the motion for the approval of the draft instrument is rejected by the Scottish Parliament, the Scottish Ministers must either—
- (a) amend the draft instrument to make such minor or technical alterations as they consider appropriate (“amended draft instrument”) and lay the amended draft instrument before the Scottish Parliament, or
 - (b) notify Boundaries Scotland that it is required to conduct a further review of the proposals in accordance with section 17A of the Scottish Elections (Reform) Act 2020.
- 8.6 Reflecting on the feedback received from Members to date it is proposed that the Council considers accepting where the status quo has been maintained, and minor boundary adjustments that have no impact – actually or consequentially - on ward representation. The Council may also wish to consider whether to oppose any more fundamental proposals that lead to a change in the number of councillors or wards, for the reasons set out in section 7, and argue that these should instead await the Local Governance Review and outcomes of the Scottish Government’s work on addressing West Coast depopulation.
- 8.5 Should the Council decide to seek changes to Boundaries Scotland’s proposals, it is recommended that the Council writes to Scottish Ministers and the relevant Parliamentary Committee explaining the challenges that these proposals present and

the changes that should be made to the proposals as a consequence. It is also recommended that the Council engage with Highland MSPs to press for amendments to be made in advance of the report being laid before Parliament and, if needed, to vote for the proposals to be rejected when brought before the Parliament. The extent to which the proposals can be adjusted prior to being laid is likely to be limited, although the exact process and scope at this time is still unclear and officers are seeking further clarity from Parliamentary officials.

Designation: Kate Lackie, Executive Chief Officer, Performance and Governance
Date: 18 June 2021

Authors: Gordon Morrison, Business Manager, Linda Johnstone, Elections Manager

Background Papers:

[Review of Electoral Arrangements, The Highland Council Area Final Proposals](#)

Highland Council Wards

- 01 North, West and Central Sutherland
- 02 Thurso and Northwest Caithness
- 03 Wick and East Caithness
- 04 East Sutherland and Edderton
- 05 Wester Ross, Strathpeffer and Lochalsh
- 06 Cromarty Firth
- 07 Tain and Easter Ross
- 08 Dingwall and Seaforth
- 09 Black Isle
- 10 Eilean a' Cheò
- 11 Caol and Mallaig
- 12 Aird and Loch Ness
- 13 Inverness West
- 14 Inverness Central
- 15 Inverness Ness-side
- 16 Inverness Millburn
- 17 Culloden and Ardersier
- 18 Nairn and Cawdor
- 19 Inverness South
- 20 Badenoch and Strathspey
- 21 Fort William and Ardnamurchan