POLICY NOTE

THE NA H-EILEANAN AN IAR (ELECTORAL ARRANGEMENTS) REGULATIONS 2021

SSI 2021/369

THE NORTH AYRSHIRE (ELECTORAL ARRANGEMENTS) REGULATIONS 2021

SSI 2021/370

THE ORKNEY ISLANDS (ELECTORAL ARRANGEMENTS) REGULATIONS 2021

SSI 2021/371

THE SHETLAND ISLANDS (ELECTORAL ARRANGEMENTS) REGULATIONS 2021

SSI 2021/372

The above instruments are made in exercise of the powers conferred by section 17(4)(b)(ii) of the Local Government (Scotland) Act 1973(a) ("the 1973 Act"). The instrument is subject to affirmative procedure.

These Regulations give effect to proposals made by Boundaries Scotland in relation to the future electoral arrangements for the areas of: Comhairle nan Eilean Siar, North Ayrshire Council, Orkney Islands Council and Shetland Islands Council. There is one instrument for each local authority area.

Policy Objectives

1. The purpose of these instruments is to give effect to the proposals made by Boundaries Scotland ("the Commission") in relation to the future electoral arrangements of four council areas.

2. The Commission is an advisory non-departmental public body created by the 1973 Act and re-named in the Scottish Elections (Reform) Act 2020. It is an independent body that is responsible for reviewing and making recommendations for:

- the number of councillors on each council in a local government area;
- the number of wards for local government elections, their boundaries, designations and the number of councillors for each ward; and
- the extent of council areas.

3. These reviews were required under section 20 of the Islands (Scotland) Act 2018. This Act recognises the importance of the Scottish islands and the particular opportunities and challenges that apply to them. It offers additional flexibility allowing for the creation of wards that elect one or two councillors in wards in inhabited islands as well as the two, three, four or five councillor wards permitted elsewhere in Scotland.

4. Further information on the Commission's conduct of these Reviews, and its final reports for each local authority area, can be found on the Commission's website at: https://boundaries.scot/2019-reviews-electoral-arrangements.

5. Reports containing Boundaries Scotland's final proposals for each council area were received by Scottish Ministers on 28 May and 10 June. Under section 17 of the Local Government (Scotland) Act 1973, Scottish Ministers have a duty to lay regulations with the intention of giving effect to Boundaries Scotland's proposals.

6. These Regulations give effect to Boundaries Scotland's proposals. The number of wards and number of councillors in each local authority area are described in the schedule and the boundaries of the electoral wards are described by reference to reference to maps held by Boundaries Scotland and marked with specified information. Prints of these maps are available for inspection at Boundaries Scotland's principal office and on the Boundaries Scotland website.

Parliamentary Procedure

7. The Scottish Elections (Reform) Act 2020 removed ministerial discretion to modify or reject Boundaries Scotland's proposals. However the regulations are now subject to affirmative procedure in the Scottish Parliament. This gives Parliament an enhanced role in scrutinizing the Boundary Commission's proposals and brings the procedure into line with that already in place for Scottish Parliament constituency boundaries.

Consultation

8. Full details of Boundaries Scotland's consultation in the section of their website: https://boundaries.scot/2019-reviews-electoral-arrangements. The Commission consulted with each Council for a period of two months and considered their responses before consulting publicly.

Timing

9. The changes made by the instruments, if they are approved by Parliament, will apply to all local government elections held on or after 5 May 2022. They will therefore apply to the next Scotland-wide local government elections that are to be held on 5 May 2022.

Impact Assessments

10. Impact assessments have not been produced for this instrument as no significant, impact on protected characteristics or on child rights and wellbeing is foreseen.

Financial Effects

11. Those instruments that change the number of councillors for a local authority will have a financial effect on local government, since the cost to that authority of councillors'

pay and expenses will go up or down depending on whether the number of its councillors is being increased or decreased.

12. The table in the Annex to this Note includes an estimate of the approximate cost implications for each council in terms of councillors' pay, based on the basic pay rate for councillors for 2021-22 as set out in The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2021.

Scottish Government
Constitution and Cabinet Directorate
25 August 2021

Annex

Council Area	Existing no. of councillors	3 member	4 member	New no. of councillors	1 member	2 member	3 member	4 member	5 member	Change in no of councillors	Estimated annual cost (£s)
Nah-Eileanan an Iar	31	5	4	29		6	3	2		-2	-37,202
North Ayrshire	33	7	4	33	1		3	2	3	n/a	n/a
Orkney Islands	21	3	3	21			3	3		n/a	n/a
Shetland Islands	22	6	1	23		1	3	3		+1	+18,604