

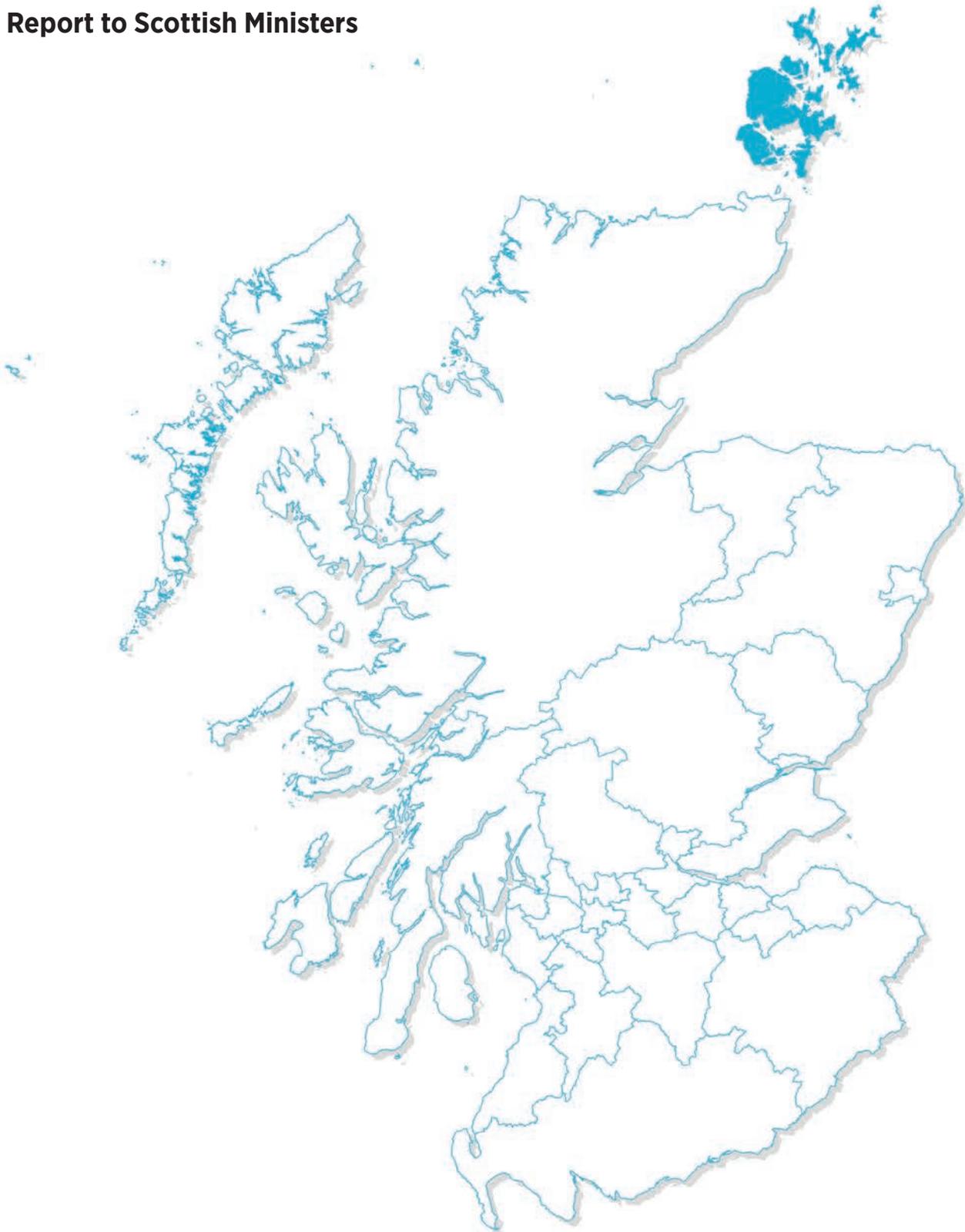


Boundaries Scotland

Crìochan na h-Alba

Review of Electoral Arrangements Orkney Islands Council Area Final Proposals

Report to Scottish Ministers



Boundaries Scotland

Statutory Review of Electoral Arrangements

Final Proposals

Orkney Islands Council Area

Membership of the Commission

| | |
|----------------|--|
| Chair: | Ronnie Hinds |
| Deputy Chair: | Ailsa Henderson |
| Commissioners: | Roland Bean Jon Collins Gordon Macmillan Susan Walker |

Boundaries Scotland

Scottish Ministers

We, Boundaries Scotland¹, present our proposals for Orkney Islands Council area resulting from our Review of Electoral Arrangements under, and in accordance with, section 20 of the Islands (Scotland) Act 2018.

In accordance with the provisions of section 18(3) of the Local Government (Scotland) Act 1973, copies of our report, together with illustrative maps, are being sent to Orkney Islands Council with a request that the report and maps should be made available for public inspection at its offices.

The report is available on our website and is being publicised on social media. Notice is also being given in newspapers circulating in the council area of the fact that the report has been made so that interested persons may inspect the report and maps at the Council's offices.



Ronnie Hinds
Chair



Isabel Drummond-Murray
Secretary

Boundaries Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD

boundaries.scot@scottishboundaries.gov.uk
www.boundaries.scot
Twitter: @boundaries_scot

May 2021

¹ We conducted this Review as the Local Government Boundary Commission for Scotland but have submitted our proposals and report to Ministers as Boundaries Scotland following the commencement of section 28 of the Scottish Elections (Reform) Act 2020 on 14 May 2021.

Contents

| | |
|--|-----------|
| Part 1 Final Proposals for Orkney Islands Council Area | 3 |
| Map of proposed ward boundaries | 4 |
| Kirkwall East | 5 |
| Kirkwall West and Orphir | 6 |
| Stromness and South Isles | 7 |
| West Mainland | 8 |
| East Mainland, South Ronaldsay and Burray | 9 |
| North Isles | 10 |
| Part 2 Background | 11 |
| Who we are | 11 |
| Why we conduct electoral reviews | 11 |
| How we work | 12 |
| Effective and convenient local government | 12 |
| Determining councillor numbers | 12 |
| Determining ward boundaries | 12 |
| Councillors per ward | 13 |
| Electoral parity | 13 |
| Special geographical considerations | 13 |
| Electoral change | 14 |
| Local ties | 14 |
| Easily-identifiable boundaries | 14 |
| Ward names | 14 |
| Consultation | 15 |
| Reporting arrangements | 15 |
| Part 3 Conducting the Review | 16 |
| Review Stages | 16 |
| Consultation | 16 |
| Existing electoral arrangements | 17 |
| Initial Proposals – Consultation with Orkney Islands Council | 18 |
| Initial Proposals – Public Consultation | 19 |
| Final proposals | 20 |
| Islands (Scotland) Act 2018 and Scottish Elections (Reform) Act 2020 | 21 |
| Electoral Parity and Special Geographical Circumstances | 21 |
| Avoidance of breaking local ties | 21 |
| Easily identifiable boundaries | 21 |
| Conclusion | 22 |
| Appendices | 23 |
| Appendix A: Legislation governing our work as of 14 May 2021 | 23 |
| Appendix B: Index of meeting papers and Commission meetings | 24 |

Part 1 Final Proposals for Orkney Islands Council area

1. We propose that in the interests of effective and convenient local government the future electoral arrangements for Orkney Islands Council area should provide for a council of 21 councillors in six wards, comprising three wards each returning 3-members and three wards each returning 4-members as follows:

| Ward No. | Ward Name | Cllrs | Electorate (Dec 17) | Variation from Electoral Parity (%) ¹ | Forecast Electorate (2023) ² | Forecast Variation from Electoral Parity (%) ¹ |
|----------|---|-----------|---------------------|--|---|---|
| 1 | Kirkwall East | 4 | 3,661 | 12.8 | 3,644 | 12.6 |
| 2 | Kirkwall West and Orphir | 4 | 3,415 | 5.2 | 3,452 | 6.7 |
| 3 | Stromness and South Isles | 3 | 2,147 | -11.8 | 2,140 | -11.8 |
| 4 | West Mainland | 4 | 3,521 | 8.5 | 3,492 | 7.9 |
| 5 | East Mainland, South Ronaldsay and Burray | 3 | 2,496 | 2.5 | 2,489 | 2.6 |
| 6 | North Isles | 3 | 1,798 | -26.1 | 1,771 | -27.0 |
| | | 21 | 17,038 | | 16,988 | |

¹ Absolute parity throughout the council area would result in each ward being at 0%: that is each councillor representing exactly the same number of electors. A negative parity % figure indicates a ward is over-represented, that is that each councillor represents fewer electors than absolute parity would require. A positive % figure indicates a ward is under-represented, that is each councillor represents more electors than absolute parity would require.

² Forecast electorate is derived from data provided by each council, including new build and demolition data, and population estimates published by National Records of Scotland.

2. Our proposals:

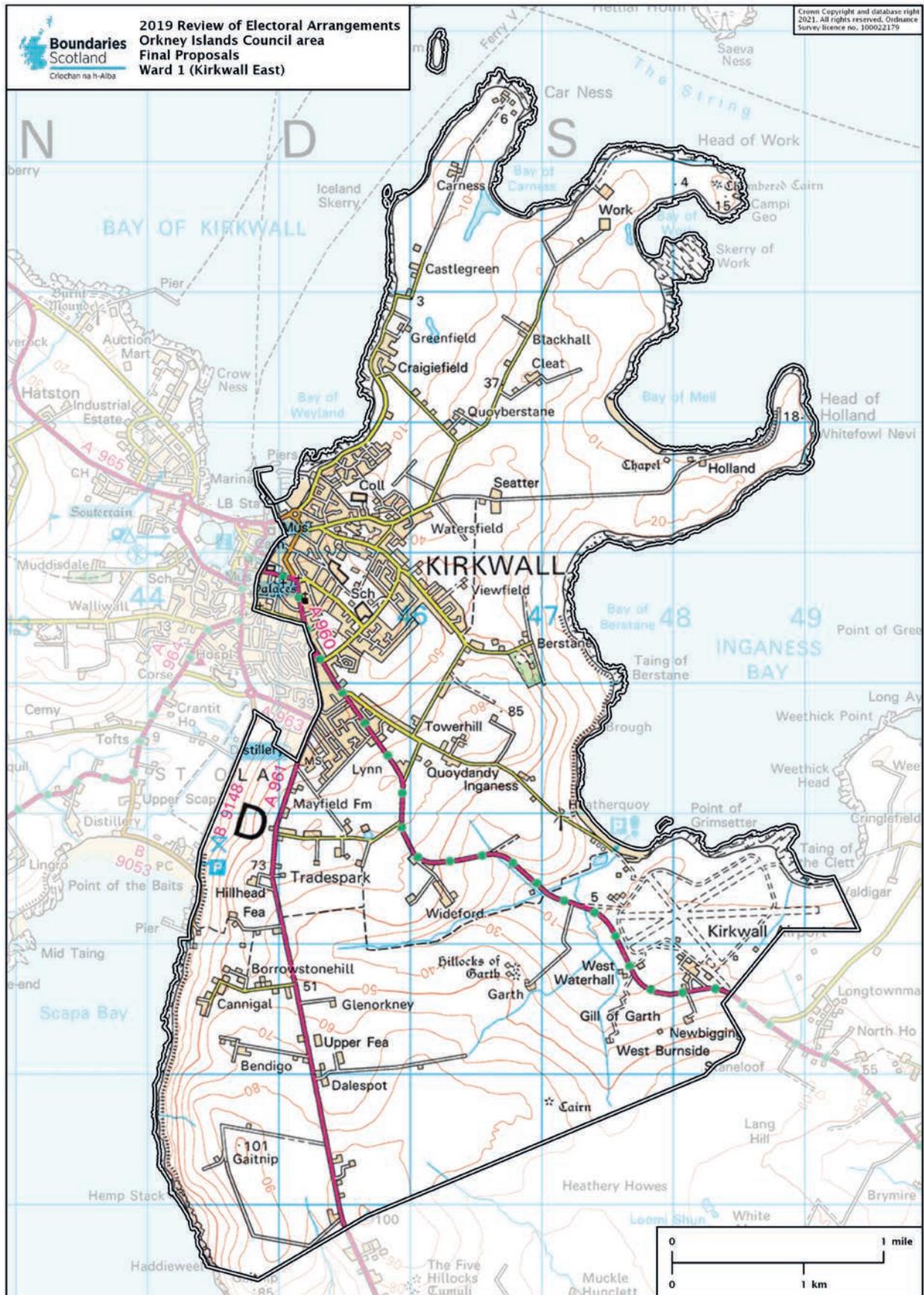
- retain the same number of councillors as the existing arrangements;
- retain three existing wards unchanged: North Isles; Stromness and South Isles; and West Mainland; and
- make changes to ward boundaries by Kirkwall. The boundary between Kirkwall East ward and Kirkwall West and Orphir ward is to be amended by Kirkwall harbour to create a more easily identifiable ward boundary and the Kirkwall East ward boundary is to be extended southwards to better reflect local ties by placing Kirkwall airport and neighbouring local communities within a Kirkwall ward.

Map of proposed ward boundaries



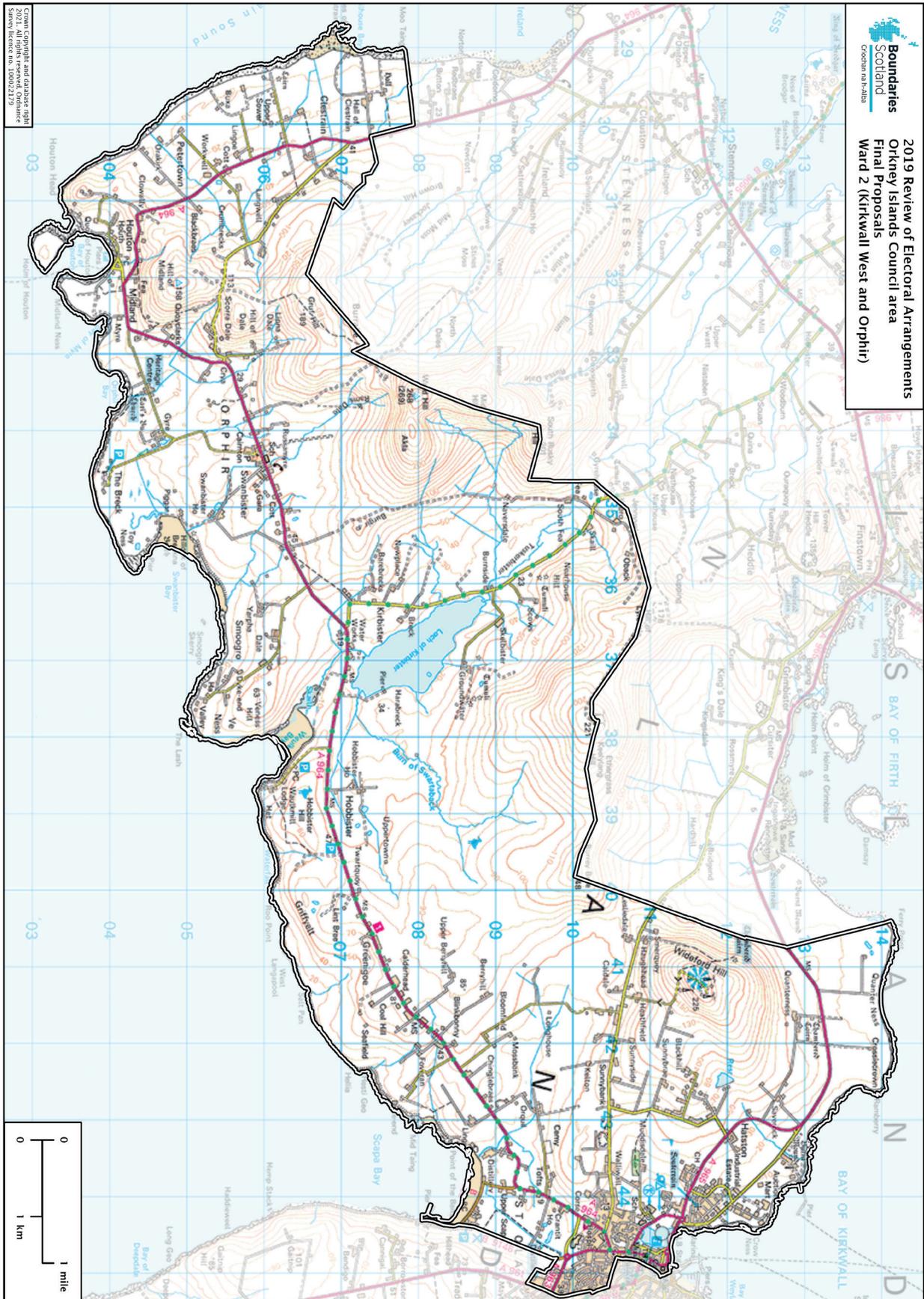
Ward 1 Kirkwall East – 4 councillors

Our proposals amend the existing Kirkwall East ward boundary by Kirkwall harbour, where the ward boundary now follows Bridge Street. The ward boundary to the south of Kirkwall is extended southwards and places Kirkwall airport and neighbouring local communities within a Kirkwall ward. Councillors in this ward are forecast to represent 12.6% more electors than absolute parity would require.



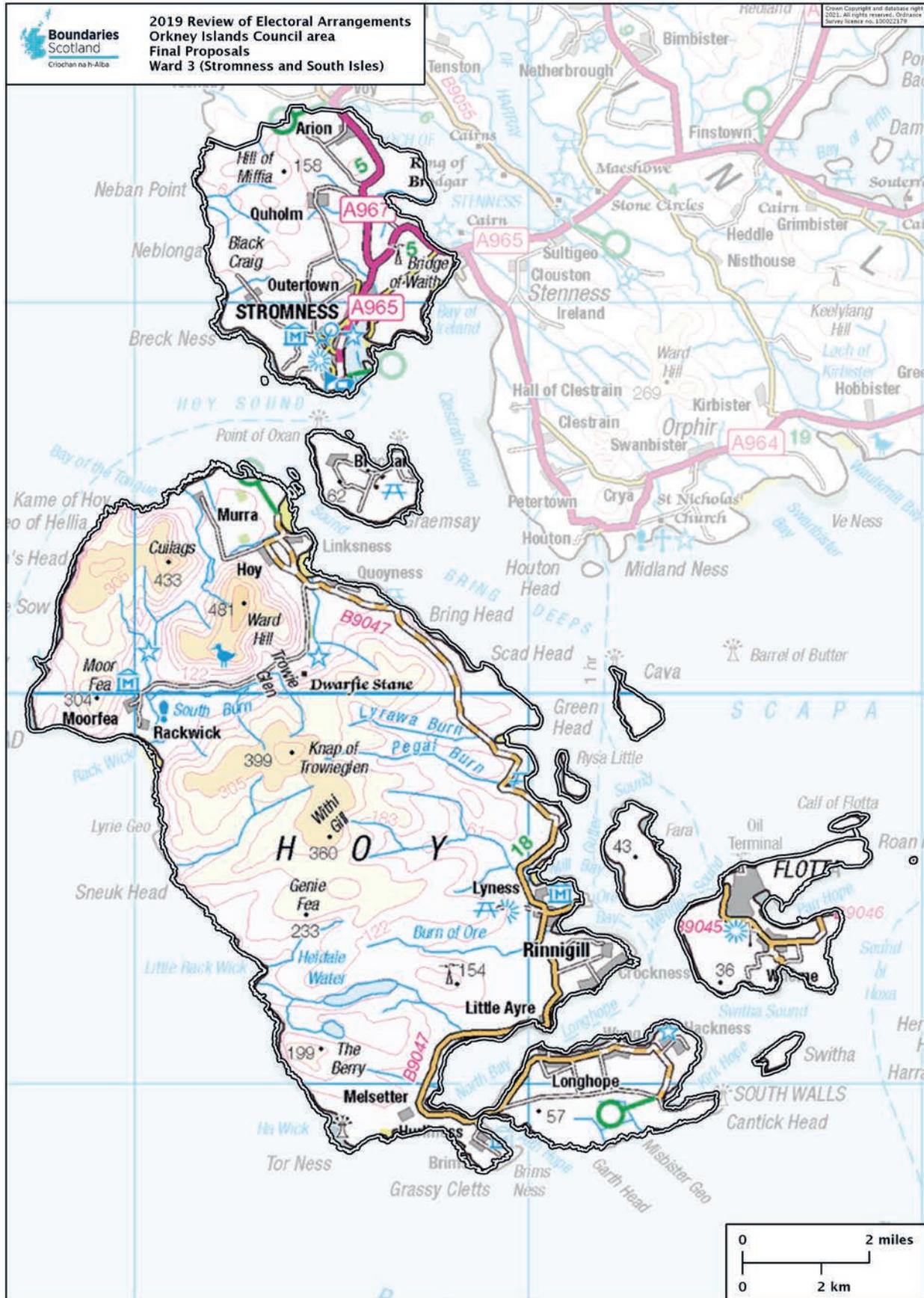
Ward 2 Kirkwall West and Orphir – 4 councillors

Our proposals amend the existing Kirkwall West and Orphir ward boundary by Kirkwall harbour by following Bridge Street. Councillors in this ward are forecast to represent 6.7% more electors than absolute parity would require.



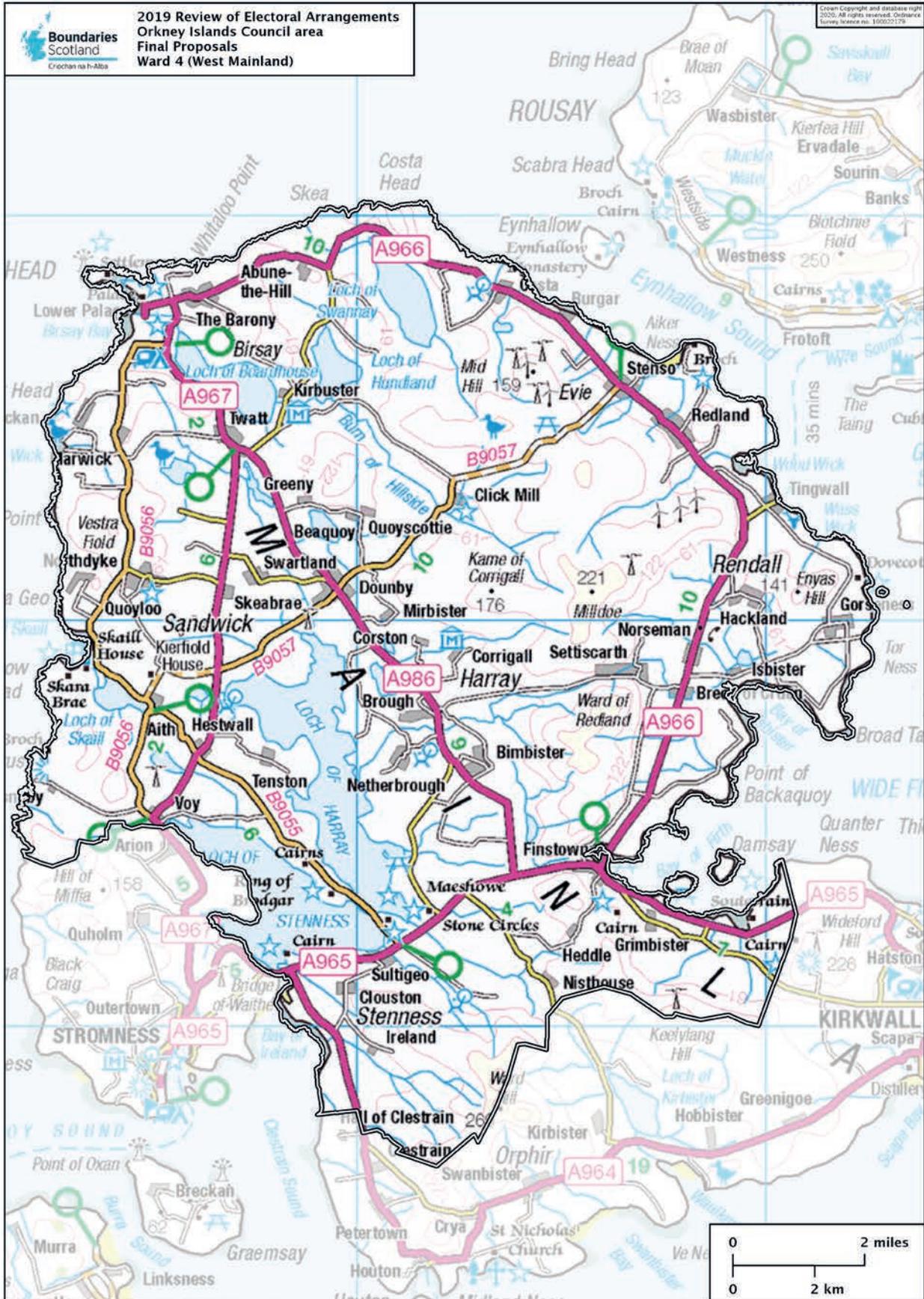
Ward 3 Stromness and South Isles – 3 councillors

Our proposals retain the existing Stromness and South Isles ward, with the name, boundary and number of councillors unchanged. Councillors in this ward are forecast to represent 11.8% fewer electors than absolute parity would require.



Ward 4 West Mainland – 4 councillors

Our proposals retain the existing West Mainland ward, with the name, boundary and number of councillors unchanged. Councillors in this ward are forecast to represent 7.9% more electors than absolute parity would require.



Ward 5 East Mainland, South Ronaldsay and Burray – 3 councillors

Our proposals amend the existing ward boundary to the south of Kirkwall and place Kirkwall airport within a Kirkwall ward. Councillors in this ward are forecast to represent 2.6% more electors than absolute parity would require.



Ward 6 North Isles – 3 councillors

Our proposals retain the existing North Isles ward, with the name, boundary and number of councillors to remain unchanged. Councillors in this ward are forecast to represent 27% fewer electors than absolute parity would require.



Part 2 Background

Who we are

3. Boundaries Scotland¹ is an independent, non-political, statutory body responsible for carrying out reviews of councillor numbers and electoral wards for council areas.
4. Under the Local Government (Scotland) Act 1973 (as amended) we undertake reviews to ensure effective and convenient local government and electoral fairness, which means that each councillor should represent broadly the same number of electors. Councillors represent electoral areas called wards.
5. The Commission is also responsible for carrying out reviews of council area boundaries and of constituencies and regions for the Scottish Parliament.

Why we conduct electoral reviews

6. We conduct electoral reviews at intervals of no more than 15 years and take account of the factors set out in the 1973 Act (as amended by subsequent legislation). These say we must ensure that 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 to the desirability of fixing boundaries that are easily identifiable. Of these, local ties are more important.
7. We may depart from the strict application of electoral parity to reflect special geographical considerations.
8. The population 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. Such variations in levels of representation are one of the reasons that we carry out electoral reviews.
9. This Review of the Orkney Islands Council area is 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 us to create wards that elect one or two councillors in wards which contain inhabited islands as well as the two, three, four or five councillor wards permitted elsewhere in Scotland following the amendments made to section 1 of the Local Governance (Scotland) Act 2004 by section 4 of the Scottish Elections (Reform) Act 2020 which take effect from 14 May 2021.
10. The current electoral arrangements in the Orkney Islands Council area have remained unchanged since 2007. They have been used for local government elections in 2007, 2012 and 2017.
11. The Orkney Islands Council area was last reviewed during our 5th set of Reviews of Electoral Arrangements, which reported in 2016. However, the Scottish Government did not implement the proposals for the Orkney Islands because of the introduction of the Bill on the Scottish Islands, which became the Islands (Scotland) Act 2018.

¹ We conducted this Review as the Local Government Boundary Commission for Scotland but have submitted our final proposals and report to Ministers as Boundaries Scotland following the commencement of the relevant section of Scottish Elections (Reform) Act 2020. Part 4 of the Act amended our name to reflect our added responsibilities for reviewing Scottish Parliament boundaries.

How we work

Effective and convenient local government

12. Effective and convenient local government is the fundamental consideration for proposals arising from any of our reviews.
13. 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 readily and conveniently.

Determining councillor numbers

14. We agreed at our meeting of 4 December 2017 to adopt the same methodology for councillor numbers for this Review as that used during our 5th Reviews of Electoral Arrangements. At that meeting we considered Paper 2429 (Islands Review: councillor numbers methodology) and agreed that, building on our research into councillor role and workload, we were broadly comfortable with the councillor number methodology, though would give further consideration to the role of councils in suggesting what its number of councillors should be and why. We agreed to consider a degree of flexibility over the number of councillors a council may have in order to assist with ward design, noting that we used such flexibility a number of times during the 5th Reviews.
15. 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. The categorisation reflects the characteristics of the council area as a whole and the ratio for each category applies across the whole council area to ensure electoral fairness and compliance with the legislation. In determining the appropriate ratio for each category we also have regard to the minimum and maximum number of councillors required for a council to conduct its business and discharge its duties effectively.
16. Reflecting the process outlined above, for this Review we have applied the same ratio of councillors to electors of 1:800 in Orkney Islands Council area as we applied during our 5th Reviews.
17. We are aware that a large change of councillor numbers might be disruptive so we incorporated a 10% change rule. This means that we will not propose increasing or decreasing the total number of councillors in any council area by more than 10% unless there is a strong case for doing so.
18. When we come to propose designs for 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.

Determining ward boundaries

19. Once we have determined the proposals for the number of councillors, the next stage of the review is to consider proposals for ward boundaries and councillors per ward.

Councillors per ward

- 20.** As mentioned previously, for this Review each ward within the Orkney Islands Council area can return between one and five councillors. Single member wards are permitted by legislation where all or part of the ward contains an inhabited island, which is the case for all of the Orkney wards. Use of two and five member wards throughout Scotland, in addition to the existing three or four member wards, was introduced by the Scottish Elections (Reform) Act 2020 from 14 May 2021.
- 21.** The Bill that became the 2020 Act had not been introduced at the point we commenced our review. However, we were aware of the progress of the Bill and were open to use of a 5-member ward if the ward design process had suggested this would help meet the legislative requirements of the review.
- 22.** The choice of the number of councillors for each ward depends on the overall pattern of wards we feel best meets all the legislative requirements which apply.

Electoral parity

- 23.** 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 so we cannot use different ratios of electors to councillors within a council area.
- 24.** Applying strict electoral parity for a review, the number of electors for each ward in Orkney Islands Council area 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
 - 5 councillor ward = 4,000 electors
- 25.** Best practice and previous reviews suggest an electorate within 10% of absolute electoral parity is acceptable. This is also suggested by the Venice Commission's 'Code of Good Practice in Electoral Matters'². 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.
- 26.** In designing wards, we aim to allow effective and convenient local government and to take account of local circumstances. We will consider moving away from electoral parity within the terms of the legislation if we consider special geographical considerations apply.

Special geographical considerations

- 27.** 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.

² ["Code of Good Practice in Electoral Matters", Venice Commission, 2002](#)

Electorate change

- 28.** When aiming for electoral parity we take into account the likely change in the number or distribution of the local government electorate over a five year period from the start of the Review.
- 29.** To do this, we collected data from Orkney Islands Council on expected new residential development and demolition within its area over the five 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 five year period.

Local ties

- 30.** When designing wards, we aim to reflect local ties, and in particular we aim to avoid breaking local ties. According to the legislation, however, electoral parity must outweigh local ties.
- 31.** 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.
- 32.** 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, 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

- 33.** The legislation requires us to take into account the desirability of fixing boundaries that are and will remain easily identifiable.
- 34.** 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.
- 35.** In rural areas, natural features 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.
- 36.** Where there is a conflict between the desirability of fixing boundaries that are and will remain easily identifiable and local ties which would be broken by the fixing of any particular boundary, the legislation requires us to give greater weight to local ties.

Ward names

- 37.** 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 reasonably short rather than attempt to describe an area exhaustively. We also welcome local views when proposing ward names.

Consultation

38. As required by the legislation, we consulted Orkney Islands Council for a period of two months and considered their response before consulting publicly.
39. All responses to our consultations are fully considered by the Commission. When considering consultation responses from the Council and others we took full account of our obligations in terms of the legislative framework within which we work.
40. This means that even a well-articulated proposal for change may not be accepted if it does not allow compliance with the legislation (either as it stands or in light of any forthcoming amendments). For example, suggestions which would require change to boundaries between council areas cannot be taken forward as part of a review of electoral arrangements. We are also unable to pursue suggestions which disregard the need to consider parity across a council area as a whole.
41. Where suggestions do comply with the legislative framework we look to see the weight of the argument and supporting evidence. For example, suggestions for alternative boundaries which are felt to better reflect community ties will carry more weight if there is supporting information explaining the community issues involved and any local support that has been canvassed. Evidence in support of a more easily identified boundary might include explanation of the suggested boundary features and an explanation of why it is a feature that divides rather than links communities. Evidence in support of special geographical considerations would include explanation of the factors affecting councillors representation of and engagement with ward residents.

Reporting arrangements

42. Our Final Proposals arising from this Review are to be laid before the Scottish Parliament and may be implemented by regulations made by Scottish Ministers (which, depending on the content of the proposals, may be subject to the negative or affirmative procedure) under revised procedures introduced by the Scottish Elections (Reform) Act 2020.
43. We have planned our work so that our proposals from this Review will, if implemented in accordance with those revised procedures, be ready for the local government elections expected in May 2022.

Part 3 Conducting the Review

Review Stages

44. We followed the timetable laid out below for this Review.

| Stage | Date |
|--|-------------------------------|
| Commission met with Orkney Islands Council to provide background to the Review and discuss its approach. | July 2018 |
| Commission formally announced start of the Review. | January 2019 |
| Commission developed proposals on councillor numbers and ward boundaries. | December 2018 – February 2019 |
| Two month statutory consultation with the Council on councillor numbers and ward boundaries. | March – May 2019 |
| Commission considered Council response and developed proposals for public consultation. | June 2019 |
| 12 week public consultation on councillor numbers and ward boundaries. | September – December 2019 |
| Commission considered all comments submitted and developed its Final Proposals. | From December 2019 |
| Final Proposals and Report submitted to Scottish Ministers. | May 2021 |

Consultation

45. We consulted with Orkney Islands Council on our proposals for a period of two months from 20 March to 20 May 2019.

46. We considered how best to publicise our 12 week public consultation and we: issued a news release; placed a half page newspaper advertisement in The Orcadian; sent posters and further information regarding the Review to over 60 display points (such as airport terminals, schools, council offices, libraries, health centres and places of worship); and paid-for social media advertising on Facebook and Twitter. The materials encouraged those interested to respond to the consultation via the Commission's consultation site. Our public consultation ran from 10 September until 2 December 2019.

Existing electoral arrangements

47. At the start of this Review, Orkney Islands Council area was represented by 21 councillors in three 3-member wards and three 4-member wards.
48. The electorates and associated variation from electoral parity for the existing electoral arrangements are shown in the table below.
49. The 5 year forecast electorate in Orkney Islands Council area shows a minor reduction from 17,038 in 2017 to 16,988 in 2023.

| Existing electoral arrangements | | | | | | |
|---------------------------------|---|-----------|---------------------|-------------------------------------|----------------------------|--|
| Ward No. | Ward Name | Cllrs | Electorate (Dec 17) | Variation from electoral parity (%) | Forecast Electorate (2023) | Forecast variation from electoral parity % |
| 1 | Kirkwall East | 4 | 3,416 | 5.3 | 3,423 | 5.8 |
| 2 | Kirkwall West and Orphir | 4 | 3,454 | 6.4 | 3,492 | 7.9 |
| 3 | Stromness and South Isles | 3 | 2,147 | -11.8 | 2,140 | -11.8 |
| 4 | West Mainland | 4 | 3,521 | 8.5 | 3,492 | 7.9 |
| 5 | East Mainland, South Ronaldsay and Burray | 3 | 2,702 | 11.0 | 2,670 | 10.0 |
| 6 | North Isles | 3 | 1,798 | -26.1 | 1,771 | -27.0 |
| | | 21 | 17,038 | | 16,988 | |

50. The existing electoral arrangements in Orkney Islands Council area contain three wards with forecast variation from electoral parity of 10% or more: East Mainland, South Ronaldsay and Burray (10%); North Isles (-27%); and Stromness and South Isles (-11.8%).

51. The number of councillors we initially proposed for Orkney Islands Council area is set out below.

| Council area | Existing councillor numbers | Electorate (Dec 2017) | Electorate divided by ratio councillors per electors (1:800) | Proposed councillor numbers |
|----------------|-----------------------------|-----------------------|--|-----------------------------|
| Orkney Islands | 21 | 17,038 | $17,038 \div 800 = 21$ | 21 |

Initial Proposals – Consultation with Orkney Islands Council

52. We considered three options for our Initial Proposals at our meetings of 3 December 2018 (Paper 2463) and 13 February 2019 (Paper 2471). The option we selected:

- addressed variation from electoral parity in the existing Stromness and South Isles and East Mainland, South Ronaldsay and Burray wards;
- minimised change to the existing electoral arrangements;
- reflected local ties in the whole council area;
- retained the existing North Isles and Kirkwall West and Orphir wards;
- proposed a West Mainland ward boundary which followed recognisable current and historical boundaries;
- considered special geographical circumstances in the North Isles ward due to it comprising rural, sparsely populated islands with limited transport links;
- renamed Stromness and South Isles ward as Stromness, Sandwick and South Isles to reflect changes to the ward boundary but retain all other ward names; and
- proposed a Kirkwall East ward boundary which followed an historical ward boundary and natural features to better reflect local ties and placed Kirkwall airport within a Kirkwall ward.

53. We agreed to consult Orkney Islands Council on an electoral arrangement which maintained 21 councillors representing three 3-member wards and three 4-member wards.

54. The electorates and associated variation from parity for the Initial Proposals – council consultation are shown in the table below.

| Initial Proposals for consultation with Orkney Islands Council | | | | | | |
|--|---|-----------|-----------------------|-----------------------------------|----------------------------|--|
| Ward No. | Ward Name | Cllrs | Electorate (Dec 2017) | Variation from electoral parity % | Forecast Electorate (2023) | Forecast Variation from electoral parity (%) |
| 1 | Kirkwall East | 4 | 3,622 | 11.6 | 3,605 | 11.4 |
| 2 | Kirkwall West and Orphir | 4 | 3,454 | 6.4 | 3,492 | 7.9 |
| 3 | Stromness, Sandwick and South Isles | 3 | 2,607 | 7.1 | 2,590 | 6.7 |
| 4 | West Mainland | 4 | 3,061 | -5.7 | 3,042 | -6.0 |
| 5 | East Mainland, South Ronaldsay and Burray | 3 | 2,496 | 2.5 | 2,488 | 2.5 |
| 6 | North Isles | 3 | 1,798 | -26.1 | 1,771 | -27.0 |
| | | 21 | 17,038 | | 16,988 | |

55. We consulted on our Initial Proposals with Orkney Islands Council for a 2-month period from 20 March to 20 May 2019.
56. We considered the response received on our Initial Proposals from Orkney Islands Council at our meeting of 17 June 2019 (Paper 2481).
57. We noted that the Council were mainly content with the wards to which no change was proposed.
58. We agreed to adopt the Council's suggested amendment to our Initial Proposals for wards one and two in Kirkwall. We agreed that using Bridge Street as a boundary between the wards by the harbour area in Kirkwall, would provide for a more easily identifiable boundary between those wards, with only a minor change to electoral parity compared to our Initial Proposals.
59. We accepted the Council's view that our proposed boundary which placed Sandwick in a Stromness, Sandwick and South Isles ward would break local ties in the West Mainland area, around the village of Dounby, and agreed to retain the existing ward boundary between the Stromness and South Isles and West Mainland wards and retain the existing ward names. We considered the variation from electoral parity in the Stromness and South Isles ward acceptable due to the special geographic circumstances of the ward, containing a mix of communities on the mainland and islands (Hoy, Flotta and Graemsay).

Initial Proposals – Public Consultation

60. Our Initial Proposals for public consultation presented an electoral arrangement for 21 councillors representing three 3-member wards and three 4-member wards. The proposals:
 - minimised change to the existing ward boundaries. They retained three existing ward boundaries: North Isles; Stromness and South Isles; and West Mainland;
 - only made changes to ward boundaries by Kirkwall. The boundary between the two Kirkwall wards is amended by Kirkwall harbour to create a more easily identifiable ward boundary;
 - extended the Kirkwall East ward boundary southwards to better reflect local ties by placing Kirkwall airport and neighbouring local communities within a Kirkwall ward; and
 - retained the existing North Isles ward with a wide variation from electoral parity to better reflect local communities and the special geographical circumstances in the ward due to it comprising of rural, sparsely populated islands with limited transport links.

61. The electorates and associated variation from parity for our Initial Proposals for public consultation are shown in the table below.

| Initial Proposals for public consultation | | | | | | |
|---|---|-----------|---------------------|-------------------------------------|----------------------------|--|
| Ward No. | Ward Name | Cllrs | Electorate (Dec 17) | Variation from electoral parity (%) | Forecast Electorate (2023) | Forecast variation from electoral parity (%) |
| 1 | Kirkwall East | 4 | 3,661 | 12.8 | 3,644 | 12.6 |
| 2 | Kirkwall West and Orphir | 4 | 3,415 | 5.2 | 3,452 | 6.7 |
| 3 | Stromness and South Isles | 3 | 2,147 | -11.8 | 2,140 | -11.8 |
| 4 | West Mainland | 4 | 3,521 | 8.5 | 3,492 | 7.9 |
| 5 | East Mainland, South Ronaldsay and Burray | 3 | 2,496 | 2.5 | 2,489 | 2.6 |
| 6 | North Isles | 3 | 1,798 | -26.1 | 1,771 | -27.0 |
| | | 21 | 17,038 | | 16,988 | |

62. The public consultation on our Initial Proposals for Orkney Islands Council area ran for a 12-week period from 10 September to 2 December 2019.

63. During the public consultation we publicised the review as outlined in paragraph 46.

64. There were 29 responses to the public consultation for Orkney Islands Council area. The majority supported the proposed ward boundaries and retention of the existing number of councillors. The responses supporting the proposals stated they minimised change and that the existing ward boundaries currently worked well. We did not receive strong opposition to, or compelling arguments against, our proposals.

Final Proposals

65. In developing our Final Proposals we considered carefully all responses received, both from the Council and during the public consultation.

66. Noting the broad support expressed during the consultation, our Final Proposals retain the same electoral arrangements that we consulted on during our public consultation. These minimise change to the existing ward boundaries with the retention of three existing ward boundaries (North Isles; Stromness and South Isles; and West Mainland). Our Final Proposals make minor changes to ward boundaries by Kirkwall, creating more easily identifiable ward boundaries and better reflecting local ties. Our Final Proposals also recognise the special geographical circumstances in the North Isles ward which comprise rural, sparsely populated islands with limited transport links. Our Final Proposals retain the existing ward names.

67. In developing our Final Proposals we took full account of the legislative factors governing our work and these are summarised below.

Islands (Scotland) Act 2018 and Scottish Elections (Reform) Act 2020

68. In developing our proposals we tested the flexibility of the Islands (Scotland) Act 2018 which allowed 1 or 2-member wards but concluded that their use in Orkney Islands Council area did not offer better ward design options.
69. During the Review we were aware of the imminent Scottish Elections (Reform) Act 2020 (enacted on 8 July 2020) and considered a 5-member ward as suggested by a member of the public as a part of the consultation but no strong arguments or reasons for a 5-member ward were given. No other responses to the consultations suggested a 5-member ward. We did not believe use of a 5-member ward would enable us to propose a better ward design option for the council area.

Electoral Parity and Special Geographical Considerations

70. We believe our Final Proposals meet the legislative requirement to ensure that the number of electors per councillor within a council area are as nearly as may be the same.
71. Three of our proposed wards (East Mainland, South Ronaldsay and Burray; Kirkwall West and Orphir; and West Mainland) are within 10% of forecast variation from electoral parity.
72. We have proposed three wards with forecast variation from parity of over 10%. The North Isles ward comprises rural, sparsely populated islands with limited transport links; and the Stromness and South Isles ward contains a mix of mainland and island communities. We agreed special geographical considerations applied in these two wards. The Kirkwall East ward is slightly under-represented but it is a more densely populated ward covering a smaller area and our proposals created a more easily identifiable ward boundary by Kirkwall harbour and reflect local ties to the south of Kirkwall.

Avoidance of breaking local ties

73. Our proposals retain three of the existing ward boundaries maintaining local ties within the area.
74. Orkney Islands Council advised that our Initial Proposals, for the council consultation, broke local ties between Dounby and Sandwick. We addressed this for our public consultation and Final Proposals, reverting to the existing Stromness and South Isles and West Mainland ward boundaries.
75. We aimed to improve local ties to the south of Kirkwall, placing Kirkwall airport and smaller communities to the south of Kirkwall within a Kirkwall ward. Our proposed boundary closely follows a community council area boundary. We also propose a minor change to the ward boundary by Kirkwall harbour, minimising change but creating a more easily identifiable ward boundary.
76. In the North Isles we have retained local ties between the smaller islands because they face similar issues due to their remoteness, such as transport links to the mainland and access to local services.

Easily identifiable boundaries

77. The proposals retain three of the existing ward boundaries preserving easily identifiable ward boundaries.
78. Where the proposals seek to amend ward boundaries they do so to create a more easily identifiable boundary by Kirkwall harbour; and to better reflect local ties to the south of Kirkwall.
79. The mainland ward boundaries closely follow other recognised boundaries such as parish boundaries and community council area boundaries.

Conclusion

80. At our meetings of 10 December 2019 and 4 February 2020 we considered Paper 2509 and Paper 2516 respectively, and the views expressed by respondents to our consultations before agreeing our Final Proposals for Orkney Islands Council area as set out in Part 1.
81. In considering responses to our consultations we have acted in accordance with the relevant provisions of the Islands (Scotland) Act 2018, the Local Governance (Scotland) Act 2004, and the Local Government (Scotland) Act 1973. Certain of those provisions are amended by the Scottish Elections (Reform) Act 2020, and following its enactment (it received Royal Assent on 8 July 2020) we were aware that our proposals would be submitted after their commencement. We have, therefore, exercised our functions, where we have considered it to be necessary or expedient, in anticipation of those provisions in the 2020 Act being commenced in order to give full effect to those provisions at the time our Report is submitted.
82. When developing our Final Proposals we considered the issues raised and suggestions made during our consultations. We agreed that the information we had available was sufficient to reach a decision for Orkney Islands Council area and that there was not a need for further consultation or a local inquiry.
83. We adopted suggestions from Orkney Islands Council when developing our Final Proposals because they better reflected local community ties within the area and created more easily identifiable ward boundaries.
84. We believe that our proposals fully meet all requirements of the legislation and provide for effective and convenient local government for Orkney Islands Council area.
85. All papers and minutes of meetings relating to our consideration of Orkney Islands Council area are available on our website: www.boundaries.scot.
86. The timetable for this Review of electoral arrangements and index of our meetings, papers and minutes concerning Orkney Islands Council area is at Appendix B.
87. A digitised description of the ward boundaries in the form of GIS shapefiles has been securely stored on digital media storage at the date of publication of our report.
88. Our report has also been deposited for public inspection at offices designated by the Council and a news release announcing the publication of our report has also been issued.
89. Our report is available on our website at www.boundaries.scot.

Appendix A

Legislation governing our work as of 14 May 2021

1. The legislative framework for these reviews is set out in the Local Government (Scotland) Act 1973, as amended. In particular, section 28 and Schedule 6 sets out the rules to be observed:

Schedule 6 – Rules to be observed in considering electoral arrangements

1 (1) This schedule applies to the consideration by Scottish Ministers or the Boundary Commission of electoral arrangements for election of councillors of local government areas.

(2) Having regard to any change in the number or distribution of electors of a local government area likely to take place within the period of five years immediately following the consideration, the number calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.

(3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to –

- (a) the desirability of fixing boundaries which are and will remain easily identifiable;
- (b) any local ties which would be broken by the fixing of any particular boundary

but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.

2. The strict application of the rule stated in paragraph 1(2) above may be departed from in any area where special geographic considerations appear to render a departure desirable.

2. The requirement for this review at this time is set out in the Islands (Scotland) Act 2018:

20 Review of wards in certain local government areas

(1) As soon as practicable after the commencement of this section, the Local Government Boundary Commission for Scotland (“Boundary Commission”) must—

- (a) review the electoral arrangements for each local government area mentioned in subsection (2), for the purpose of considering future electoral arrangements for those areas, and
- (b) formulate proposals for those arrangements.

(2) The local government areas are the areas of—

- (a) Argyll and Bute Council,
- (b) Comhairle nan Eilean Siar,
- (c) Highland Council,
- (d) North Ayrshire Council,
- (e) Orkney Islands Council,
- (f) Shetland Islands Council.

3. With regards to numbers of councillors per ward allowed, section 1 of the Local Governance (Scotland) Act 2004, as amended by the Islands (Scotland) Act 2018 and the Scottish Elections (Reform) Act 2020 provides:

1 Electoral wards

(1) Each local government area shall be divided into electoral wards; and there shall be a separate election for each electoral ward.

(2) The number of councillors to be returned in an electoral ward shall be two, three, four or five, as determined by order made under section 17 of the Local Government (Scotland) Act 1973 (c. 65) (“the 1973 Act”) (regulations giving effect to proposals made by Boundaries Scotland after, in particular, complying with the duty in section 28(2), and schedule 6, of the 1973 Act).

(2A) But, in relation to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018), an order made under section 17 of the 1973 Act may determine that the number of councillors to be returned is one.

(3) Different numbers may be determined in relation to different electoral wards.

Appendix B

Index of meeting papers and Commission meetings

| Date | Meeting Papers |
|---------------------------------|--|
| 4 December 2017 | Paper 2429 Islands Reviews: councillor numbers methodology |
| 3 December 2018 | Paper 2463 Review of Electoral Arrangements – Orkney Islands Council area – Preliminary consideration of Initial Proposals |
| 13 February 2019 | Paper 2471 Review of Electoral Arrangements – Orkney Islands Council area – Agree Initial Proposals |
| 20 March to 20 May 2019 | 2-month statutory consultation period with Orkney Islands Council |
| 17 June 2019 | Paper 2481 Islands Reviews: Consideration of Initial Proposals for Orkney Islands Council area – Consideration of response to council consultation |
| 10 September to 2 December 2019 | 12-week public consultation period |
| 10 December 2019 | Paper 2509 Islands Reviews: Orkney Islands Council area |
| 4 February 2020 | Paper 2516 Islands Reviews: Final Proposals for Orkney Islands Council area – Consideration of responses to public consultation |
| May 2021 | Commission submits its reports to Scottish Ministers |

Boundaries Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD

www.boundaries.scot

Telephone: 0131 244 2001
Email: boundaries.scot@scottishboundaries.gov.uk
Twitter: [@boundaries_scot](https://twitter.com/boundaries_scot)