

EAST AYRSHIRE COUNCIL

COUNCIL - 13 MARCH 2008

BOUNDARY REVIEW FOR SCOTLAND: FIRST PERIODICAL REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES

Report by Chief Executive

1. PURPOSE OF REPORT

1.1 To provide the Council with:

- (i.) information on the First Periodical Review of Scottish Parliament Boundaries;
- (ii.) information of the implications for East Ayrshire; and
- (iii.) an opportunity to consider any part of the proposals on which the Council may wish to make representation.

2. BACKGROUND

- 2.1** The Boundary Commission for Scotland, which is an independent body, established by statute, is responsible for keeping under review, the boundaries of constituencies and regions for the Scottish Parliament.
- 2.2** The Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, provides for 73 constituencies and 8 regions for the Scottish Parliament. The Commission is required to keep under review the boundaries of these constituencies and regions, other than the constituencies of the Orkney Islands and the Shetland Islands whose extent are fixed by the 1998 Act as amended. The legislation requires the Commission to submit its first report on any review to the Secretary of State, not later than 30 June 2010. Subsequent reports must be submitted between 8 and 12 years from the date of the report of its last review.
- 2.3** Within the 1998 Act as amended, there are a number of rules to be applied when designing constituencies and details are provided under **Appendix 1**. The rules define the electoral quota (i.e. the average electorate per constituency) to be the number obtained by dividing the total electorate for Scotland by 71 (the 71 constituencies within Scotland excluding Orkney and Shetland). The electoral quota for this review is 54,728.
- 2.4** Under Rules 1 & 2 of the 1998 Act, so far as is practicable, the Commission must have regard to the boundaries of local authority areas, and that the electorate must be as near to the electoral quota as is practical. The Commission may depart from the strict application of rules 1 & 2 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to the Commission

to render a departure desirable. The Commission can also give consideration to local ties.

- 2.5** The Commission is not bound to give full effect in all circumstances to all of the constituency rules and the Commission must take into account, so far as it reasonably can, the inconveniences attendant on alterations of constituencies, other than alterations arising from the need to have regard to local authority boundaries, and any local ties which would be broken by such alterations.
- 2.6** Until the Commission has progressed its review of constituencies and has considered representations on its proposals for constituencies, it is not in a position to determine changes that may be necessary to the boundaries of the 8 regions.
- 2.7** The Boundary Commission maintains that population changes since 1992, when the review process to establish the existing Scottish parliamentary constituencies began, have resulted in a significant imbalance in the electorate between existing Scottish Parliament constituencies. In addition, since the establishment of the existing constituency boundaries for the Scottish Parliament (review commenced 1992 and reported in December 1994) there has been a substantial change in local government arrangements. As a result of these changes, the existing Scottish Parliamentary constituency boundaries are sometimes not co-terminus with local authority areas.
- 2.8** In terms of establishing constituencies, the rules require the Commission to have regard to the boundaries of local authority areas. The Commission's general approach is to make proposals for constituencies which are wholly within a local area or, **where that is not practicable**, are wholly within a small group of contiguous local authority areas. The Commission aims to minimise proposals for constituencies which comprise parts of more than one local authority area. Only in exceptional circumstances will the Commission make proposals for a constituency which contains parts of 3 or more local authority areas.
- 2.9** Under previous reviews the Boundary Commission has created constituencies by aggregating wards created for election of councils for local authorities. However, with the introduction of larger multi-member wards, it is no longer practicable in this review to create constituencies by simply aggregating wards without creating wide diversions from the electoral quota. The Boundary Commission, however, will still take account of electoral ward boundaries, as well as other natural and administrative boundaries, when proposing constituencies.

3. PROCEDURE FOR CURRENT REVIEW

- 3.1** The current review was announced on 3 July 2007. Under the Scotland Act 1998 as amended, the electoral role in force on that date will be used when calculating electorate numbers for constituencies proposed during the review.

3.2 The Commission agreed the undernoted principles to use, when creating its provisional proposals for constituencies:

- constituencies will be wholly contained within a single Council area wherever practical;
- the Commission will try to recognise existing community ties;
- local geographies of the area will be taken into consideration (for example transport links, electoral wards, and existing constituency boundaries); and
- special geographical considerations will be considered where appropriate.

3.3 The Commission has first determined its provisional proposals and in this review, the Commission has followed the established practice of publishing provisional proposals without prior consultation with local authorities and other interests. The Commission considers that it should take the initiative by preparing provisional proposals using all information available to it. In this way the Commission is not influenced by any particular viewpoint.

3.4 The Commission will arrange in conjunction with local authorities, the display of maps detailing their provisional proposals throughout Scotland and in addition, place in appropriate newspapers throughout Scotland, the statutory notice, advising of the provisional proposals and inviting representations to be made within one month – namely by 14 March 2008.

3.5 The Boundary Commission is required to hold a local inquiry if representations objecting to its provisional proposals are received either from a local authority for part or all of the area of the affected constituency, or from 100 or more parliamentary electors for the affected constituency. A local inquiry is conducted by an Assistant Commissioner appointed by the Secretary of State for Scotland. The purpose of a local inquiry is to:

- hear local opinions;
- hear criticisms of or support for the provisional proposals;
- receive counter-proposals; and
- enable everyone who wishes to comment on the counter-proposals or on the Commission's proposals to do so.

3.6 The Assistant Commissioner may suggest amendments or alterations to the Commission's proposals, or to substitute completely different proposals if these appear to command wider acceptance than their original proposals. A copy of the Assistant Commissioner's local inquiry report would be made available for public inspection. In addition, where no local inquiry has been held, the Boundary Commission will still take into account any representations received, and may make any amendments to its provisional proposals that it judges necessary.

- 3.7** If the Boundary Commission decides to alter its provisional proposals, the resulting revised recommendations would be published and representations on the proposals would be sought within a one month time period. The Commission is not required to hold a further inquiry in the light of any representations made on the revised proposals, but it may do so if it considers it necessary.
- 3.8** Once the Boundary Commission for Scotland has completed its considerations, the Commission will submit its recommendations for constituencies and, where appropriate, regions, in a report to the Secretary of State for Scotland. The Commission is also required to lay its report before the Scottish Parliament. The Scottish Parliament has no power to reject or to affect changes to the report, although it could debate it.

4. PROPOSALS AFFECTING EAST AYRSHIRE COUNCIL AREA

- 4.1** Details of the Boundary Commission's provisional proposals that affect East Ayrshire are detailed on **Appendix 2**. Plans detailing the proposals will also be displayed within the Meeting Room.
- 4.2** In accordance with previous practice, as part of the consultation arrangements, details of the Commission's proposals including maps, have been displayed from 14 February 2008 within the Council Headquarters, the Dick Institute, Newmilns Library and Stewarton Library. In addition, in respect of that part of East Ayrshire covered by the existing Carrick Cumnock and Doon Valley parliamentary constituency, South Ayrshire Council have also made arrangements for displaying the related maps within the Cumnock and Dalmellington Libraries. Statutory notices on the proposals have also appeared in the Kilmarnock Standard, Cumnock Chronicle and the Ayrshire Post.
- 4.3** East Ayrshire Council area is presently covered by 2 Scottish Parliamentary constituencies, namely Carrick, Cumnock & Doon Valley constituency, with an electorate of 65,586 and Kilmarnock & Loudoun constituency, with an electorate of 61,066 (electorate as at July 2007).
- 4.4** The Commission established the theoretical entitlement of seats at the Scottish Parliament for each local authority area by dividing the number of electors by the electoral quota of 54,728. In the case of 20 local authority areas (including East Ayrshire), the Commission has considered that it is necessary to group local authorities so that in combination they are entitled to a whole number of constituencies.
- 4.5** East Ayrshire Council is grouped with East Dunbartonshire, North Lanarkshire, South Ayrshire, South Lanarkshire and West Lothian Council areas, the electorate being 879,450, giving an entitlement to 16 constituencies. The Commission provisionally proposes 5 borough constituencies and 11 county constituencies as follows:

Name of Constituency	Designation	July 2007 Electorate
North Ayr & Troon	CC	53,610
South Ayr, Carrick & Doon Valley	CC	52,260
Coatbridge & Central Airdrie	BC	59,940
Cumbernauld & East Airdrie	CC	56,910
Cumnock & Clydesdale	CC	51,630
East Kilbride	BC	58,630
North Hamilton & Bellshill	BC	56,360
South Hamilton & Larkhall	CC	58,460
Kilmarnock	CC	51,280
Kirkintilloch Chryston & Kilsyth	CC	52,990
Lanark, Shotts and Whitburn	CC	54,930
Lintithgow & Bathgate	CC	54,230
Livingston	CC	54,840
Milngavie & Bishopbriggs	CC	51,530
Motherwell & Wishaw	BC	54,780
Rutherglen	BC	57,070

4.6 As a point of clarification the Boundary Commission's provisional proposals relate solely to Scottish parliamentary constituencies and will have no effect on East Ayrshire ward constituencies. For example East Ayrshire Ward 6 is covered by 3 proposed parliamentary constituencies, however, the constituency for Ward 3 in terms of Local Government elections will include the whole of Ward 3.

4.7 The impact of the Boundary Commission's provisional proposals on East Ayrshire area is as follows: -

- East Ayrshire Council will now be covered by 4 parliamentary constituencies (formally 2);
- the Irvine Valley is now covered by 2 parliamentary constituencies;
- Ward 6 will be covered by 3 parliamentary constituencies;
- Mauchline has been separated from the remainder of Ward 7;
- parts of Ward 6 and 7 and the whole of Ward 8 are included within a proposed constituency that extends eastwards beyond Ayrshire into Lanarkshire.

5.0 AYRSHIRE FOCUS

5.1 At the present, Ayrshire is covered by 5 Scottish parliamentary constituencies as follows:

CONSTITUENCY	ELECTORATE AS AT JULY 2007
Kilmarnock & Loudoun	61,066
Carrick, Cumnock & Doon Valley	65,586
Ayr	55,235
Cunningham North	56,207
Cunningham South	50,183

- 5.2** It is suggested that the Boundary Commission should focus its review of parliamentary constituencies within this area on an Ayrshire-wide basis. There are strong geographical, historical and transport links within Ayrshire. Tourism, strategic planning and health services are Ayrshire focused. Further considerable work is being taken forward on shared services between the 3 Ayrshire authorities and our Community Planning Partners. There are no links with the Lanarkshire area. The argument for an Ayrshire focus in terms of this review can be further developed and presented at the local inquiry stage. However proposals for 5 new parliamentary constituencies on an Ayrshire basis are provided within this paper.
- 5.3** It is also understood that South Lanarkshire Council are likely to object to the Boundary Commission's proposals as they wish to retain the boundaries of Lanarkshire intact.
- 5.4** Based on the information provided by the Boundary Commission, the electorate for Ayrshire is 288,292 and with 5 parliamentary constituencies this would provide an average electorate of 57,658. The Boundary Commission, in terms of the North Ayrshire council area, have proposed that as the theoretical entitlement is very close to a whole number (July electorate: 106,390 divided by electoral quota: 54,728, equals 1.94), the Commission is therefore proposing that 2 constituencies cover the North Ayrshire area.
- 5.5** However, in dealing with North Ayrshire in this way, in isolation, this impacts on proposals for Ayrshire as a whole. Ayrshire's theoretical entitlement to seats is 5.26 (total electorate 288,292 divided by 54,728 equals 5.26). Fife Council area with an electorate of 280,590 has a theoretical entitlement of 5.13 and the Boundary Commission has provisionally proposed that Fife be covered by 5 parliamentary constituencies. It is suggested that Ayrshire with an additional electorate over Fife of just 7,702 should also be covered by 5 parliamentary constituencies.
- 5.6** **South Cunningham Constituency: Proposed Electorate 50,240**

Option 1: Map 1 (Displayed at meeting)

Relocate boundary of South Cunningham constituency East to include Stewarton, Dunlop, Lugton (estimated electorate 5,918) giving a **new electorate of 56,158**.

Option 2: Map 2 (Displayed at meeting)

Relocate boundary of South Cunningham constituency East to include Kilmaurs, Knockentiber, Crosshouse and Gatehead (estimated electorate 4,687) giving a **new electorate of 54,927**.

5.7 Kilmarnock Constituency: Proposed Electorate 51,280

Option 1: Map 1 (Displayed at meeting)

Revised electorate following removal of Stewarton, Dunlop, Lugton: 45,362 and include 'Irvine Valley' area shaded aqua blue and pink on main map (estimated electorate 9,793), giving a **new electorate of 55,155**.

Option 2: Map 2 (Displayed at meeting)

Revised electorate following the removal of Kilmaurs, Knockentiber, Crosshouse and Gatehead: 46,593 and include 'Irvine Valley' area shaded aqua blue and pink on main map (estimated electorate 9,793), giving a **new electorate of 56,386**.

5.8 Cunningham North: Proposed Electorate 56,150

No change proposed.

5.9 Two Constituencies covering North and South Ayr, Carrick, Cumnock & Doon Valley Area

5.9.1 Paragraphs 5.5 to 5.7 provide for the creation of 3 parliamentary constituencies with a total electorate of 167,463. As previously reported the electorate for Ayrshire is 288,292, which taking into consideration the aforementioned 3 constituencies, would leave an electorate of 120,829 for the remaining 2 constituencies to provide a total of 5 covering Ayrshire.

5.9.2 The electorate for the final 2 constituencies requires to be finalised and it is not feasible at this stage to provide for each constituency final electorate figures based on the information available. It is accepted that the electorate for each of these final 2 constituencies will not be identical, but it is considered that it is feasible for the Boundary Commission to determine boundaries that can provide a final electorate for each constituency that will be contained within the remaining electorate of 120,828. The electorate could be in the range of 59,000 – 61,000.

5.9.3 One of the constituencies would provide for Wards 7, 8 & 9 of East Ayrshire with a total electorate of 31,374, to be joined with an appropriate part of the South Ayr, Carrick & Doon Valley constituency, with an estimated electorate of say 59,400. This would leave the North Ayr, & Troon constituency with an electorate of approximately 61,400 and the boundary between the North Ayr & Troon constituency and the South Ayr, Carrick & Doon Valley constituency could be, relocated south, to provide

for the changes in the electorate between the two constituencies in question.

5.9.4 It is accepted that the electorate of one of the final constituencies may be considered by the Boundary Commission to be too high and too great a discrepancy from the electoral quota. However, the potential electorate is considered not to be excessive and within the Boundary Commission's proposals, there is a proposed constituency within East Highland that has a proposed constituency of 61,690. It is argued that in the interest of maintaining the constituencies completely within Ayrshire, and in recognition of the existing links referred to earlier, that the electorate for the final parliamentary constituency be accepted. In addition, it is also argued that the range between the lowest electorate and the highest electorate within the Ayrshire area (6245) compares favourably with the ranges within the other proposals by the Boundary Commission, which include, for example, ranges of 5,000, 6,000 and 8,000.

6.0 THIRD OPTION

6.1 Whilst it is recognised that the Council's main representations should correctly focus on retaining parliamentary constituencies within Ayrshire, the Council may wish to give consideration to making further comments in terms of the Boundary Commission's proposals.

6.2 Within the Boundary Commission's proposals, there are elements that the Council may find unacceptable, irrespective of what position the Boundary Commission or any subsequent local inquiry takes in terms of the Council's principal representations in respect of the Pan Ayrshire approach. These issues are covered under the following paragraphs.

6.2.1 The proposal to split the Irvine Valley into two constituencies, namely the proposed North Ayr & Troon constituency and the Cumnock & Clydesdale constituency should be argued as unacceptable. The Irvine Valley is presently located within the single existing constituency of Kilmarnock & Loudoun. The Council may wish to make representations to the Boundary Commission that the separation of the area which includes Galston from the remaining Irvine Valley is unacceptable on the following grounds:

- Galston forms a gateway to the Irvine Valley and Galston, Newmilns and Darvel are the integral communities of the Irvine Valley area.
- The long established community links between Galston and the remainder of the Irvine Valley require to be maintained.
- The local geography of the Irvine Valley area should be taken into consideration, recognising that the transport links connecting the communities of Galston, Newmilns and Darvel exist within the Irvine Valley area.
- In addition, Galston, Newmilns and Darvel are contained within the same East Ayrshire Council Ward and the Irvine Valley is contained within its entirety within the both existing Kilmarnock & Loudoun Scottish **and** Westminster parliamentary constituencies.

6.2.2 An option that the Council may wish to pursue in order to maintain the existing community ties, and in recognition of the local geography within the Irvine Valley area, is to request that the Boundary Commission remove the Galston area (electorate estimated at 3,966) from the proposed North Ayr & Troon constituency and include the Galston area within the proposed Cumnock and Clydesdale constituency. The resultant change in the affected constituencies would be:

CONSTITUENCY	BEFORE	AFTER
North Ayr & Troon	53610	49644
Cumnock & Clydesdale	51630	55596

6.2.3 The other proposal within this section is to make representations against the inclusion of the Mauchline area within the North Ayr & Troon proposed parliamentary constituency. It is suggested that the Mauchline area be included within the proposed South Ayr, Carrick & Doon Valley constituency. The argument for this proposal is in recognition of the former links of the Mauchline and surrounding area with the former parliamentary constituency of Carrick, Cumnock & Doon.

6.2.4 It is recognised as a result of the removal of the Galston and the Mauchline areas from the proposed North Ayr & Troon parliamentary constituency, the electorate for that area would be 46,113, and therefore to low. The South Ayr, Carrick & Doon Valley constituency, having gained the Mauchline area would increase its electorate to 55,791. Accordingly, it is suggested that the boundary between the North Ayr & Troon constituency move south within Ayr itself, to include a suggested 4,000 electorate which would bring the electorates for the North Ayr & Troon proposed constituencies to 50,113 and the proposed South Ayr, Carrick and Doon Valley constituency to 51,791. Both these constituencies are considered to be acceptable within the various ranges proposed in the Boundary Commission's provisional proposals and are within reasonable proximity to the electorate quota.

6.2.5 Another outcome of the proposals would result in East Ayrshire Council area being covered by only 3 parliamentary constituencies instead of 4 as proposed.

7.0 NAMING OF CONSTITUENCIES

7.1 There is an opportunity within the review process to make comments on the proposed names and it is suggested that the Council make representations in terms of new names.

In terms of an all-Ayrshire Proposal: Paragraph 5

It is suggested that the new parliamentary constituency that encompasses Kilmarnock and the Irvine Valley area be named Kilmarnock & Loudoun CC. This name would apply to either option.

It is proposed that the new parliamentary constituency that includes Wards 7, 8, 9 and a significant part of the South Ayr, Carrick & Doon constituency be named instead South Ayr, Carrick, Cumnock & Doon Valley CC or following any amendments to the constituency that removes South Ayr completely, that the constituency be named Carrick, Cumnock & Doon Valley CC.

Option 3: Paragraph 6

It is proposed that the Cumnock & Clydesdale CC constituency be renamed Loudoun, Cumnock & Clydesdale CC.

8.0 REPRESENTATION STRATEGY

- 8.1** The paper presents 3 options for Council to consider. Two options focus on an all-Ayrshire argument and the third option is primarily suggested in the event that the Ayrshire option is not accepted and in order to at least correct the issues pertaining to the Irvine Valley and Mauchline areas.
- 8.2** The Council can either select a single preferred option in terms of the all-Ayrshire argument, identifying its preferred option for the Cunningham South and the Kilmarnock & Loudoun constituencies and if it so wishes, include as a fall-back position, the third option which focuses on the Irvine Valley and Mauchline areas.
- 8.3** Alternatively the Council may determine to prioritise its representations, selecting its primary representation, failing which, a secondary position and if it so wishes, failing which, a third position. In terms of the Ayrshire options, there is no Officer preference.
- 8.4** The final issue that the Council may wish to consider is to seek support from North and South Ayrshire to obtain an all-Ayrshire agreement to support the principle that any review by the Boundary Commission should be carried out by focussing on Ayrshire and that parliamentary constituencies for Ayrshire should be contained solely within Ayrshire.

9.0 FINANCIAL/LEGAL/POLICY IMPLICATIONS – Nil

10.0 RECOMMENDATIONS

- 10.1** The Council are asked:
- (i.) to consider what representations it would wish to make in respect of the Boundary Commission's First Periodical Review of Scottish Parliamentary Constituencies, taking cognisance of the options contained within this paper;
 - (ii.) to authorise the Chief Executive to submit, on behalf of the Council, the agreed representations;

- (iii.) in the event that Council determines to make representations in respect of the all-Ayrshire position, to authorise the Chief Executive to seek support from North and South Ayrshire Councils for agreement to support the principle that any review by the Boundary Commission should be carried out by focussing on Ayrshire and that parliamentary constituencies for Ayrshire should be contained solely within Ayrshire; and
- (iv.) otherwise to note the contents of this report.

Fiona Lees
Chief Executive
6 March 2008

LIST OF BACKGROUND PAPERS

1. Boundary Commission for Scotland, First Periodical Review of Scottish Parliament Constituencies documentation.

Anyone person wishing to inspect he Background Papers or wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services, on Tel. No. (01563) 576135, or e-mail bill.walkinshaw@east-ayrshire.gov.uk

Implementation Officer: Bill Walkinshaw, Head of Democratic Services

APPENDIX 1

FIRST PERIODICAL REVIEW OF SCOTTISH PARLIAMENT CONSTITUENCIES

THE CONSTITUENCY RULES

Rule 1

- (1) So far as is practicable, regard must be had to the boundaries of local authority areas.
- (2) “Area” and “local authority” have the same meanings as in the Local Government (Scotland) Act 1973.

Rule 2

- (1) The electorate of a constituency must be as near the electoral quota as is practicable, having a regard to Rule 1.
- (2) The Boundary Commission for Scotland may depart from the strict application of Rule 1 if they think that it is desirable to do so to avoid an excessive disparity between the electorate of a constituency and the electoral quota or between the electorate of a constituency and that of neighbouring constituencies.
- (3) The electoral quota is the number obtained by dividing the total electorate by 71.
- (4) The electorate of a constituency is the aggregate of the persons falling within paragraphs (5) and (6) below.
- (5) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated wholly in the constituency.
- (6) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated partly in the constituency and his qualifying address is situated in the constituency.
- (7) The total electorate is the total number of persons whose names appear on the registers of local government electors in force on the enumeration date under the Representation of the People Acts for all of the local government areas in Scotland (except the local government areas of Orkney and Shetland).
- (8) The enumeration date is, in relation to a report of the Boundary Commission for Scotland, the date on which notice with respect to the

report is published in the Edinburgh Gazette in accordance with paragraph 7 (1) above.

- (9) “Qualifying address” and “local government area” have the same meanings as in the Representation of the People Act 1983 (c.2).

Rule 3

The Boundary Commission for Scotland may depart from the strict application of Rules 1 and 2 if they think that special geographical considerations (including in particular the size, shape and accessibility of a constituency) render it desirable to do so.

Rule 4

The Boundary Commission for Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but they must take account (so far as they reasonably can) –

- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of Rule 1, and of any local ties which would be broken by such alteration.

APPENDIX 2

REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES: EAST AYRSHIRE COUNCIL AREA

CONSTITUENCY	DESIGNATION	JULY 2007 ELECTORATE	DESCRIPTION
North Ayr & Troon	County Constituency	53,610	The Electoral Wards in East Ayrshire Council area numbered: 6 (part), 7 (part) and the Electoral Wards in South Ayrshire Council area numbered: 1, 2, 3 & 6.
South Ayr, Carrick and Doon Valley	County Constituency	52,260	The Electoral Wards in East Ayrshire Council area numbered: 9 and the Electoral Wards in South Ayrshire Council area numbered: 4, 5, 7 & 8.
Cumnock and Clydesdale	County Constituency	51,630	The Electoral Wards in East Ayrshire Council area numbered: 6 (part), 7 (part), & 8, and the Electoral Wards in South Lanarkshire Council area numbered: 3 (part), 4 & 5 (part).
Kilmarnock	County Constituency	51,280	The Electoral Wards in East Ayrshire Council area numbered: 1, 2, 3, 4, 5 and 7 (part).