

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 7 MARCH 2002

BOUNDARY COMMISSION FOR SCOTLAND - FIFTH PERIODICAL REVIEW OF PARLIAMENTARY CONSTITUENCIES - SCOTLAND

Report by the Chief Executive

1. PURPOSE OF REPORT

- 1.1** To provide the Council with (i) information on the Fifth Periodical Review of Parliamentary Constituencies in Scotland; (ii) information on 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 Statutory Processes

The Boundary Commission for Scotland is required by the Parliamentary Constituency Act, 1986 to conduct a statutory review of Scottish representation at the Westminster Parliament and to report with recommendations to the Secretary of State for Scotland not less than 8 years or more than 12 years from the date of the report of its last review. The Commission's last review report was submitted in 1994 and, therefore, the next report must be made between December 2002 and December 2006.

- 2.2** The Parliamentary Constituency Act 1986 was amended by the Scotland Act 1998 (which Act provided for the Scottish Parliament) and removed the provision for a minimum number of Scottish seats at Westminster. In addition, provision was made that for the first review following the Scotland Act 1998, the electoral quota for England must now be used to determine the appropriate number of Scottish seats at Westminster.

- 2.3** For the purposes of this review the electoral quota is 69,934. Constituencies must comprise as nearly as possible the electoral quota. However, the Commission has some discretion where there are special geographical considerations (size, shape and accessibility of a constituency). The Commission shall also take account, as far as they reasonably can, of any local ties which would be broken when formulating proposals for revised constituencies.

- 2.4** The Scotland Act 1998 also requires that, following a review of parliamentary constituencies in Scotland, the Boundary Commission must consider the boundaries of the regions which return regional members to the Scottish Parliament when it makes recommendations that affect constituency boundaries. The Commission must also make recommendations regarding the appropriate number of additional members at the Scottish Parliament should it recommend an increase or decrease in the number of Scottish constituencies.

2.5 However, possible consequential changes to the composition of the Scottish Parliament cannot be considered until the Boundary Commission has discharged its duties in respect of its review of Westminster Parliamentary constituencies in Scotland. Once the Commission has formed its final recommendations in respect of both the Westminster Parliamentary constituencies in Scotland and the regional boundaries and regional members in respect of the Scottish Parliament, the Commission will then submit its recommendations in a report to the Secretary of State for Scotland.

2.6 Local Inquiry

Following the present public consultation exercise, the Commission will consider any representations made. The Commission is required to hold a local inquiry if representations objecting to proposed recommendations are received from an interested Local Authority (that is the Council for the area lying wholly or partly within the affected constituency) or a body of 100 or more parliamentary electors for such a constituency.

2.7 The inquiry is conducted by an Assistant Commissioner appointed by the Secretary of State for Scotland. The purpose of the inquiry is:-

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

2.8 The Commission will consider the Assistant Commissioner's report and the matters discussed at the inquiry together with any relevant information before formulating its final recommendations. If the Commission decides to alter the provisional recommendations the revised proposals are published in at least one local newspaper and made available for public inspection. Copies of the Assistant Commissioner's inquiry report is also made available to all those who took part in the inquiry. Representations about the revised proposals may be made to the Commission within a one month period.

2.9 The Commission is not required to hold a further inquiry in respect of the constituency but may do so if it considers it necessary to obtain more information on local opinion or certain matters. If the Commission decides to modify its revised recommendations before finally submitting them to the Secretary of State for Scotland, these fresh proposals will be published and representations again invited. However, no further inquiry will be held.

3. AMENDMENTS TO THE SCOTTISH PARLIAMENT

3.1 The Scotland Act 1998 determines that the constituencies for the Scottish Parliament shall be the constituencies in Scotland for the Westminster Parliament, save for the Orkney Islands and Shetland Islands which must be separately represented. In addition, there are eight regions, each of which currently returns 7 members to the Scottish Parliament.

- 3.2** The Commission is required to recommend any alterations in any of the regions or in the number of regional members to be returned for any of the regions as required in a report to the Secretary of State for Scotland.
- 3.3** The procedure for the review is similar to that carried out in relation to the Westminster Parliamentary constituency review and provides for public consultation and an opportunity for representations to be submitted. A local inquiry will be held if representations objecting to proposed recommendations are received from an interested Local Authority (that is the Council for the area lying wholly or partly within the affected region) or a body of 500 or more parliamentary electors for such a constituency.
- 3.4** Members will be kept informed of any subsequent Boundary Commission review affecting the Scottish Parliament.

4. SCOTLAND OFFICE CONSULTATION

- 4.1** The Secretary of State for Scotland has undertaken a separate consultation exercise on the size of the Scottish Parliament. The Secretary of State is seeking the views of groups and individuals on the case for retaining or ending the linking of Westminster and Holyrood constituency boundaries as provided in the Scotland Act, in the light of the experience now gained of the Scottish Parliament's operations.
- 4.2** Following consultation with the Scotland Office, copies of the consultation document have been circulated to all political groups within East Ayrshire Council in order that they may consider their own individual responses which may be submitted direct. The consultation document also seeks any comments from electoral administrators in regard to the practicalities of organising elections and officers will submit comments direct to the Scotland Office in this respect.

5. REVIEW OF PARLIAMENTARY CONSTITUENCIES IN EAST AYRSHIRE COUNCIL AREA

- 5.1** From Thursday 7 February 2002 details of the Commission's proposals, including maps for the review of the parliamentary constituencies in East Ayrshire Council area, North Ayrshire Council area and South Ayrshire Council area were available for inspection at the Council's Main Reception area, the Dick Institute, Newmilns Library and Stewarton Library. In addition, in respect of that part of East Ayrshire which is covered by the existing Carrick Cumnock and Doon Valley parliamentary constituency arrangements had been made with South Ayrshire Council to have similar information deposited at the Cumnock Library and the Dalmellington Library.
- 5.2** Following representations made by the Local Member for Ward 5 further information has been deposited at Crosshouse Library from 15 February 2002.
- 5.3** Details of the Boundary Commission's proposed recommendations have also been advertised in newspapers circulating within the area.

- 5.4** At present the area comprising East Ayrshire Council area, North Ayrshire Council area and South Ayrshire Council area is divided into five county constituencies, namely:- (i) Cunninghame North; (ii) Cunninghame South; (iii) Kilmarnock and Loudoun; (iv) Ayr; and (v) Carrick Cumnock and Doon Valley. The Boundary Commission for Scotland proposes that the Council areas mentioned above shall be divided into four county constituencies, namely:- (i) Ayr, New Cumnock and Carrick; (ii) Irvine, Troon and Prestwick; (iii) Kilmarnock, Stewarton and Cumnock; and (iv) North Ayrshire and Isle of Arran.
- 5.5** In keeping with its practice at previous reviews, the Commission has made proposals for constituencies based upon aggregations of existing Local Government electoral wards.
- 5.6** The proposed Ayr, New Cumnock and Carrick parliamentary constituency includes that part of East Ayrshire covered by Wards 25, 26, 30, 31 and 32. The proposed Kilmarnock, Stewarton and Cumnock parliamentary constituency comprises of that part of East Ayrshire covered by Wards 1-4, 6-24 and Wards 27, 28 and 29. The proposed parliamentary constituency for Irvine, Troon and Prestwick includes that part of East Ayrshire covered by Ward 5.

6. POSSIBLE COUNCIL REPRESENTATIONS

- 6.1** Following discussions with Local Members two areas of concern have been identified in respect of the Boundary Commissions recommendations that the Council may wish to form a view on.

6.2 Ward 5 (Crosshouse, Gatehead and Knockentiber)

It is suggested that the Council may wish to advise the Boundary Commission that the Council is of the opinion that these communities have and have always had links with Kilmarnock and do not have any links with either Irvine, Prestwick or Troon. Accordingly, the Council may wish to object to the Boundary Commission's proposal to include Ward 5 within the Irvine, Troon and Prestwick parliamentary constituency on the grounds that the Council is of the opinion that the revised constituency breaks the local ties presently established between the communities and subsequently Ward 5 should be included within the proposed Kilmarnock, Stewarton and Cumnock parliamentary constituency.

6.3 Part of Ward 26 (Netherthird and Craigens)

It is suggested that the Council may wish to advise the Boundary Commission that the Council is of the opinion that these communities are more closely linked with Cumnock. Accordingly, the Council may wish to object to the Boundary Commission's proposal to include Cumnock and Netherthird and Craigens within separate parliamentary constituencies on the grounds that such a proposal breaks existing local ties.

6.4 The Boundary Commission is unlikely to split existing local government electoral wards. The Commission relies on exact electorate information provided by Electoral Registration Officers and effectively uses local government ward electorates as its building blocks for parliamentary constituencies. Further, even if accurate electoral information could satisfactorily be provided, to remove the Netherthird and Craighens to the proposed Kilmarnock, Stewarton and Cumnock parliamentary constituencies in conjunction with the proposal under paragraph 6.2 above, would it could be argued, increase the electorate of the new parliamentary constituency to an unacceptable level. Accordingly, it is suggested that Wards 28 (Cumnock West) and 29 (Cumnock East) be placed within parliamentary constituency of Ayr, New Cumnock and Carrick.

6.5 Parliamentary Electorate

The electorate of any proposed constituency shall be as near the electoral quota as is practicable (electoral quota for this review is 69,934). However, the Boundary Commission has discretion and also has regard to local ties when formulating proposals for revised constituencies. In the undernoted table, details are given of the parliamentary constituencies as proposed by the Boundary Commission together with the revised parliamentary electorates if the Council were of a mind to approve the recommendations contained within this report:-

PROPOSED CONSTITUENCY	PROPOSED PARLIAMENTARY ELECTORATE (as at June 2001)	* PROPOSALS	REVISED PARLIAMENTARY ELECTORATE
Ayr, New Cumnock & Carrick	71,498	Add Ward 28 (Cumnock West) and Ward 29 (Cumnock East)	77,261
Irvine, Troon & Prestwick	68,703	Delete Ward 5 (Crosshouse, Gatehead and Knockentiber)	66,059
Kilmarnock, Stewarton & Cumnock	76,041	Add Ward 5 and Delete Wards 28 and 29.	72,922
North Ayrshire & Isle of Arran	73,182	N/A	73,182

*** Note**

Ward Electorate as at June 2001 as utilised by the Boundary Commission:-

Ward 5 (Crosshouse, Gatehead, Knockentiber) - 2,644

Ward 28 (Cumnock West) - 2,957

Ward 29 (Cumnock East) - 2,806

6.6 It is accepted that the range between the constituencies with the lowest and highest electorate has increased slightly (by 3,864) however, it is considered

that the disparity between the proposed electorates is not excessive and that the maintenance of local links within the constituencies referred to above should be given precedence.

7. FINANCIAL/LEGAL/POLICY IMPLICATIONS - NIL

8. RECOMMENDATIONS

8.1 The Council is asked:-

- (i) to note the separate consultation exercises carried out by the Secretary of State in respect of the Scottish Parliament as detailed under paragraph 4;
- (ii) to authorise the Chief Executive to submit on behalf of the Council objections to the Boundary Commission for Scotland's Fifth Periodical Review of Parliamentary Constituencies in Scotland as detailed in paragraph 6; and
- (iii) otherwise, to note the contents of the report.

David Montgomery
Chief Executive

21 February 2002

BW/LR

LIST OF BACKGROUND PAPERS

1. Boundary Commission Scotland Fifth Periodical Review of Parliamentary Constituencies in Scotland documentation.

Any person wishing to inspect the background papers relative to this report or any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

AGENDA