

EAST AYRSHIRE COUNCIL

COUNCIL – 14 MAY 2015

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND: FIFTH STATUORY REVIEW OF ELECTORAL ARRANGEMENTS: PHASE 2 PROPOSALS FOR WARDS

Report by the Chief Executive

PURPOSE OF REPORT

1. To advise Council that the Local Government Boundary Commission for Scotland has commenced its consultation with councils on proposed wards for each council area as part of its fifth statutory review of electoral arrangements and to seek the views of the Council in respect of the Boundary Commission's proposals for East Ayrshire Council.

BACKGROUND

2. The Local Government Boundary Commission for Scotland (the Commission) has been responsible for reviewing local government boundaries and electoral arrangements within Scotland since it was established by the Local Government (Scotland) Act 1973. The 1973 Act also defines the Commission's constitution and procedures (Part 2 and Schedules 4 and 6 of the Act).
3. The Commission is an independent non-political body which is responsible for reviewing and making recommendations for:
 - the number of councillors in each local authority area;
 - the number of wards for local government elections and their boundaries; and
 - the extent of council areas.
4. The Commission is required to conduct electoral reviews for each local authority at intervals of 8 to 12 years as specified in the Local Government (Scotland) Act 1973. The last set of reviews (Fourth Reviews) were conducted between 2004 and 2006, which recommended the current multi-member wards which have been used for local government elections in Scotland in 2007 and 2012. The number of councillors on each council was last reviewed between 1996 and 1998 (Third Reviews).

PHASE 1 OF THE FIFTH REVIEW

5. The Commission's methodology was to categorise council areas based on population distribution and deprivation. No changes were proposed by the Commission in respect of the number of councillors for East Ayrshire Council i.e. 32 councillors, and the Commission's proposals in terms of Phase 1 were considered at a special meeting of Council on 28 April 2014 and the Council agreed with the Commission's proposal.

6. The current phase focuses on Electoral Parity. Electoral Parity is the variation in the number of electors per councillor within a council area. The target figure for a council area is calculated by dividing the total electorate for the council area by the number of councillors. By law each ward must elect three or four councillors, and the size of each ward varies accordingly.
7. In terms of Electoral Parity, the Commission's aim will be to determine how far each ward deviates from the optimum number of electors per councillor. The Commission will seek to achieve ratios as close as possible to the authority average in every ward.
8. When reviewing electoral arrangements the legislation requires the Commission to take account of the following factors:
 - The interests of effective and convenient local government;
 - Within each council, that each councillor should represent the same number of electors as nearly as may be;
 - Local ties which would be broken by making a particular boundary;
 - The desirability of fixing boundaries that are easily identifiable; and
 - Special geographic considerations.

PROPOSALS FOR WARDS IN EAST AYRSHIRE COUNCIL AREA

9. The Commission maintain that their proposals for East Ayrshire Council area:
 - Improve overall forecast parity;
 - Address forecast disparities in ward 1 (Annick);
 - Make no changes to the number of councillors in each ward;
 - Make **no changes** to wards 3 (Kilmarnock West and Crosshouse), 5 (Kilmarnock South), 7 (Ballochmyle), 8 (Cumnock and New Cumnock) and 9 (Doon Valley);
 - Make no changes to ward names; and
 - Make changes to ward boundaries between wards 1 and 6 and 2 and 4.
10. Table 1 below details the electorates with actuals and forecast variation from parity for the existing wards where no changes have been proposed.

ward no.	ward name	cllrs	electorate Sept 2013	actual disparity	forecast electorate	forecast disparity
1	Annick	3	9,877	10%	10,140	13%
2	Kilmarnock North	3	9,682	8%	9,856	9%
3	Kilmarnock West and Crosshouse	4	12,623	6%	12,754	6%
4	Kilmarnock East and Hurlford	4	11,609	-3%	11,380	-5%
5	Kilmarnock South	3	8,455	-6%	8,592	-5%
6	Irvine Valley	4	11,590	-3%	11,598	-3%
7	Ballochmyle	4	11,410	-4%	11,511	-4%
8	Cumnock and New Cumnock	4	11,209	-6%	11,143	-7%
9	Doon Valley	3	9,024	1%	9,042	0%
	Totals	32	95,479	5%	96,016	6%

11. Table 2 below details the electorates with actual and forecast variations from parity of the proposed wards

ward no.	ward name	cllrs	electorate Sept 13	actual variation from parity	forecast electorate 2019	forecast variation from parity
1	Annick	3	9,585	7%	9,857	10%
2	Kilmarnock North	3	9,000	1%	9,194	2%
3	Kilmarnock West and Crosshouse	4	12,623	6%	12,754	6%
4	Kilmarnock East and Hurlford	4	12,291	3%	12,042	0%
5	Kilmarnock South	3	8,455	-6%	8,592	-5%
6	Irvine Valley	4	11,882	0%	11,881	-1%
7	Ballochmyle	4	11,410	-4%	11,511	-4%
8	Cumnock and New Cumnock	4	11,209	-6%	11,143	-7%
9	Doon Valley	3	9,024	1%	9,042	0%
	Totals	32	95,479	4%	96,016	4%

12. The Boundary Commission's proposed changes for ward 1 which impacts on ward 6, result in a transfer of 292 electors (2013 electorate) or 283 electors (2019 forecast electors) from ward 1 to ward 6. A plan detailing the proposed boundary changes and areas affected will be displayed at the Council meeting but in the meantime an extract of the plan is attached to this report (Appendix 1). The Boundary Commission's proposals in respect of ward 2 which impacts on ward 4 result in a transfer of 682 electors (2013 electorate) or 662 electors (2019 forecast electors) from ward 2 to 4. . A plan detailing the proposed boundary changes and areas affected will be displayed at the Council meeting but in the meantime an extract of the plan is attached to this report (Appendix 2).
13. The Boundary Commission maintain that in respect of their proposals for ward 1, this option proposes a minor amendment to the boundary between wards 1 and 6 to improve electoral parity. The actual and forecast ward disparities for this proposal are all within an acceptable 10% of parity. The Boundary Commission also maintain that this option aims to retain local community ties and minimise change to the existing electoral arrangements.
14. As previously referred to earlier in this report at phase 1 of the review, the methodology utilised by the Boundary Commission at that time i.e. determining the number of councillors to be recommended for each council utilised deprivation and population distribution. The Commission's methodology for determining councillor numbers had suggested for East Ayrshire Council 32 councillors. However, when undertaking this second phase, the Boundary Commission recognised that eight of the nine wards in East Ayrshire (wards 2-9) contained data zones within the 15% most deprived data zones in Scotland. All of these wards have low electoral parity, except ward 2 (Kilmarnock North). Forecast electoral parity in ward 2 was 9% and it was recognised that the parity

in ward 2 could be improved by amending the ward boundary provided an easily recognisable ward boundary could be created. Accordingly, the proposed boundary between wards 2 and 4 as presented would follow the B7038 which is both a recognisable and also a historical ward boundary being a boundary used between 1995-99 for a former ward 1.

CONSIDERATIONS

Proposals for Ward 1

15. As referred to under paragraph 8 the Boundary Commission require to have regard to a number of factors. The Boundary Commission's proposal for ward 1 would result clearly in the breaking of local ties within the existing ward in respect of Lugton and surrounding farms as shown within Appendix 1. In addition the main communication links within the area flow predominantly in a north and south direction linking Lugton, Dunlop, Stewarton and Kilmaurs and not in a west and east direction with ward 6. Whilst it is recognised that community council boundaries are not co-terminus with ward boundaries the local community council area includes both the communities of Lugton and Dunlop and the surrounding area. Further, in previous administrative arrangements the northern area has included Lugton and surrounding areas linked with Dunlop and Stewarton.
16. In addition, the recognisable boundary of the M77 clearly separates from ward 6 the communities of Lugton and surrounding area. Further the Boundary Commission itself recognises that the proposed new boundary between ward 1 and 6 does not follow a recognised boundary, instead following a series of minor roads and a stream.

Proposals for Ward 2

17. Whilst it is accepted that the electoral parity of ward 2 can be improved following a change in the boundary as proposed, it is noted that the forecast disparity of 9% is within the acceptable 10% range. Further, as previously intimated whilst recognising that community council boundaries are not co-terminus with ward boundaries, the Boundary Commission's proposal would split the existing community council area of Southcraigs and Dean which includes the communities of Southcraigs, Wardneuk, Beansburn and Dean.

In General

18. It is recognised that in respect of ward 1 the forecasted electorate will exceed the 10% parity if no changes are proposed as outlined in table 1 paragraph 10. However, as outlined in paragraphs 15 and 16 the proposal will clearly have an impact on local links. In terms of ward 2 the proposal by the Boundary Commission relates primarily to that ward having a number of 15% most deprived SIMD data zones and there is an opportunity to improve electoral parity in terms of linking changes with ward 4 given its forecasted disparity being -5%. However, in both ward 2 and ward 4 the forecast disparity is within the acceptable 10% range, as is the forecasted disparity for the other 6 wards (wards 3,5,6,7,8, and 9) which contain data zones.

19. Whilst the Boundary Commission considers that there is minimum change to the existing electoral arrangements, it is suggested that given the impact such a minimum change would have in ward 1 in terms of community links that the 13% forecast disparity i.e. 3% above the 10% acceptable level should be accepted for this review. Likewise in respect of ward 2 the Council accepted the Commission's methodology for determining councillor numbers in relation to population and deprivation information and that given ward 2 and 4 are both within the 10% disparity range and accordingly, it is suggested that the ward boundary arrangements for wards 2 and 4 remain unchanged.
20. It is further suggested that any changes be the subject of a future review either by the Boundary Commission which has a duty as previously intimated to carry out electoral reviews for each local authority at intervals of 8 to 12 years. Alternatively, in terms of Section 16 (3) of the Local Government (Scotland) Act 1973 the Boundary Commission may at any time at the request of a local authority review the electoral arrangements for a local government area for the purpose of considering whether to make proposals for a substantive change in those arrangements and what proposals, if any, to make and the Commission shall formulate any such proposals accordingly. The Boundary Commission is not obliged to accede to any request of a local authority but it would require to give proper and reasoned arguments for not doing so. Dependent on when any such request was made which could be within the period of 6 to 7 years, the Boundary Commission in its considerations may take cognisance that such a request at that time whilst perhaps having some merit could decide not to carry out the review at that time and wait till the next scheduled review.

CONCLUSION

21. Given the impact the proposals for ward 1 would have on community links it is suggested that the Council in response to the Electoral Commission's consultation exercise, advise that it can not support the proposals and whilst recognising the forecast electorate parity of 13% exceeded the recognised acceptable level of 10%, propose that this should be accepted for this review and that any change to improve the electorate parity for this ward (which at the time of the review was the only ward beyond the 10% electorate parity) be the subject of a future review. Any future review could be under scheduled arrangements by the Boundary Commission within in the next 8 – 12 years or, if subject to substantive changes, which for example merited the review in terms of the number of councillors, could be made at an earlier stage on request by the Council for example say within 6 – 7 years.
22. Following on from paragraph 21 above, and given that ward 2 is within the 10% electorate parity, as are all other remaining wards 3 – 9, including those wards which contain data zones within the 15% most deprived data zones in Scotland, that in respect of ward 2 the status quo be maintained and therefore the Boundary Commission be advised that the Council does not accept its proposal for ward 2.
23. After the conclusion of the consultation with councils, the Commission will consider the responses received before carrying out a 12 week public consultation exercise which will provide the opportunity for all other organisations and individuals to submit views on the Commission's proposals.

LEGAL IMPLICATIONS

24. The statutory basis for electoral reviews is the Local Government (Scotland) Act 1973. When making recommendations, consideration must be taken to part II of the Act which covers proposals for Local Government Boundary Commission for Scotland including reviews and in particular sections 13 through to 16 and Schedule 6.
25. The Local Governance (Scotland) Act 2004 requires that each ward must elect three or four councillors and the size of each ward varies accordingly.

COMMUNITY PLANNING/FINANCIAL/POLICY/RISK IMPLICATIONS

26. Nil in terms of the purpose of the report.

RECOMMENDATIONS

27. Council is requested to:-
 - (i) agree that it does not accept the Boundary Commission proposals affecting wards 1 and 6 and 2 and 4;
 - (ii) to remit to the Chief Executive to submit the Council's response reflecting the content of this report and in particular paragraphs 15 to 22 as the Council's formal response to the Boundary Commissions consultation; and
 - (iii) otherwise to note the content of the report.

Fiona Lees
Chief Executive
6 May 2015

List of Background Papers – Local Government Boundary Commission for Scotland Fifth Review submission.

Any person wishing further information on this report should contact Implementation Officer Bill Walkinshaw, Head of Democratic Services. Tel: 01563 576135

Appendix 2: Wards 2 and 4

