

# **Third Statutory Review of Electoral Arrangements**

## **East Ayrshire Council Area**

**Report to the Secretary of State for Scotland**

**Local Government Boundary Commission for Scotland**

Report Number E98022  
September 1998

## **Third Statutory Review of Electoral Arrangements East Ayrshire Council Area**

### **Introduction**

1. The Local Government etc. (Scotland) Act 1994 determined that on and after 1 April 1996, Scotland should be divided into local government areas as named and described in Schedule 1 to the Act and that, for each area, there should be a council consisting of a convener and councillors. It further determined that each council should have all the functions exercised immediately before 1 April in relation to their area by any existing regional, islands or district council.
2. On 1 April 1996 all local government areas existing immediately before that date which were regions and districts and all regional and district councils ceased to exist.
3. Schedule 2 of the Local Government etc. (Scotland) Act 1994 also established that every local government area (other than areas of the old islands councils) should be divided into such electoral wards as may be specified in a direction made by the Secretary of State after carrying out such consultations as he considered appropriate. Those wards were to apply for the purpose of any election of councillors held before 'the relevant year of election' (defined as meaning the first year of ordinary election of councillors for the area in question occurring after the making of an order constituting the new electoral wards of that local government area in consequence of the review currently being undertaken by the Commission). In accordance with procedures that applied prior to the reorganisation in 1975, the views of councils were invited. Thereafter, the Secretary of State determined that, for the purpose of any election of councillors before the relevant year of election, 30 electoral wards were appropriate for East Ayrshire local government area. Additionally, the proposed wards should be as described in the report of the Local Government Boundary Commission for Scotland to the Secretary of State for Scotland on its second statutory review of electoral arrangements for Cumnock and Doon Valley District dated 5 May 1994, (10 wards) and Kilmarnock and Loudon District dated 12 August 1994, (20 wards).

### **Origin and Commencement of the Review**

4. The Commission has a statutory duty under section 14 of the Local Government (Scotland) Act 1973 to undertake periodic reviews of local authority electoral arrangements. The Local Government etc. (Scotland) Act 1994 amended section 20 and schedule 5 of the 1973 Act, directing that:

as soon as practicable after 1 April 1996, the Boundary Commission shall-

review the electoral arrangements for all local government areas for the purpose of considering the future electoral arrangements for those areas; and

formulate proposals for those arrangements.

5. This, therefore, is one of the statutory reviews required in terms of section 16(2) and Schedule 5 of the Local Government (Scotland) Act 1973, as amended.

6. On 22 March 1996, the Scottish Office Development Department gave local authorities advance notice of the intention of the Commission to carry out a third statutory review of electoral arrangements. On 29 March 1996, we wrote to all councils to announce the commencement of the third statutory review of electoral arrangements and to explain the procedures to be followed. We also gave notice of the commencement of the review to all Community Councils, Electoral Registration Officers, Members of Parliament with a constituency interest and the Scottish headquarters of the political parties. In addition, public notice of the commencement of the review, which included an invitation to interested parties to apply to us for a copy of our consultation letter to councils, was given in newspapers.

## **Background**

7. During the passage through Parliament of the 1994 Act, there was cross-Party understanding that we would review the number of councillors and boundaries of electoral wards for each council in time for changes to be implemented for the 1999 local elections. This was seen to be important because at the time of reorganisation, as mentioned above, the Secretary of State defined the electoral wards for the new councils and to a great extent based these on existing district wards. It was, however, recognised that using the existing district wards led to some councils being significantly over-represented in relation to other areas. Further, it also led to councillors within the same local authority areas representing wards with significantly different numbers of electors. Accordingly, our review was seen as important to ensure equity in representation across and within all local authorities. Further, the new authorities were now responsible for the provision of the full range of all services and, accordingly, consideration had to be given to determining an appropriate number of councillors for service provision to be effectively managed.

8. This review is, therefore, the first conducted by us which sets out to determine the appropriate number of councillors required for councils to operate efficiently and to establish the boundaries of electoral wards. To achieve both objectives our review was conducted in 2 main stages:

identification of a suitable methodology for determining numbers of councillors which, applied across local authority areas, would be seen to be equitable and consistent; and

the division of each local authority area into the appropriate number of electoral wards in accordance with the statutory rules.

9. A copy of the statutory rules to be employed by us and the Secretary of State in considering proposals for electoral arrangements is provided at Appendix A.

## **Number of Councillors**

10. In formulating proposals for the number of councillors we have been guided by two main principles:

effective management of councils; and

equity amongst electors.

11. We recognised that the number of councillors is crucial because there is, undoubtedly, some number below which it would be impossible for a council to discharge its duty to deliver services to its population and, conversely, there is also some number above which a council becomes unwieldy and cumbersome. We were influenced in this respect by the prior considerations of two other bodies.

12. The Royal Commission on Local Government In Scotland 1966-69, under the Chairmanship of the Rt. Hon. Lord Wheatley, provided a basis by which the number of regional councillors and the size of constituency to be represented might be determined by taking into account the fact that population density varies widely in Scotland as a whole and within regions. The then accepted view was that council size should not generally exceed 75 members. In England and Wales the Redcliffe-Maude Commission, which reported to Parliament in 1969, also drew attention to the management problems of large councils and endorsed the recommendation of The Committee on the Management of Local Government that a maximum number of 75 councillors should be set.

13. After careful consideration we concluded that, in the Scottish context and to provide additional flexibility, an upper limit of 80 councillors should be set. We also concluded that a minimum number of councillors should be set, recognising that even the smallest local government areas are now responsible for a wide range of functions. Accordingly, we decided that the minimum number of councillors should be 18. Further, these limits should apply to all councils.

14. Regarding equity as between voters, we considered that ideally each elector's vote should possess the same weight and significance in local government elections throughout the country; furthermore, ideally, there should be similar mutual accessibility between electors and councillors. However, since Scotland is a country of great diversity, both geographically and demographically, a fact reflected in the areas for which councils created by the Act of 1994 are

responsible, and since we are satisfied that, in the interests of good local government, the number of councillors in any council must fall within certain limits, we concluded that these ideals are unattainable in practice. In this situation, recognising that a fair degree of homogeneity exists within certain groups of councils, which exhibit broadly similar geographic and demographic characteristics, we resolved to strive for equity in the senses mentioned within these groups, so far as that is possible within the constraints of the legislation under which we operate.

15. We, therefore, proposed a methodology which initially categorised council areas by density and distribution of population using data available from the 1991 Census of Population. Having classified council areas according to these criteria and adjusted the ratio of electors to each councillor to take account of similar characteristics, we have been able to achieve a broad equity of electorate across and within all council areas.

16. In our letter of 29 March 1996, all councils were informed of the proposed methodology and future pattern of representation for their council area. Councils were requested to make any representations they wished on numbers of councillors by 29 April 1996 so that a meeting could be arranged with the Deputy Chairman and Secretary to discuss the pattern of representation and any matters regarding our review that the Council wished to raise. Following visits to all councils by the Deputy Chairman and Secretary to discuss the proposed methodology and to consider alternatives which could be applied across Scotland, no alternative methodologies were offered but a number of councils suggested that the underlying classification should be amended to include an additional category.

17. At our meeting of 17 June 1996, we re-examined the criteria to be used to categorise mainland councils with similar characteristics in light of the representations made by a number of councils. We concluded that there should be 6 rather than 5 categories. The final categorisation of similar mainland councils was then agreed as follows:

- Category 1 Large Cities Glasgow and Edinburgh.
- Category 2 Cities Aberdeen and Dundee.
- Category 3 Authorities with less than 60% of the population living outwith settlements of 10,000 or more persons **AND** an overall population density of one person or more per hectare.
- Category 4 Authorities with **EITHER** 60% or more of the population living outwith settlements of 10,000 or more persons **OR** an overall population density of less than one person per hectare.
- Category 5 Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons **AND** an overall population density of less than one person per hectare.

- Category 6 Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons **AND** an overall population density of less than 0.2 persons per hectare.

18. In addition to the 6 categories we then determined the ratio of councillors to electorate for mainland councils that would allow for efficient management and appropriate representation, as set out in paragraphs 11 - 14 above, and considered that the following would be appropriate:

- Category 1 1:6,000
- Category 2 1:4,000
- Category 3 1:3,500
- Category 4 1:3,000
- Category 5 1:2,500
- Category 6 1:2,000

19. On 20 June 1996 we wrote to all mainland councils informing them of the revised criteria for determining councillor numbers and inviting them to prepare a draft scheme of electoral arrangements for their Council area. Following upon that, Aberdeen City Council brought a petition for Judicial Review of the decision taken by us at our meeting of 17 June, 1996 in the Court of Session. In it they sought a decree of declarator that that decision in relation to them was unlawful, ultra vires and null and void; they also sought a decree of reduction of the decision in relation to them and certain ancillary remedies. We resisted this petition, which was dismissed by the Court on 20 December 1996 after a hearing.

20. We considered the ratio of councillors to electors for the 3 islands councils at our meeting of 26 August 1996 and concluded that the appropriate ratio would be 1:750. On 28 August 1996 we wrote to these councils informing them of our decision.

## **East Ayrshire Council's Proposals**

21. The Council prepared a draft scheme of electoral representation and completed a period of consultation between 20 September 1996 and 18 October 1996. At its meeting on 7 November 1996, the Council considered a report which detailed the representations received during the consultation process and agreed an amended draft scheme of electoral representation which was forwarded to us. However, one hundred and seventy representations were subsequently sent to the Commission.

22. Kilmarnock and Loudoun Constituency Association of the Scottish National Party, submitted alternative proposals for revised electoral arrangements for the Council area, which sought to achieve parity within  $\pm 5\%$  in urban areas and  $\pm 10\%$  in rural areas, to establish easily identifiable boundaries and, wherever possible, to consolidate natural communities within ward boundaries. The scheme had been submitted to the Council during the period of public

consultation but it had been rejected preference having been given to the Labour Group's proposals.

23. Councillor Campbell wrote to support the Kilmarnock and Loudoun Constituency Association's proposals and the alternative arrangements offered for Bellfield and Riccarton.

24. Three letters were received which objected to the Council's proposals to associate Riccarton with Bellfield. Riccarton and Kirkstyle were parts of a coherent community (all that remained of a twelfth century township) and part of the local and national heritage, whereas Bellfield was a post-war housing estate. It was claimed that associating these communities was appalling. A petition with 53 signatures was also received.

25. Riccarton Community Council objected to the Council's proposals for Riccarton and Bellfield. It was unjustifiable in the extreme to take the heart of old Riccarton, including the Parish Church, Community Centre, Primary School etc., and transfer it to Bellfield whilst, at the same time, transferring an almost equal number of electors from Bellfield to Riccarton. The Commission was asked to reconsider what was being proposed and alternative proposals were offered.

26. The Dean Kilmarnock Community Council wrote to say that it did not agree that houses in Forest Grove, Woodlands Grove, private housing at Wardneuk and a new housing development at Southcraig should be included in Ward 4, because there was no hall or suitable building for a Polling Station and the public would need to travel to the village of Fenwick to vote. The naming of wards in the Council scheme also left something to be desired. Ward 6 should be named 'Hillhead', Ward 8 should retain the name 'Bonnyton', Ward 9 could be called 'College' or 'Piersland' and Ward 15 could be called 'Howard Park', 'The Netherton' or 'Bentinck'.

27. Two letters were received which stated that the Council's proposals meant that voters in North Kilmarnock would have to vote at a Polling Station in Fenwick, involving a round trip of 6 miles.

28. Lainshaw Residents' Association was opposed to the fragmentation caused by the Council's proposals because it conflicted with the historical Stewarton Burgh. The main part of Stewarton should include the Lainshaw area.

29. One hundred and fifty-four individually signed proforma letters were received stating a preference for one Councillor representing both Lainshaw and the main part of Stewarton; two areas which had similar interests.

30. Stewarton and District Community Council wrote to say that it would naturally like to have one representative solely dedicated to the Burgh Council area. However, the town was growing and it was recognised that it had to be divided. The Commission was asked to give a favourable response to its alternative proposals which it believed would create a truly 'Central Stewarton' in keeping with history, heart and common sense.

31. Four letters were received which noted that the Council's proposals attached an area of Mauchline to Sorn and another to Catrine, thus ignoring the wishes of many people in the Mauchline area. With the Mauchline continuing to grow it was not necessary to attach one half to Sorn and the other to Catrine.

32. The Mauchline Branch of the Carrick, Cumnock and Doon Valley Constituency Labour Party, was totally opposed to the Council's proposals for Mauchline because they contradicted the basic rule, which stated that due regard must be given to any local ties which would be broken by the fixing of a boundary. Removing one of the two council housing areas of the village severed traditional links. The village should be kept as a whole but, if this was not possible, the division should create Wards called 'East Mauchline and Sam' and 'Catrine and West Mauchline'.

33. Our initial analysis of the Council's scheme indicated that there was a substantial change in the electorate at 1996 and 2001 in wards 3 and 4 and we asked the Council for an explanation. The Council provided details of the methodology used to establish its forecast of electorate at 2001. An error in the Council's figures for Wards 28 and 29 was also noted. We were satisfied that the Council's forecast of electorate at 2001 was acceptable.

34. We carefully considered the representations made to us together with those already considered by the Council prior to the submission of its amended draft proposals. We concluded that small adjustments should be made to the boundaries of wards in the Stewarton and Kilmarnock areas to produce better balanced wards. We noted that it was not practicable to adopt other changes suggested in the various representations sent to us. With regard to ward names, we noted that it is our general policy to adopt the designations agreed by Councils.

## **Publication of Commission's Provisional Proposals**

35. Public notice was given of the publication of our provisional proposals on 4 February 1998. East Ayrshire Council was asked to make available for inspection at its offices copies of the electoral ward boundary descriptions, electoral statistics and illustrative maps. Additionally, copies of our proposals were sent to all who had received our consultation letter or who had expressed an interest. We asked that any comments should be made to us by 4 March 1998.

## **Consideration of Representations**

36. Nine representations were received:

- **The Council** wrote to say that it agreed to support the provisional proposals.

We noted the Council's agreement.

- **Ochiltree Community Council** wrote to ask why it had not been directly informed of the proposed changes, as other Community Councils had been. It objected to the Commission's proposals because Ochiltree had been traditionally linked to Stair and Dragon. The new proposals meant that very different communities were being linked and it was considered that urban and rural issues could not be dealt with by one Councillor. It questioned the background to the proposed changes and what the implications would be in Ochiltree for such things as nursery schooling.

We noted the Community Council's comments and carefully examined options for alternative boundaries but concluded that there was no practical solution which did not require making consequential changes throughout the Council area and, accordingly, concluded that our provisional proposals in this area should remain unchanged. We noted also that our proposals were concerned only with electoral arrangements.

- **Riccarton Community Council** wrote to say that it was impossible to follow the boundary descriptions on a local map because areas overlapped one another. The Community Council also wondered why it was necessary to tear through the heart of a district which dated back to the twelfth century, because of the whims of local councillors who had not consulted constituents. It also requested that no changes should be made because of certain perceived pending changes regarding local government
- Two letters were received suggesting that the area surrounding Riccarton Kirk and Graveyard should be associated with the rest of the Riccarton community.

We noted the Community Council's comments and obtained electorate information from the Council which allowed us to assess the implications of adopting the alternative boundaries proposed in the other representations. With regard to the request that no changes take place, we noted that the Commission is required by the Local Government etc. (Scotland) Act 1994 to complete a review of electoral arrangements in all Council areas as soon as practicable after 1 April 1996. We carefully considered the alternative boundaries suggested and concluded that the proposals, which did not have an adverse impact on electoral parity, could be adopted in our final recommendations and, accordingly, agreed to revise our provisional proposals.

- **Mauchline Branch of the Carrick, Cumnock and Doon Valley Constituency Labour Party**, wrote to say that it remained of the view that the Commission's proposals, as they affected Mauchline, were illogical. The preferred split of the town should be along the A76 which appeared to be a more straightforward and

clear delineation. It asked also why we had not addressed the reasoning for dividing an existing housing scheme.

- Two letters were received regarding Wards 23 and 24. The correspondents believed that the Commission's provisional proposals to add part of Mauchline to Sorn and Catrine was against the wishes of many people in Mauchline and made no sense. If Mauchline was to be split, it would be sensible to use the A76 and add one half of Mauchline to Sorn and the other half to Catrine. If the Commission's proposals went ahead, it was likely that further adjustments would be needed in the not too distant future. The Commission should reconsider its proposals.

We noted the views expressed and carefully considered the alternative boundaries offered. We concluded that it was necessary to split the town of Mauchline and consulted the Council with regard to the impact on electoral parity. Advice from the Council indicated that it would be possible to adopt a revised boundary line which would produce acceptable parity. We, however, noted the Council's view that adopting the proposal would be likely generate further controversy in the rural areas surrounding Mauchline. We concluded that there were no particular advantages to be gained from revising the boundaries set out in our provisional proposals and, accordingly, agreed that they should remain unchanged in this area.

- **Councillor Coffey** resubmitted the Kilmarnock and Loudoun Scottish National Party Constituency Association's alternative proposals for electoral arrangements in East Ayrshire council area as the East Ayrshire Council Scottish National Party Group's proposals.

We noted that these proposals had been carefully considered before we published our provisional proposals and concluded that our provisional proposals for the Council area, subject to the minor changes which we mention above, should remain as our final recommendations.

## **Final Recommendation**

37. Having conducted the third statutory review of electoral arrangements for East Ayrshire Council area in accordance with the procedures described above, we **recommend** that future electoral arrangements for the said Council should provide for a Council of 32 members.

38. The designation of the electoral wards that we recommend for East Ayrshire Council, together with information which we have received from the Council as to the 1996 electorate and forecast 2001 electorate of the proposed wards, are set out at Appendix B to this report.

39. The boundaries of the proposed electoral wards are described in Appendix C and the following illustrative maps accompany this report:

<b>Map</b>	<b>Area</b>	<b>Scale</b>
1A	East Ayrshire Council Area	1:50,000
1B	East Ayrshire Council Area	1:50,000
2	Kilmarnock	1:10,000
3	Galston/Greenholm	1:10,000
4	Stewarton	1:10,000
5	Mauchline	1:10,000
6	Cumnock	1:10,000

## Appendix B

### East Ayrshire Council Area Proposed Electoral Wards

Number a	Name b	Electorate	
		1996 (Actual) c	2001 (Estimated) d
1	Stewarton East and Dunlop	2,936	3,091
2	Stewarton Central	3,096	3,169
3	Kilmaurs and Stewarton South	2,783	3,144
4	North Kilmarnock, Fenwick and Waterside	2,398	3,285
5	Crosshouse, Gatehead and Knockentiber	2,822	2,836
6	Altonhill, Hillhead and Longpark	3,051	3,158
7	Onthank	2,947	3,008
8	Kilmarnock Central West	2,958	3,142
9	Kilmarnock Central East	3,024	3,044
10	North New Farm Loch and Dean	3,047	3,113
11	South New Farm Loch	2,958	2,958
12	Crookedholm, Moscow, Galston West and Hurlford North	2,945	3,070
13	Newmilns	2,953	3,017
14	Grange/Howard	2,952	3,149
15	Kilmarnock Central South	3,095	3,104
16	Riccarton	3,181	3,190
17	Shortlees	3,030	3,080
18	Bellfield	3,015	3,015
19	Hurlford	3,202	3,268
20	Galston East	2,895	2,920
21	Darvel	3,066	3,300
22	Mauchline	2,919	3,161
23	Catrine, Sorn and Mauchline East	2,990	3,128
24	Muirkirk, Lugar, Logan	2,845	2,892
25	Drongan, Stair and Rankinston	3,012	3,130
26	Ochiltree, Skares, Netherthird and Craigens	2,785	2,918
27	Auchinleck	3,041	3,126
28	Cumnock West	2,884	3,065
29	Cumnock East	2,879	3,022
30	Pains and Dalrymple	3,046	3,272
31	Dalmellington	2,897	2,970
32	New Cumnock	3,296	3,366

Total

94,998

99,111