

# **Third Statutory Review of Electoral Arrangements**

## **East Dunbartonshire Council Area**

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

**Local Government Boundary Commission for Scotland**

Report Number E98001  
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### **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, 26 electoral wards were appropriate for East Dunbartonshire local government area. Additionally, the proposed wards should be as described in the reports of the Local Government Boundary Commission for Scotland to the Secretary of State for Scotland on its second statutory review of electoral arrangements for Bearsden and Milngavie District dated 6 June 1994 (10 wards) and Strathkelvin District dated 27 June 1994 (Wards 1-15 and 26).

### **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 all 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 councilors 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.
21. On 4 July 1996, East Dunbartonshire Council acknowledged our decision that 24 electoral wards would provide the appropriate level of representation for its area and confirmed that the proposed timetable for producing a draft scheme of electoral arrangements would be met.

## **East Dunbartonshire Council's Proposals**

22. The Council submitted a scheme of electoral arrangements for 24 wards on 18 November 1996 and published details of its draft proposal in local newspapers asking that

representation be made directly to the Commission.

23. As a result of the public consultation exercise 11 representations were received. The Council was asked to comment on the proposals set out in these representations and to provide revised electorate data so that the impact of making revisions to the Council's draft proposals could be assessed. We also asked the Council to provide similar data for areas where our initial examination of the draft proposals suggested that boundaries could be better defined.
24. Four representations made detailed counter-proposals for the Bishopbriggs area covered by Wards 19 - 24. The electorate data received from the Council in respect of three of the representations indicated that the changes proposed would have a significantly adverse effect on the electoral parity achieved by the Council's proposals which, overall, had produced a broadly balanced scheme of electoral representation. In the Council's scheme, the range of divergence from electoral parity in these areas was between -4% and 5% compared with -15% and 7% in the representations received. The Council also informed us that the revision suggested in the fourth letter of representation was seriously flawed because incorrect assumptions had been made regarding proposed housing developments in the five years to 2001. Accordingly, we rejected all four representations.
25. We were, however, concerned that the boundaries of Wards 19-24 might be considered contrived in a number of areas. We consulted Council officials and, as a consequence, revised the proposed boundaries for Wards 19 - 24 in a manner which maintained good electoral parity and went some way to meeting the representations received as a result of the consultation exercise.
26. Four representations requesting that existing ward boundaries be maintained were received in respect of the Kilmardinny area of Bearsden. The Council commented that, bearing in mind the need to achieve, as near as practicable, electoral parity in the overall scheme for the Council area, it believed the draft scheme was broadly equitable and met the statutory criteria. We noted that, if the proposal to maintain the existing boundaries in this area was accepted, the boundaries of all other wards in the Council area would need to be significantly revised in order to satisfy the statutory rules. We concluded that the draft scheme for Wards 4 and 5 submitted by the Council achieved good electoral parity and, overall, generally acceptable boundaries. Accordingly, we rejected these representations.
27. Two representations were made in respect of Wards 12 and 13 in the Kirkintilloch area. Of these, one simply objected to the proposals but offered no alternatives. We noted that the effect of accepting the representation which did offer alternative proposals would result in the divergence from electoral parity moving from 6% and 5% in the respective wards in the Council scheme to -5% and 16% in the suggested alternative. The Council commented that it had some sympathy with the representations and recognised that its draft scheme was not perfect. However, it believed that the reduction in the overall number of wards had necessitated some difficult decisions and that its proposed scheme, met as far as was practicable, the statutory criteria. Accordingly, we rejected the proposed alternative.

28. We mention, at paragraph 23 above, that our initial examination of the Council's draft scheme suggested that the boundaries of a small number of wards could be better defined. Wards 2,3,5-8 and 11-13 caused us some concern. Potentially stronger and more easily identifiable lines were found and the Council was asked to provide revised electorate data so that we could assess the impact on electoral parity. The information provided by the Council suggested that in 5 areas the changes we proposed resulted in no change to electoral parity; in 2 areas there was a small improvement (1%) and in the remaining 2 areas, divergence from parity increased by 1% to 1% and 5% respectively. We, therefore, agreed to adopt these changes in our provisional proposals.
29. A single representation was received requesting that Ward 15 be renamed North Lenzie and that, as a consequence, Ward 16 should be renamed South Lenzie. The Council informed us that accepting the proposed name changes might remove the obvious sense of community in Lenzie. We, therefore, concluded that the names of Wards 15 and 16 should remain as defined in the Council's scheme.

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

30. Public notice was given of the publication of our provisional proposals on 20 June 1997. East Dunbartonshire Council was asked to make copies of the electoral ward boundary descriptions, electoral statistics and illustrative maps available for inspection at their offices. Additionally, copies of our proposals were sent to all who had received our consultation letter or had expressed an interest. We asked that any comments should be made to us by 17 July 1997.

### **Consideration of Representations**

31. Fourteen letters were received:
- **Milngavie Community Council** wrote to say that it was broadly content with our proposals for the former burghal area of Milngavie. However, it suggested that, with the reduction in the number of councillors since 1973, there had been an erosion of democracy. The Community Council also considered that, because quite a sizeable portion of its area is rural, this merited special consideration which would provide for at least four wards.
  - **Tony Worthington MP** suggested a major alteration to the boundary between Wards 2 and 3 and a minor amendment to the boundary between Wards 1 and 3 which would have the effect of containing all Council housing stock in these areas in Ward 3. The Council was asked to provide details of the number of electors so that we could assess the impact of the proposed changes. The data provided indicated that the net effect of the changes would involve the transfer of 825 electors which would have a significantly adverse effect on

electoral parity in Wards 2 and 3 (-24% and 23% respectively compared with parity of -1% and 0 in our provisional proposals). We, therefore, concluded that the changes proposed could not be accommodated within the constraints of the statutory rules.

- Five letters were received requesting that existing ward boundaries be retained in the Kilmardinny area which is covered by Wards 4 and 5 in our provisional proposals. This issue was examined when representations resulting from the publication of the Council's draft scheme were considered. We noted, that if the boundaries between Wards 4 and 5 in our provisional proposals were to be revised in line with the representations, the divergence from electoral parity for these wards would become -39% and 41% respectively. We believe that the geography of the proposed wards does not warrant such significant divergences from parity which are thus unacceptable in terms of the statutory rules. We noted that to maintain the existing ward boundaries in the Kilmardinny area it would be necessary to make significant revisions to the boundaries of the remaining wards in the Council area in order to comply with the statutory requirements for electoral arrangements. Under the circumstances we conclude that the boundaries set out in our provisional proposals should remain.
- A single representation suggested alterations to the boundaries of Wards 10 and 12- 16 on the grounds that these would provide stronger boundary lines and geographically more acceptable wards. It was argued that our desire to achieve electoral parity had been taken to extremes. Our proposals produced an overall balance in divergence from parity within the wards in question ranging between 5% and -6%. Acceptance of the boundary changes proposed in the representation would, however, result in parity varying between -13% and 24% which, bearing in mind the statutory rules, we consider is not acceptable in this area.
- Five letters of representation were received from residents of Melville and Dalhousie and Atholl Gardens and Balmuildy Road in Ward 19 requesting variously to be informed of the reasons for the proposed ward boundary changes and that the former boundary with Ward 20 should remain unchanged. In our scheme the electoral parity of both these wards is balanced at -5%. Reinstating the former boundary between these wards would result in divergence from parity of -11% in Ward 19. We consulted the Council which noted that its scheme met the statutory criteria and had been largely agreed and adopted by the Commission. Whilst acknowledging the rights of individuals and community groups to make valid observations, the Council's overall view is that an acceptable scheme of electoral representation remained and it looked forward to the new scheme being confirmed. We, therefore, concluded that, because of the adverse impact on the electoral parity of Ward 19, the boundary between Wards 19 and 20 should remain as defined in our provisional proposals.
- One letter was received requesting that the name of Ward 15 be changed from Lenzie to North Lenzie. This issue was considered in detail before our provisional proposals were published and we remain of the view that ward names should in all but exceptional circumstances be those designated and agreed by the Council.

## **Final Recommendation**

32. Having conducted the third statutory review of electoral arrangements for East Dunbartonshire 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 24 members.
33. The designation of the electoral wards that we recommend for East Dunbartonshire 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
34. 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>
1	East Dunbartonshire Council Area	1:50,000
2	Part Area - Enlarged Detail	1:10,000
3	Part Area - Enlarged Detail	1:10,000
3	Part Area - Enlarged Detail	1:10,000

## Appendix B

### East Dunbartonshire Council Area Proposed Electoral Wards

Electorate	Number	Name	1996 (Actual)	2001 (Estimated)
<b>a</b>		<b>b</b>	<b>c</b>	<b>d</b>
	1	Barloch	3,574	3,574
	2	Clober	3,266	3,540
	3	Keystone	3,591	3,591
	4	Baljaffray/Mossend	3,278	3,628
	5	Bearsden	3,616	3,616
	6	Castlehill/Thorn	3,499	3,519
	7	Chapleton	3,605	3,639
	8	Westerton	3,357	3,589
	9	Kessington	3,668	3,668
	10	West Kirkintilloch and Torrance	3,773	3,773
	11	Hillhead and Broomhill	3,623	3,723
	12	Rosebank and Waterside	3,810	3,810
	13	East Harestanes and Twechar	3,788	3,788
	14	Kirkintilloch Central	3,757	3,757
	15	Lenzie	3,649	3,749
	16	South Lenzie	3,036	3,736
	17	Campsie	3,088	3,388
	18	Milton	3,264	3,426
	19	Kenmure and Baldernock	3,426	3,394
	20	Bamuildy and Park	3,436	3,391
	21	Cadder/Langbrae	3,227	3,581
	22	Auchinairn and Crowhill	3,430	3,404
	23	Woodhill West	3,419	3,405
	24	Woodhill East	3,036	3,409
	Total		83,216	86,098