

Third Statutory Review of Electoral Arrangements

East Lothian Council Area

Report to the Secretary of State for Scotland

Local Government Boundary Commission for Scotland

Report Number E97001
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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, 18 electoral wards were appropriate for East Lothian 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 East Lothian District dated 14 March 1994.

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 councillors should be set.
13. After careful consideration we concluded that, in the Scottish context and to provide additional flexibility, an upper limit of SO 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 Lothian Council noted the level of representation for their area and confirmed that they would submit a draft scheme of electoral arrangements for 23 wards by 30 September 1996.

East Lothian Council's Proposals

22. The Council submitted a scheme of electoral arrangements for 23 wards on 24 September 1996. In preparing their scheme the Council consulted their Community Councils and correspondence relevant to this initial consultation was made available to us. The Council advertised their scheme in local newspapers on 27 September 1996. Interested parties were invited to view proposals at the Council Building in Haddington and at all local offices and libraries. The Council asked that representations on the proposals should be made directly to us.

23. Only one representation, from Gullane Area Community Council, was received and East Lothian Council was invited to comment on the proposal to amend the boundary between Wards 15 and 20 to include the Village of Drem in Ward 15. In effect, the proposed change sought to re-align the boundary of Ward 15 with the boundary of the Community Council area. East Lothian Council commented that, while it was sympathetic towards the proposal, it would not wish to change the boundary because of the adverse impact on electoral parity. The scheme which they had prepared had given due regard to local ties, transportation links, school catchments and existing Community Council areas. Further, East Lothian Council noted that 'the Scheme of Community Councils for East Lothian area will be unaffected by the review of electoral arrangements but can and, no doubt, will be, considered for review once the outcome of the review of electoral arrangements is known'.
24. In considering the detail of the Council's scheme, we recognised that the wards proposed fulfilled the principle of achieving, as far as practicable, electoral parity across the Council area and that the boundaries followed strong, readily identifiable lines.
25. We concluded, therefore, that the proposal by Gullane Area Community Council should not be accepted because of the adverse impact it would have on the Council's overall scheme with regard to electoral parity. Accordingly, we agreed that the Council's draft scheme should be adopted without modification and advertised as our own provisional proposals.

Publication of Commission's Provisional Proposals

26. Public notice was given of the publication of our provisional proposals on 7 February 1997. East Lothian 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 7 March 1997.

Consideration of Representations

27. Two letters were received:

- **Gifford Community Council** wrote to say that it had no comment to make on our provisional proposals.
- **Cockenzie and Port Seton Community Council** stated that all Community Councillors present at their meeting on 4 March 1997 'were very unhappy that the eastmost part of Cockenzie and Port Seton Ward (Ward 9) would now be included in

the Longniddry Ward (Ward 10)'. East Lothian Council was consulted and concluded that including the whole of Port Seton within Ward 9 would have involved the transfer of a substantial number of electors from Ward 10, thereby creating unacceptably high divergence from electoral parity in both wards. Accordingly, given the emphasis placed upon electoral parity by the Schedule 6 rules, we were unable to accept the alteration proposed by the Community Council.

Final Recommendation

28. Having conducted the third statutory review of electoral arrangements for East Lothian 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 23 members.
29. The designation of the electoral wards that we recommend for East Lothian 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
30. The boundaries of the proposed electoral wards are described in Appendix C and the following illustrative maps accompany this report:

Map	Area	Scale
A	East Lothian Council	1:50,000
B	Dunbar	1:10,000
C	Haddington	1:10,000
D	Musselburgh	1:10,000
E	North Berwick	1:10,000
F	Prestonpans & Cockenzie	1:10,000
G	Tranent	1:10,000

Appendix B

East Lothian Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Musselburgh West	3,042	3,240
2	Musselburgh South	3,301	3,301
3	Musselburgh North	3,128	3,128
4	Musselburgh Central	3,160	3,160
5	Musselburgh East	2,910	3,260
6	Wallyford/Whitecraig	2,906	3,365
7	Prestonpans West	2,759	3,021
8	Prestonpans East	2,941	3,343
9	Cockenzie and Port Seton	2,880	3,369
10	Longniddry	3,300	3,300
11	Tranent West	3,039	3,168
12	Tranent/Macmerry	2,699	3,033
13	Tranent/Elphinstone	2,757	3,107
14	Ormiston/Pencaitland	3,134	3,185
15	Aberlady/Gullane/Dirleton	3,220	3,343
16	Haddington West/Saltoun	2,860	3,206
17	Haddington Central	2,905	3,083
18	Haddington East/Athelstaneford	3,338	3,355
19	East Linton/Gifford	3,048	3,193
20	North Berwick West	2,876	3,201
21	North Berwick East	2,896	3,131
22	Dunbar/West Barns	3,261	3,333
23	Dunbar East	2,896	3,305
Total		69,256	74,130