

Third Statutory Review of Electoral Arrangements

East Renfrewshire Council Area

Report to the Secretary of State for Scotland

Local Government Boundary Commission for Scotland

Report Number E98017
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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, 20 electoral wards were appropriate for East Renfrewshire 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 Eastwood District dated 9 June 1994 (15 Wards) and Renfrew District dated 21 September 1994 (the 5 wards numbered 21 to 25).

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 16 July 1996, East Renfrewshire Council acknowledged our decision that 20 members would provide the appropriate level of representation for its area and that a draft scheme of electoral arrangements would be submitted by mid September.

East Renfrewshire Council's Proposals

22. The Council submitted a scheme of electoral arrangements for 20 wards on 4 October 1996, wrote to all Community Councils seeking their views, made copies of its proposals available for inspection and published details of its draft proposals in local newspapers asking that representation be made either to the Council or the Commission.

23. We noted that the Council's draft scheme retained the existing structure of electoral ward boundaries and that, although we had had an early indication from the Council that this would be the basis of a draft scheme, we had been assured that existing boundaries would be appropriately adjusted to meet the statutory rule regarding electoral parity. The Council's view was that,

because the existing 20 wards had been in place for such a short time, any change would give rise to public confusion. However, it was clear from the electorate data provided by the Council that the divergence from electoral parity in the Council's proposals ranged between -13% and 21%, only three of the proposed wards were within $\pm 5\%$ of parity and, in eight wards, the divergence from parity was greater than $\pm 10\%$. We, therefore, directed officers of the Commission to seek assistance from the Council in preparing a draft scheme which met the statutory requirements.

24. As a result of the Council's public consultation exercise only Eaglesham Community Council made representation. It considered that all of Waterfoot should be in the same ward. It stated that the transfer of part of Waterfoot to Clarkston at the time of the last review was unfortunate and that the position should be rectified as soon as possible. The Community Council accepted the desire of the Council not to disturb recently formed boundaries and accepted that the Council should note the view for future reference.

25. Our officers met with Council officials and, thereafter, developed two options for revised electoral arrangements for the Council area. We noted the view of our officers that, whilst working on the ground within the Council area, they concluded that the geography and settlement pattern made it impossible to prepare revised electoral arrangements which resolved all of the problems with electoral parity identified in the Council's original draft. We noted also that under both schemes developed by our officers it was not possible to accommodate the wishes of Eaglesham Community Council. However, having carefully examined both options we agreed to adopt the second option which we considered best met the overall requirements of the statutory rules, as our provisional proposals.

Publication of Commissions s Provisional Proposals

26. Public notice was given of the publication of our provisional proposals on 4 September 1997. East Renfrewshire Council was asked to make copies of the electoral ward boundary descriptions, electoral statistics and illustrative maps available for inspection at its 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 2 October 1997.

Consideration of Representations

27. Eight representations were received:

- **The Council** wrote to say that its General Purposes Committee had agreed to accept our provisional proposals subject to a number of minor alterations to ward names. Changes to the narrative descriptions, in respect of revised grid references and ground detail not reflected in the base maps, were also suggested.

- **Eaglesham Community Council** expressed regret that our proposals separated people in Craighlaw Crescent, Woodside Drive and parts of Glasgow Road and Floors Road from the remainder of Eaglesham. It noted that the statutory rules meant that our proposals were inevitable but hoped that they did not directly affect Community Council boundaries. We noted the Community Council's comments.
- **Giffnock and District Residents' Association** were dismayed that our proposals upset the ward boundaries so soon and, in the case of the Giffnock Wards, for no apparent reason because they compared favourably with the result it considered we wished to achieve in Barrhead. It considered that the population in the area had increased in recent years with no sign of changing and that there were developments in train which would increase pressure for new housing. It, therefore, further considered that there was no point in attempting to reduce the number of Eastwood Wards by allocating parts of Clarkston to the Giffnock Wards and suggested that a more equitable solution would be to increase the number of wards in East Renfrewshire to 21.

We noted that our proposals for revised electoral wards included forecast changes in the electorate through housing developments etc. contained in the Council's initial draft proposals. We considered the Residents' Association's view that the Council area should have 21 electoral wards but concluded that, in the overall Scottish context, 20 Councillors was the appropriate level of representation for East Renfrewshire Council area. Accordingly, we were not prepared to amend our provisional proposals.

- **Councillor I Drysdale** considered that one could accept that the number of electors in Barrhead, Neilston, and Uplawmoor Wards was high when compared with the former Eastwood area Wards but he believed that there was a relatively small difference when the figures were examined. The average electors in the present Barrhead and Eastwood Wards is 3,900 and 3,500 respectively and new build projections for Barrhead were minimal compared with Eastwood. He believed that, in the largely urban sectors of the Council area, there was no practical reason why wards should not have a higher electorate which would allow rural wards to have fewer electors. The Councillor also believed that our provisional proposals challenged logic, in light of original intentions which would have resulted in 19 wards in the Council area (6 in Barrhead and 13 in Eastwood) with over 4,000 electors in the average Eastwood ward. There would be no objection to an additional ward in Barrhead if a similar level of representation had been maintained over the whole Council area.

He believed also that the Commission's proposals had not considered the whole area on the basis of good practical common sense and concentrated too much on trying to achieve electoral parity. The review system seemed to fail to serve the democratic requirements of any fair review in that it seemed to pay heed to

interim responses yet produced a result which was against the expressed wishes of the consultees.

In the Eastwood area the Councillor believed that Stamperland had well-defined boundaries and it made no practical sense to take the Ward boundary into Williamswood. It was thought that Busby had similarly well-defined boundaries and that extending Busby into Clarkston was to deny proper representation from a Clarkston Councillor and give a Busby Councillor additional duties which might inhibit proper representation of an area which had particular needs. Our proposals were seen not to take account of school catchment areas and the Councillor enquired if it was not the intention of a previous boundary decision to reunite Busby within Eastwood.

It was further contended that Williamswood and Giffnock South Wards had been much changed by successive decisions of the Commission but there was a strong argument that, as they are presently laid out, they best represent their true character and origin. The areas were formed in the first half of this century to satisfy particular sectors of the housing market and there remained a strong bond and social affinity that was the original aim of the builders and planners.

Regarding electoral parity, the Councillor stated the electoral rolls in the two parts of the Council area had been turned on their head. The average electorate in Barrhead would be in the order of 3,200 whilst that for Eastwood would be about 3,700. There was no good reason why Eastwood should not continue with 15 wards of 3,500 electors on average, particularly given the new build programme for Eastwood. It was argued that 21 wards would result in parity being around 3,418 electors and that a number of wards as they presently exist could remain unchanged.

We noted the Councillor's comments. In considering revised electoral arrangements, we are obliged to ensure that, as far as practicable, the number of electors in every electoral ward in a Council area is the same. We noted that maintaining present arrangements would result in significant divergence from electoral parity in many wards and concluded that retention of the status quo was, therefore, not acceptable within the statutory rules. Our proposals for electoral wards included forecast changes in the electorate through housing developments etc. contained in the Council's initial draft proposals. We further concluded that our provisional proposals achieved a balance of electorate across the Council area bearing in mind the geography, topography and settlement pattern. Accordingly, we were unable to adopt the various changes suggested.

- **Councillor J Shaw** wrote to say that he understood his political association had strongly objected to our proposals on the grounds of parity. He wished to object further on the grounds that the statutory criteria of parity and equity would not be achieved by 2001 and that dislocation for the third time since 1992 in the

geographical make up of his ward was basically unfair to both Councillors and electorate. He also considered that our proposals breached the statutory rule regarding the fixing of boundaries which are, and will remain, identifiable and have regard to the breaking of community ties.

We noted the Councillor's views. As we mention above, with regard to electoral parity, we are obliged to ensure that, as far as practicable, the number of electors in every electoral ward in a Council area is the same. We concluded that in determining boundaries and being mindful of the need to observe the primary rule concerning parity, our proposals achieved a balance across the Council area within the constraints of the geography, topography and settlement pattern.

- **Eastwood Conservative and Unionist Association** protested at our provisional proposals. It stated that the existing Eastwood wards were already 4.5% higher on average compared to Barrhead wards. The basis of the Association's objection went to the very core of the Commission's remit. The Commission was required under the rules to achieve equity and parity within five years of its initial proposals. By allocating another Councillor to Barrhead parity and equity had been achieved in that Local Government area. In Eastwood the situation was totally different, the average electorate per ward was 15% higher than in Barrhead and this could not, by any stretch of the imagination, meet with the statutory rules. An extra Councillor should be allocated to Eastwood. The solution was to leave the wards in Eastwood as they were and increase the number of wards in the Council area to 21. Further, the Association wrote to say that it could not be fair to have 3,880 electors in one ward and 3,214 in another. Our proposals eliminated Williamstown, one of the oldest known areas in East Renfrewshire with a named school and station. This created a knock-on effect in all the adjoining wards. The Association felt strongly that our proposals did not satisfy the statutory rules and asked that an Assistant Commissioner be appointed to hold a local meeting.

We noted that maintaining existing arrangements would result in significant divergence from electoral parity in many wards and we concluded that retention of the status quo, which was constrained by the boundaries of the previous District Council areas, was, therefore, not acceptable within the statutory rules - electoral parity was calculated across the whole Council area. We observed that the forecast of electoral parity at 2001 was 3,589 electors and that our provisional proposals achieved divergence from parity ranging between -10% and 8% across the Council area, compared with -13% and 21% if existing boundaries were retained. Bearing in mind the geography, topography and settlement pattern, we concluded that our proposals were equitable. We considered the view that the Council area should have 21 electoral wards but concluded that, in the overall Scottish context, 20 Councillors was the appropriate level of representation for East Renfrewshire Council area. Accordingly, we were not prepared to amend our provisional proposals and further concluded that the Appointment of an Assistant Commissioner to conduct a local meeting was not appropriate.

- A representation was received which stated that, to the best of the correspondent's knowledge and subject to certain geographical and other restrictions, wards had to be roughly equal in size and that account had to be taken of population projections. It was considered that the Council area was divided into two distinct areas - Eastwood and Barrhead. On the basis of electoral roll data it was considered that there were no logical reason for the changes we proposed. In further correspondence we were asked to provide a breakdown of the electoral data in our proposals and that, whilst it was appreciated that equalising ward numbers was a main consideration, Eastwood and Barrhead were two entirely separate and distinct communities - a fact which should not be ignored. In later correspondence it was contended that Eaglesham was a separate community which had sufficient electorate to justify award of its own. It was considered that, if the electorate in Ward 6 was spread over Wards 1 -5 and Wards 7- 19 were reduced in size accordingly, the variation from the average at present in Wards 7- 19 would reduce from 15.35% to 12%. It was further suggested that our proposals created greater disparity than existing wards.

We noted the views expressed but, for the reasons we set out above in discussing representations from Councillor Drysdale and the Eastwood Conservative and Unionist Association, we were not prepared to amend our provisional proposals.

- A representation was received which stated that the correspondent was disturbed to find that we proposed to reduce the number of wards in Eastwood and, having read the rules, had calculated that it would be much more equitable to have 6 wards in Barrhead and 15 wards in Eastwood. In further correspondence it was suggested that our proposals failed to meet the statutory rules and that the goal posts had been moved. We were also asked why East Renfrewshire could not have 21 Councillors and the position regarding the appointment of an Assistant Commissioner to hold a local meeting was also raised.

We noted the views expressed but, for the reasons we set out above in discussing representations from Councillor Drysdale and the Eastwood Conservative and Unionist Association, we were not prepared to amend our provisional proposals and further concluded that the appointment of an Assistant Commissioner to conduct a local meeting was not appropriate.

Final Recommendation

28. Having conducted the third statutory review of electoral arrangements for East Renfrewshire 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 20 members.

29. The designation of the electoral wards that we recommend for East Renfrewshire 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
1	East Renfrewshire Council Area	1:25,000
2	Barrhead	1:10,000
3	Eastwood	1:10,000

Appendix B

East Renfrewshire Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Liboside	3,197	3,296
2	Barrhead North	3,216	3,257
3	North Neilston and West Arthurlie	3,246	3,290
4	Barrhead Central	3,157	3,214
5	Barrhead East	3,469	3,230
6	Auchenback	3,100	3,214
7	Greenfarm	3,320	3,680
8	Thornliebank	3,143	3,726
9	Giffnock North	3,046	3,795
10	Merrylea Park	3,841	3,773
11	Netherlee	2,863	3,632
12	Crookfur	3,502	3,854
13	Giffnock South	3,228	3,625
14	Stamperland	3,389	3,748
15	Broom	3,165	3,880
16	Kirkhill	4,230	3,747
17	Clarkston	3,278	3,739
18	Busby	3,804	3,784
19	Mearns	3,584	3,759
20	Eaglesham	3,188	3,540
	Total	66,966	71,783