

# **Third Statutory Review of Electoral Arrangements**

## **City of Edinburgh Council Area**

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

**Local Government Boundary Commission for Scotland**

Report Number E98019  
August 1998

## **Third Statutory Review of Electoral Arrangements City of Edinburgh 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 I to the Act and that, for each area, there should be a council consisting of a convener and councilors. 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, 58 electoral wards were appropriate for the City of Edinburgh 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 the City of Edinburgh District dated 9 June 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 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 councilors. 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. The City of Edinburgh Council did not acknowledge our decision that 58 electoral wards would provide the appropriate level of representation for its area. We were, however, able to confirm that the Council was content to retain 58 wards and thought that a draft scheme might be available to us by early September 1996.

## **City of Edinburgh Council's Proposals**

22. The Council provided details of its draft scheme of electoral arrangements for 58 wards on 4 April 1997. The Council did not finalise this scheme until its meeting on 29 May 1997 when it adopted the draft submitted to us, subject to six amendments which provided stronger boundary lines but which had no impact on electoral parity.

23. The Council's draft proposals were not submitted for public consultation which, we noted, is not a statutory requirement. Nevertheless, we received a letter from the Liberal Democrat Group which stated that the review would merely cause confusion to those who would

be affected by changes for the second time in two local elections. The Group broadly accepted the Council's proposals but asked that we consider alternative suggestions for a number of wards when we were assessing boundaries. Because no details of the areas involved were provided, we asked for maps so that we could establish the number of electors involved and we resolved to consider the suggested amendments following publication of our provisional proposals.

24. We considered the draft proposals submitted by the Council and concluded that, overall, they produced good electoral parity across the Council area. We noted the single large divergence from electoral parity in Ward 4 (Queensferry) but concluded that there were geographical circumstances which justified the divergence.

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

25. Public notice was given of the publication of our provisional proposals on 28 August 1997. The City of Edinburgh 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 had expressed an interest. We asked that any comments should be made to us by 25 September 1997.

## **Consideration of Representations**

26. Twelve representations were received:

- **Longstone Community Council** disagreed with our proposals. It stated that Longstone, Redhall and Kingsknowe were its three main areas and these were reflected in the school catchment area and Parish boundary. The Community Council, under present arrangements, crossed the boundaries of two wards and did not wish to be divided further.

We noted the Community Council's representation. No alternative boundaries were offered and we concluded that it would not be possible to retain existing boundaries without considerable disruption to other wards. We were, therefore, not prepared to alter our provisional proposals in this area.

- **Craiglockhart Community Council** suggested a small alteration to the boundary of Ward 26 to include a small number of addresses at Katesmill Road.

We noted that an error had been made in defining the boundary and that the houses in question had been included in the Ward 26 electoral statistics. We agreed that the boundary description and maps be adjusted accordingly.

- **Councillor Aldridge** suggested that, for tidiness and logic, No 1 Alan Breck Gardens should be transferred to North East Corstorphine.

We agreed to this proposed change.

- **Councillor Barrett** asked that the Commission leave the present boundary at the eastern end of Ward 24 unchanged. The Balgreen was quite separate from Carrick Knowe, the change proposed by the Commission would cause confusion because there was no logical link with Ward 24 and the existing boundary is also a Parliamentary Constituency boundary.

We agreed to amend our provisional proposals because the effect on electoral parity from adopting the suggested change was small.

- **Councillor Maclaren** suggested a number of amendments. The Greenhill area of Marchmont Ward, west of Whitehouse Loan, should be transferred to North Morningside Ward. An area south of Strathearn Road and Whitehouse Loan, including Whitehouse Terrace, should be transferred from Marchmont Ward to North Morningside and an area south of Colinton Road to Myreside should be transferred from Craiglockhart Ward to North Morningside Ward.

We carefully considered the changes proposed by Councillor Maclaren but agreed to retain the boundaries set out in our provisional proposals.

- **Councillor Sleight** wrote to say that the Conservative Group was in general agreement with the Commission's provisional proposals.
- **Councillor Wardlaw** wrote to suggest an alternative boundary which would transfer electorate between Ward 37 and Ward 38. It was stated that electors in the upper part of Easter Road found it difficult to get to Hermitage Park Polling Station and the intention was to swap the area in question to Ward 38 and make a transfer of electors in the Findlays/Restalrigg areas to Ward 37 as they had been associated with the Links area for years.

We noted that polling arrangements were a matter for the Council. We considered the proposed changes but were not prepared to amend our provisional proposals in this area.

- **Edinburgh Central Liberal Democrats** wrote to say that they wished to comment on numerous errors and omissions in the data used by the Council to produce the forecasts of electorate for 2001 and did not believe that these forecasts were an adequate basis for the determination of ward boundaries. They contended that the case for changing existing boundaries had not been made and urged that the proposals be withdrawn. They further objected to the proposed

boundaries between Wards 16 and 17 and between Wards 24 and 27 and wished to propose alternative names for Wards 31 and 32. The Group asked to be notified directly of any decision to hold a local meeting relating to our proposals as far as they affected the Edinburgh Central Parliamentary Constituency.

The representation considered that the present review need not necessarily lead to any changes because the wards currently in force were originally the wards for the City of Edinburgh District Council and were intended to be in force in the year 2000. It noted that our provisional proposals were not much altered from the draft proposals presented to a special sub-committee of the Council in March 1997. It stated that the Council's scheme was based strictly on the assumption that the only factor to be taken into account in producing a forecast of electorate was estimated electorate from new build using an average of 1.71 electors per household. Further, the principal criterion used in determining ward boundaries was parity of numbers, with variations of up to  $\pm 4\%$  (except for Queensferry).

It was further contended that, if it could be demonstrated that the data used in the forecasts were flawed, the proposals could not be reasonably adopted since the sole reason for changing boundaries was assumed changes in the electorate. Having examined the data for Edinburgh Central Parliamentary Constituency, it was suggested that the counts of electorate from the 1996 register for 8 of the 14 wards were incorrect and although none of the errors exceeded 100, the existence of any error demonstrated that the data had not been checked.

It was further stated that the total number of local government electors for the Edinburgh Central Parliamentary Constituency already exceeded the forecast for 2001 and, in 5 of the 10 wards, the forecasts were already exceeded by numbers on the 1997 register, which clearly demonstrated that information available at the time the report was first considered was not cross-referenced and that the estimates were undeniably wrong in some instances.

The average number 1.71 of electors per household should not have been applied to individual developments without regard to the nature of the property. Further, on the basis of forecast new build which might still be underestimated, the average ward size was understated by 300 electors and in two wards by 700 electors which made nonsense of the 4% range. A comparison of the 1996 and 1997 registers also demonstrated significant increases in the electorate in two wards, independent of new build figures. This could reflect an increase in student populations.

The representation further considered that it was not clear why there were so many errors and omissions in the Council data and, until the full scale of the omissions was established, it concluded that the provisional proposals should not be adopted. It continued that, while it might be argued that there was insufficient time to prepare a new set of proposals, the existing variations were too large to be

acceptable and, if sufficient resources were devoted to the exercise, a valid set of boundaries could be in place in six months. If insufficient resources were available, it contended that there was no point in attempting to change boundaries and that, in any case, the boundaries were designed to apply to the year 2004. Further, the statutory requirement concerning parity was qualified 'as nearly as may be' and a literal interpretation of this phrase supported the retention of existing boundaries when the accuracy of numerical data was in doubt.

In considering the representation, as concerning Edinburgh Central Parliamentary Constituency, we noted that we were concerned with revising boundaries across the Council area and could not be constrained by considerations of existing Parliamentary Constituency boundaries. We also concurred with the Council's view that there was a case for considering the revision of existing ward boundaries. In respect of the validity or otherwise of data used by the Council to prepare forecasts of electorate at 2001, we consulted the Council and were informed that, in preparing forecasts, the data were, at the time, consistent across the Council area. We noted that the forecasts prepared by the Council were 'best estimates' which, in addition to considering new housing developments, included assumptions about demolition and other demographic changes which might lead to increases or decreases of electorate about which it was difficult to be precise. We noted that the latest available 18+ population projection information for 2001 and our own estimate of electors at 2001 broadly supported the Council's overall forecast. We concluded that it would be improper to substitute more up-to-date information for selected areas within the Council area on a piecemeal basis and that the electorate forecasts at 2001 were acceptable.

We considered the requests from the group that amendments be made to the boundaries of Wards 16 and 17, and Wards 24 and 27 and agreed that the changes should be adopted. We were unable to agree with proposals to change the names of Wards 31 and 32, our general policy on ward names being to adopt those proposed by Councils.

**Mayfield Liberal Democrats** wrote to propose that Ward 49, presently known as 'Mayfield' should not be renamed 'Newington' as the Council proposed. They believed that the existing name was a recognisable description of the area and, whilst not perfect, had the benefit of being known and understood to represent a certain area. Further, because it was not proposed to make changes to the existing boundary there was no reason to change the name as this would only confuse electors. We noted that the Council amended the designation of Ward 49 following a vote. Since our general policy is to adopt the names of wards preferred by Councils we were, accordingly, unable to agree to retain the name 'Mayfield' as the Group proposed.

- **Edinburgh South Liberal Democrats** suggested that the proposals to change the name of Ward 49 from 'Mayfield' to 'Newington' was bizarre and a spurious and

misleading connection would be suggested. They believed that the change of name would be of no benefit.

As we mention above, we were unable to agree to retaining the name 'Mayfield'.

- **Edinburgh West Conservative Association** wrote to say that the proposals put forward by the Council, and largely accepted by us, followed the easy option of using existing boundaries with minor tinkering to balance numbers. It considered that it would have been better to start afresh rather than perpetuate existing flawed boundaries. It believed that there was a serious error in Ward 23 in the estimate of electorate at 2001 because no account appeared to have been taken of a number of housing developments. The proposals split a number of obvious communities so that part of South Gyle Mains and South Gyle Wynd were in adjacent wards and it was thought that this could be adjusted if the underestimate of electors proved to be correct. In Ward 24, a small area at Beechwood was detached and isolated from the rest of the ward. Further, Broomhall estate, which is an obvious entity, was split along Broomhall Gardens and this anomaly could be easily corrected.

We considered the proposed amendments and agreed that the small area at Beechwood should be transferred from Ward 24 to Ward 27. In the interests of maintaining the parity achieved in our proposals, we were, however, not prepared to adopt any of the other changes proposed by the Association.

- **Edinburgh Pentland Liberal Democrats** noted with satisfaction that continued use was made of natural boundaries but that in some areas this principle had been disregarded, no doubt in the search for parity, and this produced anomalies which were not easy to justify. It was suggested that the boundaries between Wards 2 and 42, 41 and 42, 25 and 26, 26 and 52, 43 and 52 could be improved by a number of adjustments. Further, the boundaries of Wards 44 and 51 could also be improved by effecting minor changes. The Group wondered why, given the scope for confusion when schools were used as polling places, Ward 41 (Murrayburn) contained Sighthill School and Ward 42 (Sighthill) contained Murrayburn School.

We carefully considered the revised boundary proposals submitted by the Group and were not prepared to accept the boundary changes which would have an adverse effect on electoral parity. With regard to the likelihood of confusion arising through the names of polling places, we noted that polling arrangements were a matter for the Council and, in any event, polling cards stated the appropriate polling place.

## **Final Recommendation**

27. Having conducted the third statutory review of electoral arrangements for the City of Edinburgh Council area in accordance with the procedures described above, we **recommend** that future electoral arrangements should provide for a Council of 58 members.

28. The designation of the electoral wards that we recommend for City of Edinburgh 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.

29. 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	City of Edinburgh Council Area	1: 50,000
2	City of Edinburgh Council Area	1: 10,000
3	City of Edinburgh Council Area	1: 10,000
4	City of Edinburgh Council Area	1:10,000

## Appendix B

### City of Edinburgh Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Balerno	6,207	6,393
2	Baberton	6,105	6,158
3	Dalmeny/Kirkliston	5,797	6,109
4	Queensferry	6,720	6,932
5	Cramond	6,248	6,352
6	Davidson's Mains	6,127	6,243
7	Muirhouse/Drylaw	6,328	6,328
8	Craigeleith	5,531	6,045
9	Pilton	6,280	6,280
10	Granton	6,135	6,246
11	Trinity	6,378	6,378
12	Newhaven	5,858	6,286
13	East Craigs	6,456	6,456
14	N.E.Corstorphine	6,569	6,569
15	Murrayfield	6,056	6,322
16	Dean	6,255	6,272
17	Stockbridge	6,405	6,555
18	New Town	6,340	6,354
19	Broughton	6,360	6,370
20	Calton	6,276	6,351
21	Harbour	6,072	6,429
22	Lorne	6,027	6,370
23	Gyle	6,190	6,591
24	S.E.Corstorphine	6,239	6,241
25	Parkhead	6,206	6,206
26	Craiglockhart	5,915	6,158
27	Stenhouse	6,554	6,646
28	Moat	5,867	6,157
29	Shandon	6,100	6,100
30	Dairy	6,226	6,512
31	Fountainbridge	6,129	6,129
32	Tollcross	6,094	6,316
33	Southside	5,896	6,217

34	Holyrood	6,056	6,286
35	Meadowbank	6,261	6,356
36	Mountcastle	6,379	6,432
37	Leith Links	5,975	6,120
38	Restalrig	6,329	6,499
39	Portobello	6,116	6,237
40	Milton	6,289	6,349
41	Murray Burn	6,094	6,128
42	Sighthill	6,385	6,508
43	Colinton	6,300	6,503
44	Firrhill	6,405	6,405
45	Merchiston	6,386	6,393
46	North Morningside/Grange	5,965	6,117
47	Marchmont	6,064	6,105
48	Sciennes	6,384	6,404
49	Newington	6,445	6,477
50	Prestonfield	6,180	6,375
51	South Morningside	6,472	6,514
52	Fairmilehead	6,529	6,577
53	Alnwickhill	6,197	6,231
54	Kaimes	6,121	6,374
55	Moredun	5,969	6,423
56	Gilmerton	5,499	6,428
57	Craigmillar	5,866	6,370
58	Duddingston	6,125	6,422
	Total	358,737	368,104