

Third Statutory Review of Electoral Arrangements

The Moray Council Area

Report to the Secretary of State for Scotland

Local Government Boundary Commission for Scotland

Report Number E98003
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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 The Moray 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 Moray District dated 29 October 1993.

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 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 28 June 1996, The Moray Council acknowledged our decision that 26 electoral wards would provide the appropriate level of representation for its area and considered that it was reasonably confident that a draft scheme would be submitted by 30 September 1996.

The Moray Council's Proposals

22. The Council submitted a scheme of electoral arrangements for 26 wards on 22 November 1996, wrote to all Community Councils (or Community Associations in areas where no Community Councils have been established) seeking their views and published details of its draft proposal in local newspapers asking that representations be made to either the Commission or the Council by 23 December 1996.

23. We noted that the Council was concerned at the need to invoke a review of electoral arrangements so soon after the recent upheavals caused by reorganisation. The Council considered that the review should be delayed in order to give the new arrangements some time to

settle and expressed concern that, at a time of financial constraints, additional costs would inevitably arise from our proposals to increase the number of Councillors from 18 to 26.

24. As a result of the public consultation exercise 13 representations were received and these are set out below. However, for reasons which are set out at paragraphs 34-36 below, we offer no comment on these representations at this point and simply provide a brief summary.

25. Forres and Lennox Community Councils advised that they had no objections to the Council's proposals for electoral arrangements in these areas.

26. Elgin and Lossiemouth Community Councils and Edenvillie Community Hall Council accepted The Moray Council's proposals for their respective areas but objected to the increase in Council size and questioned the need for the review.

27. Craigellachie Village Council objected to the Council's draft scheme because it split the village council area which meant that it would be required to invite 2 councillors to its meetings.

28. Findhorn and Kinloss Community Council objected to the Council's proposals to place Findhorn and Kinloss in separate wards

29. Mosstodloch Amenities Association objected to the Council's draft scheme because its community was placed in the Speyside ward but claimed greater ties with the Lennox or limes areas.

30. One representation suggested an east¹west divide of the Speyside area in order to associate communities which had established links.

31. Findochty Community Council objected to the proposal to associate its community with part of Buckie and Buckie Community Council objected to the further divide of Buckie.

32. The Speyside Council, a voluntary umbrella organisation for all 11 Community Councils in Southern Moray, objected to the placing of Rothes in Ward 17 but added that any protest in relation to this proposal should be lodged by the inhabitants of Rothes. No such protest has been lodged with us.

33. Heldon Community Council objected to the Council's proposals for its area and asked that the existing boundaries remain unaltered.

34. Notwithstanding the representations listed above, our initial examination of the Council's draft scheme led us to conclude that there was significant divergence from electoral parity in a number of areas although there appeared to be no reasons within the statutory rules for such divergence. Therefore, because any changes which we would require to consider could affect the nature of the representations received, we directed officers of the Commission to consult the Council in order to determine whether mutually acceptable revisions, which would remove our concerns regarding electoral parity, could be developed.

35. As a result of meetings and discussions with Council staff and staff of the Assessor and Electoral Registration Office, our officers prepared alternative proposals for The Moray Council Area which more closely complied with the statutory rules concerning electoral parity. As a result, electoral parity in 21 wards in the revised scheme fell within $\pm 5\%$ compared with 10 wards in the Council's scheme. Further, overall divergence from parity ranged between -12% and 6% compared to -12% and 16% in the Council's scheme. In examining the detail of the revised proposals we noted that in many areas the changes proposed had gone some way to meeting those representations which had made specific proposals for change.

36. Our officers were further requested to reconsider their revised proposals for the boundary between Wards 16 and 17 to produce a better balance of electorate between these areas.

Publication of Commission's Provisional Proposals

37. Public notice was given of the publication of our provisional proposals on 8 July 1997. The Moray 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 8 August 1997.

Consideration of Representations

38. The Moray Council and 7 others made representations regarding our provisional proposals:

- **The Moray Council** advised that they were disappointed that we had been unable to adopt its draft scheme as our provisional proposals and submitted a number of revisions to the boundaries and names of wards. After close examination all revisions submitted by the Council, with the exception of its proposals for the boundary between Wards 16 and 17, were accepted. We rejected the Council's proposals for Wards 16 and 17 because we conclude that, primarily, our proposals produce a better balance of electorate in the area and, further, they follow strong, easily identifiable lines.
- **Heldon Community Council** objected to certain changes arising from our review. It specifically objected to the association of a coastal area with Ward 12 and to the splitting of the Community Council Area. We noted, but rejected, these representations because of the adverse impact on electoral parity which would result from any accommodation of them.

- **Cullen and Deskford Community Council and others** requested that Deskford be transferred from Ward 21 to Ward 22. The transfer would involve 165 electors and alter the balance of electoral parity achieved in this area from -1% and -2% to 6% and -8%. However, we concluded that these representations were broadly satisfied by the revisions proposed by The Moray Council which produced acceptable electoral parity figures.
- **Roths Council** noted the proposal to include its community within Mulben and Keith Rural but did not raise any specific objections. Further, it was thought that our proposals for the village of Newmill were odd in that, being a 'suburb' of Keith, it should not be split from the town or divided between two wards. We note that our proposals locate the village in a separate ward from Keith but do not divide the settlement between two wards. In addition, because there were no representations from the electorate of Newmill, we see no advantage in redrawing the ward boundary to associate the village more closely with Keith.
- **Keith Community Council** objected to our proposals on the grounds that they do not, in its view, take account of community ties. No alternatives were offered and, accordingly, we agreed to retain the boundaries in this area as set out in our provisional proposals.
- **Strathisla Community Council** objected to our proposals for its area but offered no alternatives. It was also suggested that the name 'Drummuir' be included in the ward name. In the absence of any alternative proposals we agreed to retain the boundaries as set out in our provisional proposals. We also agreed to retain the ward name proposed by the Council.

Final Recommendation

39. Having conducted the third statutory review of electoral arrangements for The Moray 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 26 members.

40. The designation of the electoral wards that we recommend for The Moray 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

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

Map	Area	Scale
1A&B	The Moray Council Area	1:50,000
2	Forres	1:10,000
3	Elgin	1:10,000
4	Lossiemouth	1:10,000
5	Buckle	1:10,000
6	Keith	1:10,000

Appendix B

The Moray Council Area Proposed Electoral Wards

Number	Name	Electorate	
		1996 (Actual)	2001 (Estimated)
a	b	c	d
1	Elgin - Bishopmill West	2,580	2,633
2	Elgin - Bishopmill East	2,505	2,735
3	Elgin - Cathedral	2,665	2,665
4	Elgin - Central West	2,566	2,671
5	New Elgin West	2,520	2,525
6	New Elgin East	2,637	2,668
7	Forres East	2,651	2,661
8	Forres Central	2,473	2,668
9	Finderne	2,547	2,622
10	Forres West and Altyre	2,360	2,405
11	Burghsea	2,533	2,618
12	Heldon and Laich	2,349	2,362
13	Lossiemouth East	2,451	2,487
14	Lossiemouth West	2,584	2,674
15	Lhanbryde and Birnie	2,341	2,394
16	Innes	2,590	2,628
17	Lennox	2,319	2,375
18	Buckle West	2,634	2,656
19	Buckle Central	2,506	2,589
20	Buckle East and Findochty	2,589	2,683
21	Rathford	2,517	2,540
22	Fife-Keith and Strathisla	2,592	2,610
23	Keith	2,393	2,473
24	Rural Keith and Rothes	2,349	2,368
25	Speyside	2,580	2,644
26	Glenlivet	2,533	2,575
Total		65,364	66,929