

Third Statutory Review of Electoral Arrangements

North Ayrshire Council Area

Report to the Secretary of State for Scotland

Local Government Boundary Commission for Scotland

Report Number E98025
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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 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, 30 electoral wards were appropriate for North Ayrshire 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 Cunninghame District dated 19 August 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 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. North Ayrshire Council wrote to the Commission on 15 July 1996 stating that, whilst it had originally agreed to our proposal that 30 wards were appropriate for its area, it was now aware of representations made to the Commission from South Ayrshire and East Ayrshire Councils which had resulted in an increase in the number of Members proposed for these Councils. North Ayrshire Council was disappointed that it had not been consulted because it had close links with both the other Council areas. On the basis that the formula for the review appeared to have altered as it applied to East Ayrshire and South Ayrshire, the Council would have made representations to increase its elected membership had it been aware of the change. The Council asked if the Commission would consider further representations before commencing the review of boundaries within its area.

22. We wrote to North Ayrshire Council explaining that an additional category of area representation was decided on at our meeting of 17 June, following representations from a number of other Councils. We noted that North Ayrshire Council clearly did not fall within the new category. Whilst we understood that the Council would be disappointed at this outcome we concluded that our decision on the number of Councillors for its area was fair and equitable and

that it would not be appropriate to give further consideration to the matter as North Ayrshire Council suggested.

North Ayrshire Council's Proposals

23. The Council submitted a scheme of electoral arrangements for 31 wards on 30 April 1997. A public notice was placed in local newspapers intimating that the proposals were available for inspection. The Council wrote to all Community Councils to inform them of the consultation arrangements.

24. We noted that our officers had met with Senior Council officials in January 1997 to discuss aspects of the preparation of the Council's draft scheme. At this meeting the appropriate level of representation for the Council area had been raised. Whilst it was the Council's view that its proposed level of representation was disproportionate to the other Ayrshire Councils, Council officials were informed that the Commission considered that 30 wards were appropriate. We remained of the view that the proposed level of representation for the Council area should be 30 members and directed our officers to prepare alternative proposals on that basis.

25. During the period of public consultation we received a number of representations.

26. North Cunninghame Conservative and Unionist Association wrote to say that it was aware of the Commission's decision to allocate 30 wards to North Ayrshire Council area and offered proposals for 16 wards, which it believed created wards of approximate electoral parity, within the constraints of Cunninghame North Parliamentary Constituency

27. The Council wrote to the Commission to say that it had received correspondence from North Cunninghame Conservative and Unionist Association. It believed that the Association had started from the false premise that Polling Districts and Parliamentary Constituencies were relevant considerations. Further, the statistics advanced by the Association related to a 30 ward structure and there was, therefore, no comparison with the Council's scheme which was for 31 wards. In the Garnock Valley area the proposals were to the detriment of both Beith and Dalry. The Council believed that the integrity of the town centres of these settlements should be retained. In relation to Largs, it considered that the proposals did not reflect community ties and that the Council's draft scheme was the most appropriate. The Council believed also that its designation of the wards in Largs was the most appropriate. Whilst the Council welcomed comments from individuals and organisations in relation to boundary proposals, it took issue with a number of the proposals advanced but it did not elaborate further.

28. The Cunninghame, Dairy, Kilwinning and Millport Branches of the NFU Scotland, wrote to say that it had been advised by the local Conservative Association that it intended to offer proposals for electoral wards. The NFU Branches wished to endorse the Conservative Association's proposals.

29. Cunninghame South Conservative and Unionist Association wrote to say that the Council's proposals were based on a presumption that the population across North Ayrshire would uniformly increase by approximately 9%. The Association did not believe that a uniform 9% increase would occur or that the actual population in the area would turn out to reflect the Council's forecast. It considered that only the central areas of Irvine could lose a ward and revised proposals were made with this in view.

30. The Council wrote to the Commission to say that it had received correspondence from Cunninghame South Conservative and Unionist Association. The Council stated that the contention that the population of North Ayrshire would increase uniformly by 9% was demonstrably incorrect. There had been no suggestion that this would be the case. The Association's methodology, which appeared to assume as its starting point the Council's 1996 adjusted ward figures superimposed on further amendments, was bound to lead to a considerable error. There was concern that the proposals did not include any projected building development and such omissions were fundamental to the Council's statistics which were based on projections. Attention was drawn to the omission of electorate who were resident at Ayrshire Central Hospital.

31. We noted that the electoral parity achieved in the 30 ward scheme of electoral arrangements prepared by our officers was acceptable and that boundaries had been suitably defined. We also examined in detail the proposals set out in the representations we had received. Notwithstanding the North Ayrshire Council's comments on the alternatives offered, we were not prepared to adopt these alternatives because of the adverse impact on electoral parity.

32. With regard to ward names, we concluded that any changes suggested should be reconsidered following publication of our provisional proposals.

Publication of Commission's Provisional Proposals

33. Public notice was given of the publication of our provisional proposals on 29 April 1998. North Ayrshire 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 27 May 1998.

Consideration of Representations

34. Six representations were received:

- **The Council** wrote to say that it was disappointed that its proposals for 31 wards had not been accepted. It also submitted alternative proposals for Wards 4, 5 and 9 which the Council believed had greater regard for community links without adversely affecting parity.

We noted the Council's comments and concluded that the revisions offered for Wards 4,5 and 9 should be accepted.

- **Brian Donohoe MP** wrote to say that, in terms of numerical and geographical spread, he believed that North Ayrshire Council should have more than 30 councillors. The Commission's proposals had also introduced an imbalance between the two Parliamentary constituencies in North Ayrshire. He did not believe that the Commission's proposals would create a better formula. Further, merging Irvine with Kilwinning was fundamentally flawed and likely to lead to fairly substantial complaints. We were asked to reconsider our provisional proposals. Mr Donohoe further wrote to say that, having examined the statistics which the Commission used to categorise Council areas, he noted that, of all the Councils in category 3, North Ayrshire had the second highest number of electors per councillor. Further, the classification data was based on the 1991 Census which would be 8 years out of date by the time the proposed boundaries came into effect. The increase in electorate in North Ayrshire would mean also that our proposals would be out-dated by the time they came into effect. In addition, North Ayrshire has the lowest number of people per hectare of all the Councils in category 3 and therefore shared some of the attributes of councils in category 4. For this reason North Ayrshire should receive additional councillors. He noted that the proposed boundaries in Irvine produced the largest wards in the Council area and that this could be resolved by the provision of additional wards. While there was a need for electoral parity, the creation of an Irvine North and Eglinton Ward, which encompassed two substantial sections of unrelated communities, caused considerable resentment amongst his constituents.

We noted the comments regarding the number of councillors for North Ayrshire Council area and concluded that the appropriate level of representation for the Council area was 30 members. With regard to the comments on Parliamentary constituency boundaries, we noted that our proposals did not affect the existing boundaries. We noted also that there had been no public reaction to our proposed Irvine North and Eglinton Ward but that, as stated above, we had agreed to an amendment suggested by the Council.

- Three letters were received which asked that we review our proposals for the South Beach area.

We noted the views expressed but were not prepared to revise the boundaries because of the adverse impact on electoral parity.

- A letter was received which expressed concerns about our proposals for Ward 25, 'West Kilbride' and Ward 26, 'Largs South and Fairlie' on the grounds that the northern hinterland of West Kilbride would have its commercial, educational, religious and other social ties broken. Alternative boundaries were offered which, in the opinion of the correspondent, retained the close affinity with West Kilbride and maintained good electoral parity. We noted that the correspondent had further written to emphasise a number of points regarding community association etc. which, it was claimed, would be broken by our proposals.

We noted that the changes proposed altered the divergence from electoral parity in the wards in question from 5% and 1% respectively in our proposals to 11% and -5% and we were, therefore, not prepared to alter our proposals in this area.

Final Recommendation

35. Having conducted the third statutory review of electoral arrangements for North Ayrshire 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 30 members.

36. The designation of the electoral wards that we recommend for North Ayrshire 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.

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

Map	Area	Scale
1A	North Ayrshire Council Area	1:50,000
1B	North Ayrshire Council Area	1:50,000
2	Largs	1:10,000
3	Kilbirnie, Beith, and Dairy	1:10,000
4	Ardrossan, Saltcoats, Stevenston and Kilwinning	1:10,000
5	Irvine	1:10,000

Appendix B

North Ayrshire Council Area Proposed Electoral Wards

Number a	Name b	Electorate	
		1996 (Actual) c	2001 (Estimated) d
1	Irvine West	3,599	3,868
2	Irvine Townhead	3,501	3,674
3	Irvine Vineburgh and Woodlands South	3,383	3,742
4	Irvine North	3,238	3,712
5	Eglinton and Lawthorn	3,600	3,678
6	Dreghorn	3,768	3,791
7	Irvine Landward	3,415	3,927
8	Bourtreehill	3,721	3,740
9	Woodlands North and Girdle Toll	4,021	3,918
10	Kilwinning East	3,424	3,479
11	Kilwinning South	3,328	3,553
12	Kilwinning West	3,358	3,478
13	Stevenston North	3,650	3,760
14	Stevenston South	3,770	3,841
15	Beith	3,766	3,766
16	Dairy	3,796	3,535
17	Garnock East	3,147	3,636
18	Kilbirnie South	3,350	3,355
19	Kilbirnie North	3,196	3,413
20	Saltcoats East	3,660	3,683
21	South Beach	3,677	3,677
22	Saltcoats North	3,113	3,539
23	Ardrossan South	3,594	3,682
24	Ardrossan North	3,530	3,639
25	West Kilbride	4,436	3,839
26	Lap South and Fairlie	3,435	3,700
27	Largs West and Cumbræ	3,420	3,684
28	Largs East	3,318	3,574
29	Largs North and Skelmorlie	3,269	3,522
30	Arran	3,699	3,699
	Total	106,182	110,104