

REPORT TO: East Lothian Council

MEETING DATE: 27 June 2023

BY: Executive Director for Council Resources

SUBJECT: Response to Boundary Commission Review

1 PURPOSE

- 1.1 To advise Council of the ongoing review of Scottish Parliamentary boundaries and seek approval of a response to be submitted as part of the consultation exercise.

2 RECOMMENDATIONS

- 2.1 To note the Boundary Commission for Scotland consultation on the proposed new Scottish Parliamentary Constituencies.
- 2.2 To approve the response to the Boundary Commission for Scotland as detailed in Appendix 1 to this report

3 BACKGROUND

- 3.1 The Boundary Commission for Scotland (known as Boundaries Scotland) commenced its second review of Scottish Parliamentary constituencies in September 2022. On 17th May 2023, it published its initial proposals, with a period of one month for responses. Given the date of this meeting, officers sought, and were granted, an extension of the deadline for a response to 30th June 2023.
- 3.2 The review is required under the terms of the Scotland Act 1998 and will recommend constituencies, and regions, of similar electorate size while also taking account of local authority areas, special geographical circumstances, maintenance of local ties and any inconveniences caused by the alteration of the existing boundaries. The review of constituencies will cover the 70 mainland constituencies. The constituencies of Na h-Eileanan an Iar (Western Isles), Orkney Islands and Shetland Islands are

protected in legislation and so excluded from this review. The review of the regions will, however, encompass all 73 constituencies at the Scottish Parliament. The overall number of MSPs (129) is fixed in legislation and will not change as a result of this review.

- 3.3 An electoral quota was calculated by dividing the total Scottish electorate (using population figures as at 1st September 2022, the start of the review process) by the number of constituencies with the three island constituencies excluded. Other than the island constituencies, the electorate quota is 59,902. The electorate for the current East Lothian Scottish Parliamentary constituency is 67,523, 13% above the quota of 59,902.
- 3.4 The legislation requires Boundaries Scotland to take account of the following factors when proposing constituency boundaries:
- Local Government area boundaries ‘Rule 1’;
 - Electorate numbers should be as near to the electorate quota as practicable, having regard to Rule 1;
 - Special geographic considerations, including the size, shape and accessibility of a constituency;
 - Inconvenience for constituents and others as a consequence of any changes; and
 - Recognising community ties that might be broken by changes in constituencies
- 3.5 The proposal from the Boundary Commission would see the western part of the current East Lothian constituency, including the remaining parts of Musselburgh, part of the Preston, Seton & Gosford ward area and part of the Tranent, Wallyford and Macmerry ward area, joined with part of Midlothian and part of eastern Edinburgh to form a constituency called Midlothian North and Musselburgh, with an electorate of 55,122. The remainder of East Lothian would form a constituency, still called East Lothian, with an electorate of 59,385. The proposed changes are shown on the maps forming Appendices 2 and 3 to this report.
- 3.6 While this proposal would undoubtedly meet the electorate number requirements, it would be contrary to Rule 1 in the statutory factors that must be taken into consideration by Boundaries Scotland. It would split the existing East Lothian Council area between two constituencies and two Regional constituencies. Just under 30,000 of the East Lothian Council electorate, over a third, would be in the Midlothian North and Musselburgh constituency. The proposed new constituency of Midlothian North and Musselburgh would be the only constituency to have electors from three local authorities, East Lothian Council, City of Edinburgh Council and Midlothian Council. In addition, the towns and villages across the area concerned form cohesive communities and are significant places within the county with Musselburgh and Prestonpans being two of the County’s

main towns. There is no history of a split in this area, as is now proposed and there is no rationale for such a division at this point in the Council area, other than the need to meet the electorate quota. If this proposal is adopted, a number of residents of East Lothian will be in different electoral areas for UK Parliamentary, Scottish Parliamentary and Local Government elections, which may lead to voter confusion and inconvenience.

- 3.7 Whilst the electoral quota is a significant factor, there may be other ways to achieve the desired figure. However, as a consequence of the very short period for consultation responses, officers have not had an opportunity engage with counterparts in our neighbouring authorities. It is hoped that this engagement can take place over the summer as it is likely that they will share concerns over possible voter confusion and the complexities caused by shared polling stations, etc in electoral administration.
- 3.8 A draft response is set out in Appendix 1 to this report. Members are asked to consider the draft response, adding any further comments if required.
- 3.9 Following receipt of responses to these initial proposals, there will be a secondary six-week consultation period, including a number of Public Hearings, which will include publication of all comments received. Should the Council agree to submit a response prior to the extended deadline of 30th June 2023, it will be invited to participate in one of the Public Hearings and it is recommended that it should so do. Following consideration of any evidence received, any revised proposals would be offered for further public consultation with final recommendations submitted to Scottish Ministers by 1 May 2025. If subsequently approved by the Scottish Parliament, the new boundaries will be effective at the next Scottish Parliament election, expected in May 2026.

4 POLICY IMPLICATIONS

- 4.1 If these proposals are accepted, the change in electoral boundaries will have impacts for representation of voters, delivery of elections and for residents, staff and Elected Members engaging with Members of Parliament.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
- 6.2 Personnel - none

6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – draft response to the Boundary Commission
- 7.2 Appendix 2 - Map showing proposed new boundary for East Lothian Scottish Parliamentary Constituency
- 7.3 Appendix 3 – Map showing proposed new boundary for Midlothian North & Musselburgh Scottish Parliamentary Constituency

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Appendix 1

DRAFT RESPONSE TO BOUNDARY COMMISSION FOR SCOTLAND

SECOND REVIEW OF SCOTTISH PARLIAMENT CONSTITUENCIES PUBLIC CONSULTATION INITIAL PROPOSALS: CONSULTATION RESPONSE

I should be grateful if you could treat this letter as East Lothian Council's response to the Commission's initial proposals for the review of the Scottish Parliament Constituencies. As agreed with your office, the deadline for this response was extended to 30th June 2023, to enable it to be agreed at a meeting of East Lothian Council on 27th June. I am grateful to you for your indulgence on this matter.

I note that the proposals represent a significant change for the East Lothian constituency. The proposal that the existing East Lothian Council area and Scottish Parliamentary constituency should be significantly reduced in size, with large parts of the Preston, Seton & Gosford and Tranent, Wallyford and Macmerry Council wards, joining with Musselburgh in the new Midlothian North & Musselburgh constituency. This would break the consistency with the local authority boundary, as required in Rule 1, as set out in Schedule 1 to the Scotland Act 1998.

Given that Rule 1 has supremacy over the other requirements that drive these changes, it is difficult to see how moving over a third of the current East Lothian Council electorate to a new Scottish Parliamentary constituency would be consistent with the statutory requirements.

The Commission's proposals would create, in Midlothian North and Musselburgh, the only constituency in Scotland containing electors from three different local authorities; East Lothian Council, City of Edinburgh Council and Midlothian Council. An MSP elected to Midlothian North and Musselburgh will need to engage with three different local authorities on matters impacting their constituents, which will be a significant challenge.

In addition, these changes would split the East Lothian electorate between two different constituencies and two different Regional constituencies. The ensuing confusion for voters could only have a negative impact on voter engagement at future elections and will cause some significant issues for electoral administration.

Whilst electorate equalisation is a factor to be considered, it is also clear that any changes to Scottish Parliamentary boundaries should not be driven entirely by numbers and that the other statutory considerations should carry some weight. The proposed change to the East Lothian boundary in the west of the county breaks strong community ties, splits a cohesive community between two constituencies, and disregards the geographic, transport, business and community links between the two parts of community it proposes to split between two constituencies.

There is a strong historic and community connection between the towns and villages in the west of the county, with Prestonpans being one of the county's main towns. As a result of new development in the west of the county, the Council has undertaken extensive work with community groups to build a sense of place, including the construction of a new community school campus in Wallyford and this proposal draws an arbitrary line down the middle of the county and the communities that live there.

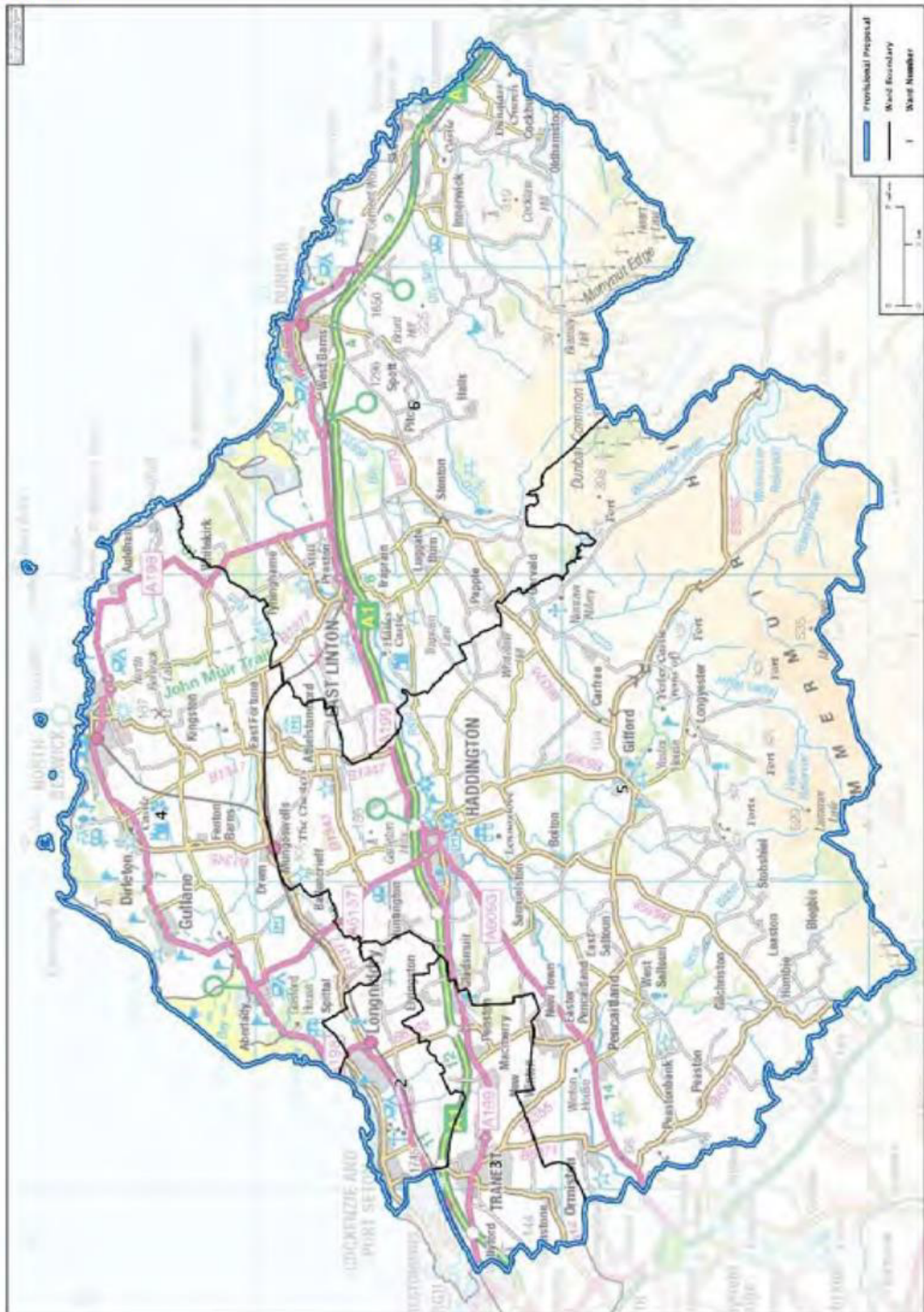
From an administrative perspective, it would be the preference for the East Lothian constituency to be wholly within the Council area allowing a more accurate route to data analysis, a simpler alignment of political representation and avoid any cross-boundary issues in electoral administration.

However, given the population changes and the electoral quota, it is appreciated that there may be a requirement for some change. The short period of time for consultation responses means that we have not had an opportunity to engage with our neighbouring authorities to develop an alternative proposal but it would be the intention of the Council to do so over the coming months.

The Council respectfully requests that this proposal be considered. We also look forward to hearing from you regarding any future public hearing where we can expand on our representations.

Appendix 2

East Lothian
59,385



Appendix 3

Midlothian North and Musselburgh 55,122

