

**REPORT TO:** East Lothian Council

**MEETING DATE:** 28 June 2016

**BY:** Chief Executive

**SUBJECT:** Local Government Boundary Commission – Fifth Review

---

## **1 PURPOSE**

- 1.1 To advise Council of the Recommendations made by the Local Government Boundary Commission (LGBC) to Scottish Ministers on 26 May 2016 as part of the Fifth Statutory Review of Electoral Arrangements and the response thereto sent to the Minister for Parliamentary Business on behalf of East Lothian Council.

## **2 RECOMMENDATIONS**

- 2.1 To note and approve the response to the recommendations of the Local Government Boundary Commission submitted to the Minister for Parliamentary Business on behalf of East Lothian Council on 20 June 2016.

## **3 BACKGROUND**

- 3.1 The Local Government Boundary Commission started its fifth review of electoral arrangements on 21 February. In consultation in April 2014 East Lothian Council opposed the initial proposal to reduce Councillor numbers from 23 to 21 and objected to the use of deprivation as a factor in the methodology employed by the LGBC.
- 3.2 In May 2015, in response to proposals to change ward boundaries necessitated by the reduction in Councillor numbers to 21, the Council maintained its opposition to the proposals and called for the status quo to be maintained.
- 3.3 In the summer of 2015 the LGBC went to public consultation on a new proposal to reduce councillor numbers by only one to 22 and on different ward boundary proposals that the Council had not at that time considered or commented on. The Council raised concerns with the LGBC about this procedural irregularity in October 2015 and called for a local inquiry. In December 2015 the LGBC replied stating that in its view it had complied with the terms of the legislation and that it felt that a local inquiry was unnecessary.

3.4 The LGBC submitted its report and recommendations to Scottish Ministers on 26 May 2016 proposing a reduction in Councillor numbers in East Lothian to 22 and suggesting changes in ward boundaries to accommodate that. A six-week period was given for responses to be made to Scottish Ministers

3.5 The cross-party working group met to discuss the proposals on 14 June 2016 and it was decided that at the Council should maintain its opposition to the current proposal. A letter to that effect was submitted on 20 June 2016 and is attached at Appendix 1 for noting

#### **4 POLICY IMPLICATIONS**

4.1 There are no policy implications associated with this report.

#### **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 Report to Council 22 October 2013

7.2 Report to Council 22 April 2014

7.3 Report to Council 21 April 2015

7.4 Members Library Report 3 June 2015

7.5 Report to Council 25 August 2015

<b>AUTHOR'S NAME</b>	Kirstie MacNeill
<b>DESIGNATION</b>	Service Manager – Licensing, Admin and Democratic Services
<b>CONTACT INFO</b>	<a href="mailto:kmacneill@eastlothian.gov.uk">kmacneill@eastlothian.gov.uk</a>
<b>DATE</b>	21 June 2016



# East Lothian Council

**Our Ref:** KMac/HH  
**Your Ref:**  
**Date:** 20 June 2016

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
Tel 01620 827827

Joe Fitzpatrick MSP,  
Minister for Parliamentary Business,  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Mr Fitzpatrick,

## **Fifth Review of Local Government Electoral Arrangements Final Recommendations for East Lothian Council Area**

I refer to the recommendation that the number of Councillors in East Lothian should be reduced from 23 to 22 and that ward boundaries should consequently be redrawn that has been made to you by the Local Government Boundary Commission (LGBC) in its report of 26 May 2016. I should be grateful if you would note and record that East Lothian Council maintains its strong cross party opposition to the recommendation and urges you to reject the proposal made in the report. It is the whole Council's strongly held opinion that the status quo should be maintained.

You will no doubt be aware that there is widespread general opinion that the methodology adopted by the LGBC when determining Councillor numbers is fundamentally flawed and lacking any evidential basis. As soon as it was aware that deprivation was being used as a factor by the LGBC, this Council challenged that use in submissions it made to the LGBC at the time. This remains the Council's position and I would ask you to note that the LGBC has to date failed to provide any evidence to support its use of deprivation in its methodology despite requests made by East Lothian through a Freedom of Information request for it to do so. This Council also pointed out that the last detailed Survey of Scottish Councillors' Workload carried out by Hexagon Research and Consulting in September 2005 provided no support for the use of deprivation as a factor. It is worth noting that the LGBC has now commissioned its own report into Councillors' workload but that report is not yet available to inform any decision making and has not informed the current process.

In addition, I would ask you to particularly note that it is East Lothian Council's position that the LGBC has breached the requirements of Section 18(2) (aa) of the Local Government (Scotland) Act 1973. That Section requires the LGBC to consult the Council on any proposal for a period of two months before that proposal is then put to public consultation. The legislation also requires that the Commission takes account of any views that the Council might have prior to public consultation. You will see from paragraph 7.2 of the East Lothian report that the LGBC consulted the council on a proposal that there should be 21 Councillors and specific proposals in relation to ward boundaries. It then reconsidered its proposal and launched a public consultation on 22 Councillors with very different ward boundary proposals. This proposal had never been put to the Council. While the LGBC offered the Council the opportunity to further comment as part of the public consultation, it is the Council's view that the terms of the legislation are strict and clear and require separate consultation with the Council before **public** consultation. This matter has been raised with the LGBC and it has replied that "this cannot have been the intention behind the legislation" as it could "result in a potentially open ended process". With respect, there is no ambiguity

in requirements of the Act and it is not open to the LGBC to simply ignore its terms in this way. East Lothian Council was deprived of its right to comment on the proposal and to have its comments taken into account before public consultation. The requirements of the legislation have been breached and any decision based on the recommendation currently made to you is therefore open to challenge.

East Lothian is experiencing increasing levels of population and will have a further 10,000 new homes in the next 10 years as a result of its local plan. The Council requires sufficient Councillors to provide effective administration, opposition and scrutiny. This is achieved at the moment with the current number of Councillors but is threatened by the proposed reduction in the number of Councillors.

In East Lothian there was full cross party support at the time of the last review in 2004 and the Council concluded that the best way to reflect "natural communities, identifiable boundaries and local ties" was to use existing Community Council boundaries. These boundaries have existed since 1976 and were based on historic parish boundaries. School catchment areas were also largely reflected in those wards and importantly the recently formed Local Area Partnerships also follow these boundaries. The public is very comfortable with the existing ward boundaries that are natural to them. There would be inevitable disruption and inconvenience to the Council's many partner agencies should there be a redrawing of ward boundaries as proposed. The current proposals will result in breaking established ties and will lead to communities with no existing connection being "lumped together" without adequate justification cutting across previous advice from the LGBC and going against its current criteria. These proposals will lead to a complete redrawing of how the Council carries out its business and will involve considerable time effort and expense. The proposals cut across the Community Empowerment Act to which the Government is committed.

It is worthy of note that in East Lothian opposition from members of the public and community groups in the two public consultations held by the LGBC has been overwhelming in its opposition. Indeed the response in East Lothian to the first public consultation was the highest from any Council area and in relation to the Second was amongst the highest five Councils. Given that East Lothian is one of the smaller Council areas that fact in itself demonstrates the strength of feeling against the proposals in the wider community.

The Councillors of East Lothian are united in opposition to the LGBC proposals and with one voice together respectfully call on you to reject the proposals put forward by the LGBC and to retain the status quo in East Lothian.

Yours sincerely



**KIRSTIE MacNEILL**  
**Service Manager – Licensing, Administration and Democratic Services**  
**Licensing, Administration and Democratic Services**

**Legal Post: LP – 4, Haddington**  
**Direct Dial: 01620 827164**  
**Direct Fax: 01620 827253**  
**e-mail: [kmacneill@eastlothian.gov.uk](mailto:kmacneill@eastlothian.gov.uk)**