

## Members' Library Service Request Form

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Originator	Morag Ferguson
Originator's Ref (if any)	
Document Title	Local Government Boundary Commission Review

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Additional information:

Authorised By	A Leitch
Designation	Chief Executive
Date	9 December 2016

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**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Local Government Boundary Commission Review

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## **1 PURPOSE**

- 1.1 To inform Members of the decision not to proceed with a Judicial Review of the decision of Scottish Ministers to accept the LGBC's recommendation following the 5<sup>th</sup> Review of Councillor numbers and boundary arrangements as these apply to East Lothian.

## **2 RECOMMENDATIONS**

- 2.1 To note the decision of officers, acting under delegated authority, not to proceed with a Judicial Review of the Scottish Ministers' decision to accept the LGBC's recommendation to reduce Councillor numbers in East Lothian from 23 to 22 with a consequential change to ward boundaries, following further detailed legal advice and taking account of timescales and prospects of success for such an action.

## **3 BACKGROUND**

- 3.1 At its meeting on 25<sup>th</sup> October 2016, Council delegated authority to officers to pursue a possible Judicial Review of Scottish Ministers' decision to accept the recommendations of the LGBC's 5<sup>th</sup> review of local authority ward boundaries as these applied to East Lothian. In delegating such authority, Council noted that officers would continue to take account of legal advice, cost and risk.
- 3.2 At the time of taking their decision, Council was informed that Junior Counsel had advised that there was a basis for a legal challenge in this matter and that, whilst the outcome was by no means certain, the Council's objections to this process were likely to be sufficiently robust to enable a case to be presented to the Court of Session. He also advised that it might be likely that the Court would issue an order in this matter by January 2017.

- 3.3 Subsequently, officers met with Senior Counsel who had been asked for his opinion on this matter. In light of his opinion on this matter, both in respect of prospects of success and the likely timescale for any court decision, the Chief Executive took the view that the possible cost and operational risk to the Council now outweighed the prospects of success and determined not to progress matters further.
- 3.4 Arrangements are now underway to organise the local government election in accordance with the new ward boundaries.

**4 POLICY IMPLICATIONS**

- 4.1 None

**5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The cost of the legal opinions received from both Junior and Senior Counsel is £4950 plus VAT. This liability can be met from within the existing budget of Council Resources.
- 6.2 Personnel - None
- 6.3 Other - None

**7 BACKGROUND PAPERS**

- 7.1 Council Report – 22 April 2014
- 7.2 Council Report – 21 April 2015
- 7.3 MLS Report – 3 June 2015
- 7.4 Council Report - 25 August 2015
- 7.5 Council Report – 25 October 2016

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<b>DATE</b>	9 <sup>th</sup> December 2016

