

FALKIRK COUNCIL

Subject: LOCAL GOVERNMENT BOUNDARY COMMISSION FOR
SCOTLAND: FIFTH REVIEW OF ELECTORAL ARRANGEMENTS
Meeting: FALKIRK COUNCIL
Date: 13 MAY 2015
Author: CHIEF EXECUTIVE

1. INTRODUCTION

- 1.1 The Local Government Boundary Commission for Scotland (“the Commission”) is required to review periodically all local government areas for the purpose of considering whether there should be a change in electoral arrangements for any area. The purpose of this report is to seek the views of Council on the Commission’s recommendations for the Falkirk Council area as part of their fifth review of electoral arrangements.

2. BACKGROUND

Electoral Reviews

- 2.1 Electoral reviews are carried out in terms of the Local Government (Scotland) Act 1973, section 13 of which requires any proposals for change to be desirable in the interests of effective and convenient local government. When considering whether to make recommendations, the Commission must take into account criteria set out in the Act. In accordance with schedule 6 to the Act, the Commission must observe the following rules:
- (a) the number of electors should be, as nearly as possible, the same in each ward having regard to any change in the number and distribution of electors likely to take place within the following five years, and
 - (b) subject the requirement in (a), regard must be given to:-
 - (i) the desirability of fixing boundaries which are and will remain easily identifiable; and
 - (ii) any local ties that would be broken by the fixing of a particular boundary,with criterion (ii) taking precedence over (i).
- 2.2 The Commission embarked on its fifth review of electoral arrangements in early 2014, the review prior to that having been carried out in 2006. The Commission has focused its current review on making recommendations with regard to the following matters:-
- the total number of councillors to be elected to a Council;
 - the number of boundaries and wards;
 - whether 3 or 4 councillors should be elected for each ward; and
 - the name of each ward.

Methodology

- 2.3 When setting out its review methodology in early 2014, the Commission said it would categorise council areas based on deprivation and population distribution. This is a departure from previous reviews which looked only at density and distribution of population, and from indications coming out of the early consultation process in 2011/12. It wasn't until late 2013 that the Commission started to discuss replacing density as a factor with deprivation, the Commission stating its belief that "population dispersal is still an important factor when determining councillor numbers but we also believe that deprivation is a reasonable indicator for a range of factors that impact on council services and on the work of councillors".
- 2.4 While the Commission's methodology and, in particular, introduction of the deprivation criterion, was challenged by a number of consultees, including CoSLA, the Commission's position remains unchanged.

Councillor Numbers

- 2.5 For the purpose of determining the ratio of councillors to electors, the Commission has divided the 32 local government areas in Scotland into 5 categories based on the criteria mentioned in paragraph 2.3 above i.e. population size and distribution, and deprivation. The range of electors to councillors extends from 800 to 3,800 with the Falkirk Council area falling within the highest ratio at 3,800, an increase of 300 electors per councillor from the 3,500 figure applying previously. Councils within that band are identified as having "less than 30% of the population living outwith settlements of 3,000 or more and less than 15% of the population living in the most deprived areas". Other Councils in the same banding include West Lothian, East Dunbartonshire and Fife.
- 2.6 The Commission has also determined the minimum and maximum numbers of councillors for effective administration. The minimum number remains at 18, consistent with the floor set in the third review in 1998, while the cap has been increased from 80 to 85 largely to reflect what the Commission has identified as a need to increase the number of councillors in Glasgow City Council to reflect its high levels of deprivation.

Consultation

- 2.7 Members may recall the Commission consulting with councils in 2011 on their proposed methodology. At that time, as noted above, deprivation was not an identified criterion. Subsequently, in the spring of 2014, the Commission consulted councils again on councillor numbers, this time using their new methodology. Under this methodology, Falkirk Council was allocated 30 councillors, down from the current 32, based on the electorate in September 2013 of 114,031 and a ratio of electors to elected members of 3,800.
- 2.8 A response was issued from the Council to the Commission in March 2014 (attached at appendix 5), stating that we did not wish to see the number of councillors in Falkirk reduced and that the ratio of electors to councillors should remain at the 3,500 figure which had been used in the fourth review of electoral arrangements which brought in multi-member wards. This would, in fact, have given Falkirk 33 councillors because of our growing population. If that was not acceptable, however, then we wished to see the number of councillors remain at 32.

3. PROPOSALS FOR FALKIRK COUNCIL

- 3.1 The Commission published its proposals for wards in Falkirk (attached at appendix 6) on 19 March 2015 (and I copied them to all Group Leaders on the same date) with a consultation period of two months concluding on 19 May 2015. A further 12 week

consultation with the public on the proposals will take place later in the year once the Commission has considered the Council's response to this stage of the consultation process. A final report to Scottish Ministers is expected to be submitted in 2016 with the new wards coming into effect in time for the local government elections in May 2017.

- 3.2 The Council's 2014 arguments to maintain the status quo have not been accepted and the ward boundary proposals continue to be based on 30 councillors divided among 9 wards, shown in the table below. Paragraph 22 of the consultation document summarises the intention of the Commission's proposals for Falkirk as:

- improving overall forecast parity;
- addressing forecast disparities in ward 2 (Grangemouth);
- reducing the number of councillors by 1 in each of wards 2 (Grangemouth) and 7 (Falkirk South);
- making changes to the ward boundaries in Falkirk town and Skinflats;
- making no changes to wards 1, 3, 5, 8 and 9;
- making no changes to ward names; and
- adopting the Forth and Clyde Canal, the River Carron and a railway line as easily identifiable boundaries.

3.3 Boundary Commission Ward Proposals

Ward	No of councillors	September 2013 electorate	Actual variation from parity	Forecast electorate 2019	Forecast variation from parity
1 Bo'ness and Blackness	3	11,476	1%	11,526	-1%
2 Grangemouth	3	12,298	8%	12,101	4%
3 Denny & Banknock	4	13,797	-9%	14,694	-5%
4 Carse, Kinnaird & Tryst	4	14,925	-2%	15,601	0%
5 Bonnybridge & Larbert	3	11,938	5%	11,975	3%
6 Falkirk North	4	14,964	-2%	15,195	-2%
7 Falkirk South	3	12,455	9%	12,432	7%
8 Lower Braes	3	10,696	-6%	11,117	-5%
9 Upper Braes	3	11,482	1%	11,975	3%
Total	30	114,031	5%	116,616	3%

A map showing the proposed boundaries is attached at appendix 1.

Parity

- 3.4 When setting out its approach to the review, the Commission highlighted that one of its aims was "to ensure a good level of electoral parity: each elector's vote within a council area should be of equal worth." This links to the statutory criterion mentioned in paragraph 2.1(a) above. Parity is worked out at a ward and a Council level. In the table above, "parity" is calculated by dividing the total number of electors by the number of councillors. So, an electorate of 114,031 (based on 2013 figures) divided by 30 councillors gives a Council level "parity" figure of 3,801 electors per councillor, rising to 3887 per councillor when calculated with regard to the 2019 forecast figures.

- 3.5 In a 4 person ward that equates to 15,204 electors (rising to 15,548 in 2019) and, in a 3 person ward, it equates to 11,403 electors (rising to 11,661 in 2019). The references in the table to "variations from parity" are therefore by reference to these figures. For example, the electorate in Bo'ness is currently slightly above the 3 person ward parity figure by 73

electors (c.1%) but, with a slightly slower growth in electorate than other wards adding only another 50 electors by 2019, the ward will then be just below parity by around 130 electors (c.-1%).

- 3.6 The Commission has stated that it will only “recommend wards that do not provide a good level of electoral parity if we are satisfied, based on good evidence.....that such recommendations represent the most effective way of meeting the statutory criteria” and that it “will be seeking to achieve ratios as close as possible to the authority average in every ward. The further such measures get from the average for the authority, the stronger the evidence of other considerations we take into account will need to be.”

Ward Changes

- 3.7 The Commission’s proposals result in no change from the current scheme in the following wards:

- 1 - Bo’ness and Blackness
- 3 - Denny and Banknock
- 5 - Bonnybridge and Larbert
- 8 - Lower Braes
- 9 - Upper Braes

- 3.8 Where the changes do arise are in Wards 2 (Grangemouth), 4 (Carse, Kinnaird and Tryst), 6 (Falkirk North) and 7 (Falkirk South).

Wards 2 and 4

- 3.9 The Commission proposes that Ward 2 (Grangemouth) is reduced from its current position as a 4-member ward to a 3-member ward, with the village of Skinflats and its surrounding rural area being transferred from Ward 2 to Ward 4 (Carse, Kinnaird and Tryst).

Wards 6 and 7

- 3.10 In the town of Falkirk, the Commission proposes to reduce the overall number of councillors from eight to seven. Ward 6 (Falkirk North) would retain four members while in Ward 7 (Falkirk South) the number of councillors would be reduced from four to three. In order to accommodate that change, the boundary between the two wards would be changed so that the Camelon area would move from Ward 7 into Ward 6, while the area of the town centre and Callendar Park which lies south of the Stirling to Edinburgh railway would be transferred from Ward 6 to Ward 7.
- 3.11 According to the Commission, these proposals would enable the worsening over-representation in Wards 2 and 7 to be addressed and provide an over-representation in Ward 3 which is forecast to experience the greatest growth in the Council area.

4. THE COUNCIL’S RESPONSE

- 4.1 The Council is now required to consider its response to the Commission’s proposals. A variety of options arise, however it should be noted that, if the Council decides to object to the current proposal, we are requested to accompany our objections with alternative proposals which take account of the statutory requirements for ward boundaries and any consequences on the council area as a whole.

Option 1 – Accept the Proposals

- 4.2 The Commission’s proposals could be accepted as they stand or Council may wish to consider alternative proposals for a 30 member scheme. However, given that the

Commission's 30 member scheme leaves five out of nine wards unchanged and the current ward scheme is generally as satisfactory as could be expected from the numbers of electors in different areas and our geography, the only areas where alternative proposals could be considered are in the wards where the Commission is already proposing changes to the current scheme.

- 4.3 Looking at the figures for the Grangemouth area, it is clear that the number of electors is falling and is likely to continue to do so. On the current (September 2013) figures, the Grangemouth ward would only be entitled to 3 councillors in a 30 ward scheme. Moving Skinflats to Ward 4 (Carse, Kinnauld and Tryst) increases the electorate in that ward which is currently slightly below parity for a 4-member ward (although it is forecast to achieve parity in 2019) and reduces it in a ward which is above parity for a 3-member ward (Grangemouth). While this results in an improvement to the overall parity of the scheme, and may therefore suggest that it benefits the elector, leaving Skinflats where it is currently would still meet legislative requirements.
- 4.4 An alternative 30 member option for Falkirk would be still to divide the town into a 3-member and a 4-member ward but in a different way to the current proposal. While the Commission's proposal has the merit of meeting parity requirements and providing clear boundaries by using the canal and railway line, it could be argued that Camelon does not have very strong connections with the rest of the Falkirk North ward area and that the new boundary splits the town centre to the detriment of local ties.
- 4.5 The Commission itself considered an alternative proposal for Falkirk town at its meeting in October 2014. This involved extending the boundary of Ward 6 (Falkirk North) south down Maggie Woods Loan to the Glasgow-Edinburgh railway line and also following the southern boundary of Callendar Park. The small area bounded by Westburn Avenue, the canal, Camelon Road and Maggie Woods Loan would transfer from Ward 7 (Falkirk South) to Ward 6 (Falkirk North). A map showing this proposal is shown in Appendix 2.

Option 2 – Status Quo

- 4.6 In the light of the Council's previously stated view, Members may wish to respond to the Commission by rejecting any proposal based on 30 councillors and stating that it wishes to retain the Council's current representation of 32 councillors for the reasons set out in the consultation response last year (appendix 5) or, indeed, to press for an increase to 33, based on our growing population. In summary, the Council has a continually rising population which is due to reach 116,615 in 2019; there is insufficient evidence to support the argument about increased workload being linked specifically to areas of deprivation; the survey of councillors across Scotland about their workload hasn't yet published its findings and, with regard to Grangemouth, it features bespoke issues for its community in the medium to long term having regard to its particular industrial base. When assessed against the Commission's current methodology, and its view of the arguments expressed last year, this option may be thought to have limited chances of success but could nevertheless be advanced.
- 4.7 Unfortunately, the current 32 member ward scheme does not meet the parity (+/-10%) now required by the Commission and so further changes to current ward boundaries would require to be made to accommodate a scheme of 32 or 33 members if the 3,800 figure continues to be used. This would impact on wards 2, 4, 5, 6 and 7. While there hasn't been time to date to produce alternative proposal(s) that may bolster this option, that could be done if Council wishes to take it forward.

Option 3 – 31 Members

- 4.8 Council may wish to consider a compromise proposal based on 31 elected members. It is noted that the Commission itself considered such an alternative proposal for Falkirk at its meeting in October 2014, albeit it wasn't adopted. It still involved a reduction in the number of councillors in Ward 2 (Grangemouth) from four to three and the same boundary change between Wards 2 and 4 affecting Skinflats but retained 2 four members wards in Falkirk. It also involved a change in the boundary between Wards 6 and 7 although it should be noted that both wards would be on the small side for 4-member wards. Nevertheless, they would be within the parity range. Under this suggestion, the boundary between the two wards would move the area bounded by Westburn Avenue, the canal, Camelon Road and Maggie Woods Loan from Ward 6 to Ward 7. A map showing this proposal is given as Appendix 3.
- 4.9 Tactically, Council may wish to consider proposing a scheme based on the current number of elected members, with the 31 member model as the strongly argued fall back option but still suggesting an alternative 30 member scheme in the event that the Commission finds itself unable to agree to a larger number of members in the Council area.

Other responses

- 4.10 In formulating its response, Council may also wish to consider the following issues.

Previous Consultations

- (a) It is unfortunate that the Commission has chosen to ignore the Council's response to the previous consultation and indeed has not given us the courtesy of a formal reply to our comments. It may be worth making this point in our response to the Commission.

Timescale

- (b) The timescale of two months in which to submit a response to the proposals has been extremely tight and the fact that it has coincided with the period of the general election has made it doubly difficult both for officers who have been involved in running the election and for members who have been involved in campaigning. It may be considered that there has been insufficient time to properly consult and consider our response, especially in relation to working up alternative proposals and consulting Members on these.

While this stage of the Commission's consultation process ends on 19 May, the Commission has acknowledged the pressures arising from the general election timing and has indicated that it will hear requests for an extended deadline although they emphasise that their timetable is very tight. As there is much to consider in the proposals and in this report, Council may therefore wish to consider seeking an extension to the deadline for that purpose.

Electorate

- (c) As Council may be aware, there was a substantial increase in the electoral roll in the run up to the Scottish Independence Referendum in September 2014. While the roll has dropped slightly since then, the latest published figures relating to March 2015 show an electorate of 116,050 which is 2,000 more electors than have been included in the figures for this review. 116,050 electors would give Falkirk 31 councillors based on a ratio of 3,800 electors per councillor. This electorate figure is close to the forecast electorate of 116,615 in

2019 which the Commission has also used in its considerations to show areas where the electorate is likely to increase or decrease in the next few years. We might therefore expect the 2019 forecast to be higher than given in the consultation documents. Council may therefore wish to make representations to the Commission regarding the electorate figures used for the review. Using a higher electorate figure could mean at least one additional councillor.

Judicial Review

- 4.11 Council should also be aware that a number of other councils across Scotland are unhappy about the proposals which have come from the Commission for their areas and, in particular, with the way in which the Commission has operated during the review process and the use of deprivation as a variable in the methodology for classifying councils. Consideration is being given by at least one council to judicial review. Falkirk Council is not currently involved in this process but officers have been kept informed. Council may wish to consider how to respond to any formal approach from other councils to be involved in such a review by delegating authority to me, in consultation with the Leader of the Council and the Leader of the Opposition, to join in any such action should it be to the benefit of the Council.

Boundary Anomaly

- 4.12 Given that the Commission's proposals leave the majority of the Council's existing wards unchanged, there is an anomaly in the boundary between Ward 4 (Carse, Kinnaird and Tryst) and Ward 5 (Bonnybridge and Larbert) which requires to be removed. The boundary between these two wards in the area of Carronvale Road, Larbert was fixed to follow the eastern rear curtilage of the properties in Carronvale Road. Subsequent to that boundary being fixed, a small number of new properties were built to the rear of No 33 Carronvale Road. These properties have been built within Ward 4, but the remaining properties in Carronvale Road lie in Ward 5. As a consequence, a separate Polling District has had to be created for these properties which causes some administrative problems in ensuring that all electors vote in the correct ward.
- 4.13 It is therefore proposed that the boundary between Ward 4 (Carse, Kinnaird and Tryst) and Ward 5 (Bonnybridge and Larbert) is changed from following the rear curtilages of the properties in Carronvale Road to following the line of the How Burn which lies in the park behind Carronvale Road. This will in fact align the ward boundary with the boundary of the Scottish Parliamentary Constituencies of Falkirk East and Falkirk West which follow the How Burn in this area. This change is illustrated in the map in Appendix 4.

5. NEXT STAGES OF THE REVIEW PROCESS

- 5.1 After the two month consultation period with councils ends, the Commission will consider the representations made and then conduct a further 12 week public consultation on their proposals for wards between July and October 2015. Depending on the outcome of that consultation, the Commission may further develop and consult on their proposals later in 2015. The Commission expects to submit its final recommendations report to Scottish Ministers by May 2016 so that the new boundaries can come into effect for the Council elections to be held in May 2017.
- 5.2 All comments received in response to this consultation will be available on the Commission's website in due course.

6. RECOMMENDATIONS

- 6.1 Council is requested to determine whether it wants to respond to the Local Government Boundary Commission's proposals based on the information provided within this report or whether it wishes to request an extension to the timescale for making that response. If the former, Council is requested:

6.1.1. to decide which, if any, of the following responses it wishes to make:-

- (i) accept the Commission's proposals for a scheme of 30 wards as set out in their consultation document.

OR

- (ii) propose an amendment(s) to the Commission's 30 ward scheme.

OR

- (iii) reject the Commission's proposals for a 30 member scheme of wards for the Falkirk Council area and request that the number of councillors remain at 32, or increase to 33 based on a ratio of 3,500 electors per councillor and that a scheme based on these numbers should be prepared for submission to the Commission.

OR

- (iv) propose an alternative compromise scheme for 31 members as set out in the map in Appendix 3.

6.1.2 to endorse the following additional representations to the Commission as set out in this report on:

- (i) the Commission's response to the previous consultation on councillor numbers;
- (ii) the timetable for the consultation; and
- (iii) the electorate figures used in the consultation.

- 6.2 Council is also requested to consider delegating to the Chief Executive, in consultation with the Leader of the Administration and the Leader of the Opposition, authority to conjoin in any action for judicial review of the Commission's decision making and process if it is considered that this would be in the interests of Falkirk Council.

- 6.3 Whichever of the above responses in para 6.1.1 is decided upon, Council is requested to authorise officers to inform the Commission of the anomaly in the boundary between Ward 4 (Carse, Kinnauld and Tryst) and Ward 5 (Bonnybridge

and Larbert) in the Carronvale Road area and to ask the Commission to amend the boundary between these two wards to reflect the reality on the ground.

- 6.4 Council is requested to note that that further update reports will be submitted to Council as the Review progresses.

.....
Chief Executive

Date: 11 May 2015

LIST OF BACKGROUND PAPERS

1. Response to LGBC on consultation on methodology for determining councillor numbers 2011
2. LGBCS Fifth Review of Electoral Arrangements Guidance Booklet
3. LGBCS Paper 2241 dated September 2014
4. LGBCS Paper 2276A dated February 2015
5. LGBCS minutes of meeting held on 3 February 2015

Any person wishing to inspect the background papers listed above should telephone 01324 506076 and ask for Rose Mary Glackin.