
NORTH AYRSHIRE COUNCIL

21 June 2023

North Ayrshire Council

Title:	Boundaries Scotland: 2023 Review of Scottish Parliament Boundaries
Purpose:	To advise Council of the Boundaries Scotland's 2023 Review of Scottish Parliament Constituency Boundaries.
Recommendation:	That Council a) notes the Boundaries Scotland's 2023 Review of Scottish Parliament Constituencies and that the proposals for the alteration of the constituency boundary for Cunningham South; (b) considers and agrees the proposed consultation response and c) agrees to receive further updates as the Review progresses.

1. Executive Summary

- 1.1 Boundaries Scotland began its 2022 Review of Scottish Parliament Constituencies in September 2022 and has now published proposals. There are 73 constituencies in Scotland, each of which returns a single MSP. In addition, there are eight regions for Scotland, each region returning seven MSPs from the list. The review does not affect the number of constituencies, regions or the number of MSPs.
- 1.2 To ensure electoral fairness as far as possible, each constituency in Scotland should have an electorate as near as possible to the “electoral quota”, which has been set at 59,902 electors. This provision does not apply to the “protected” constituencies of Na h-Eileanan an Iar (the Western Isles), Orkney Islands and Shetland Islands.
- 1.3 The Commission published its initial proposals for a 4-week consultation on 17 May 2023. There are changes proposed to the existing Cunningham South boundary. There are no changes proposed to Cunningham North. The proposals for Cunningham South would result in the incorporation of part of Kilmarnock and Irvine Valley constituency into the Cunningham South constituency.
- 1.4 Council is invited to consider the draft response to the consultation contained in Appendix 1. Thereafter, it is likely that a local inquiry will be held and final proposals will thereafter be produced for further consultation. Boundaries Scotland will submit final recommendations to the Scottish Parliament by 1 May 2025.

2. Background

- 2.1 Boundaries Scotland (formerly the Local Government Boundary Commission for Scotland) is an independent advisory non-departmental public body which is responsible for reviewing and making recommendations for constituencies and regions of the Scottish Parliament; the number of Councillors on each Council in a local government area; the number of wards for local government elections and their boundaries; and the extent of Council areas.
- 2.2 The current consultation relates to the boundaries of constituencies of the Scottish Parliament. A further consultation will be issued later this year in relation to the boundaries of the regions in respect of which “list” MSPs are returned to the Scottish Parliament.
- 2.3 The boundary extent of Scottish Parliamentary constituencies have been unchanged since 2011 and have been used in the 2011, 2016 and 2021 Scottish Parliament elections. This review is required by the Scotland Act 1998 to ensure that there is fairness in electoral representation across all constituencies in Scotland, through having a similar electoral number, with the exception of the constituencies of Na h-Eileanan an Iar (the Western Isles), Orkney Islands and Shetland Islands which have special status. The Review requires to take account of changes in population size and distribution.
- 2.4 There are 73 constituencies in Scotland, each of which returns a single MSP. In addition, there are eight regions for Scotland, each region returning seven MSPs from the list. The review does not affect the number of constituencies or regions or the number of MSPs.
- 2.5 The review is based on the electorate in the electoral register on 1 September 2022. The average electorate quota of each Scottish constituency has been set at 59,902 – “the electorate quota”. This is calculated by dividing the total electorate of Scotland (less those in the protected constituencies) and dividing that number by 70 (the number of constituencies) which results is the average electorate of 59,902.
- 2.6 It is proposed that 21 constituencies will remain unchanged, 26 will retain their name but have their boundaries changed and which include Cunningham South and Kilmarnock and Irvine Valley and there will be 25 new constituencies with a new name and boundary extent.
- 2.7 Boundaries Scotland considers several factors when determining constituencies incorporating geographical considerations, which include the size, shape, and accessibility of a constituency; boundaries of council areas and electoral wards; electoral quota; and any local ties which would be broken by changes in constituencies.
- 2.8 The Commission published its initial proposals for an 4-week consultation on 17 May 2023. There are changes proposed to the existing Cunningham South boundary. There are no changes proposed to Cunningham North. The proposals for Cunningham South would result in the incorporation of part of Kilmarnock and Irvine Valley constituency into the Cunningham South constituency. The Council has been given an extension for submission of a consultation response to enable consideration of the response by full Council at its meeting on 21st June.

- 2.9 The Council has supported Boundaries Scotland in publicising their initial proposals via Press Releases to the local media and by sharing these via our Corporate and Communities social media channels.
- 2.10 It is proposed that the boundaries of Cunningham South and Kilmarnock and Irvine Valley will change to the effect that the boundary of Cunningham South will extend into East Ayrshire as shown on the map annexed at Appendix 2. The existing boundary of Cunningham South is shown on the map annexed at Appendix 3. This would result in Cunningham South having an electorate of 62,113 (+3.7% variation) and Kilmarnock and Irvine Valley having an electorate of 54,297 (-8.3% variation). The current position is that Cunningham South contains 51298 (-14% variation from electoral quota) and Kilmarnock and Irvine Valley 65742 (+10% variation).
- 2.12 The Council has been invited to comment on the proposed changes and the draft response is contained at Appendix 1. The response covers the following points:
- The proposal will result in the constituencies of Cunningham South and Kilmarnock and Irvine Valley not being fully aligned to local and well established community boundaries.
 - The proposal is out of step with the localities approach. The areas of the Kilmarnock and Irvine Valley constituency which are proposed for inclusion within Cunningham South have generally no natural ties with Cunningham South, having been part of the administrative area of Kilmarnock for some time. They are served by East Ayrshire Councillors and use East Ayrshire services. The proposal breaks existing ties between East Ayrshire Communities.
 - When a whole constituency sits within North Ayrshire this facilitates the seamless running of elections. It provides clarity to North Ayrshire voters that both candidates and ultimately the elected constituency MSP are focused on serving the population of North Ayrshire. Boundaries also fit with Locality Planning areas.
 - The Scottish Parliamentary election in East Ayrshire would be organised by different Councils. This could be of particular concern where a Polling Place serves two constituencies.
 - The proposal would increase the administrative burden on North Ayrshire Council of running the election. Election office staff would need to become acquainted with polling districts and polling places in East Ayrshire and have the necessary arrangements put in place. We would require to augment our staffing levels to facilitate this process which would increase the cost burden on running the election.
 - There could be voter confusion and a lower voter turnout from Kilmarnock and Irvine Valley voters due to concerns about the rationale for the change, receiving communications from another local authority and concern about whether their interests will be fully represented by an MSP whose constituents are, in the main, from another local authority area.

- That whilst we would prefer the constituency boundary of Cunninghame South to remain as it is, taking into account the legislative provision for equality of electorate numbers, it is suggested that the polling districts of Kilmaurs and Fenwick and Waterside are retained within the Kilmarnock and Irvine Valley constituency to bring the number of electors in Cunninghame South more in line with the quota. This would mean that the electorate would be 59,691 in Cunninghame South and 57,349 Kilmarnock and Irvine Valley, meaning a more equitable split of the electorate.
- Comment on the application of the legislative rules.

2.13 In terms of next steps, Boundaries Scotland will consider responses and if required, hold local inquiries. Thereafter, subsequent proposals will be published for further consultation. A final report on proposals will be submitted to Scottish Ministers by 1st May 2025.

3. Proposals

3.1 That Council a) notes Boundaries Scotland's 2023 Review of Scottish Parliament Constituencies and the proposals for the alteration of the constituency boundary for Cunninghame South; (b) considers and agrees the proposed consultation response and c) agrees to receive further updates as the Review progresses.

4. Implications/Socio-economic Duty

Financial

4.1 There are no financial implications arising from this report.

Human Resources

4.2 There are no human resource implications arising from this report.

Legal

4.3 There are no legal implications arising directly from this report.

Equality/Socio-economic

4.4 There are no equality/socio-economic implications arising directly from this report.

Environmental and Sustainability

4.5 There are no environmental/sustainability implications arising directly from this report.

Key Priorities

4.6 There are no implications for key priorities arising directly from this report.

Community Wealth Building

4.7 There are no community wealth building implications arising directly from this report.

5. Consultation

5.1 Consultation has taken place with the Electoral Registration Officer for Ayrshire and East Ayrshire Council.

**Aileen Craig
Head of Service (Democratic)**

For further information please contact **Aileen Craig, Head of Service (Democratic)**, on **(01294) 324125**.

Background Papers

Boundaries Scotland's full initial proposals are available at [Second Review of Scottish Parliament Boundaries | Scottish Boundary Commission](#)

Appendix 1

Thank you for the opportunity of responding to Boundaries Scotland's initial proposals for amending Scottish Parliamentary Boundaries. The Council's response relates to the impact of the current proposals on the organisation of elections for the Scottish Parliament in relation to the Cunningham South and Kilmarnock and Irvine Valley constituencies and the possible impacts for voters and candidates.

The current position is that there are two constituencies in North Ayrshire fully aligned to the Council and locality areas. The proposals, would result in there being:

- one constituency fully aligned to local and well-established community boundaries and
- one constituency covering areas of both North and East Ayrshire Councils and therefore not tied to traditional and establish locality boundaries.

Whilst noting the provisions on electoral quota, the alignment of these existing constituencies to their respective Council areas is advantageous for both elected representatives and the electorate alike. The current provision pays due regard to locality boundaries, local ties and identity. Locality Planning areas are key in delivery of services to the diverse communities of North and East Ayrshire and the proposal to split off part of the Kilmarnock and Irvine Valley constituency from those areas albeit for representation in the Scottish Parliament is out of step with the localities approach. The areas of the Kilmarnock and Irvine Valley constituency you propose to amalgamate within Cunningham South have no natural ties with Cunningham South, having generally been part of the administrative area of Kilmarnock. They are served by East Ayrshire Councillors and use East Ayrshire services. The proposal breaks existing ties between East Ayrshire Communities.

When a whole constituency sits within North Ayrshire, this facilitates the seamless running of elections. It provides clarity to North Ayrshire voters that both candidates and ultimately the elected constituency MSP are focused on serving the population of North Ayrshire. Boundaries also fit with Locality Planning areas.

In terms of management of the election the following further points are pertinent:

- The Scottish Parliamentary elections for East Ayrshire would be organised by different Councils. This could be of particular concern where a designated Polling Place serves two constituencies.
- There is more likelihood of creating confusion for voters by splitting off part of Kilmarnock and Irvine Valley into Cunningham South. Postal votes are more likely to go astray if there is a separately administered constituency in an area e.g. handing in postal votes to a polling station in a different constituency albeit within the generally established locality.

- The proposal would increase the administrative burden on North Ayrshire Council of running the election by extending the boundary of Cunningham South into East Ayrshire. This would necessitate acquainting North Ayrshire Council election office staff with polling districts and polling places in East Ayrshire and having the necessary arrangements put in place. We would require to augment our staffing levels to facilitate this process which would increase the cost burden in running the election.
- Initially, the change in constituency may result in a lower voter turnout from current Kilmarnock and Irvine Valley voters due to confusion on the rationale for the change, receiving communications from another local authority and possible concern about whether their interests will be fully represented by an MSP whose constituents are in the main from another local authority area.

The Council acknowledges the current disparity in voter numbers in Cunningham South relative to the quota of 59,902. The current proposal would result in the quota for Cunningham South being exceeded by 3.7% with an electorate of 62,113.

Whilst it is the Council's view that for the reasons mentioned above the boundaries should remain as they are, if Boundaries Scotland is not so minded, the Council would propose the following alterations to the proposal:

- Polling District E108, Kilmaurs, currently consisting of 2422 voters is retained within Kilmarnock and Irvine Valley.
- All of Polling District E109, Fenwick and Waterside, is retained within Kilmarnock and Irvine Valley. This would avoid splitting a polling district between two constituencies.

This would result in less divergence from the quota in both affected constituencies and bring the number of electors in Cunningham South closer to the quota. This would mean that the electorate would be 59,691 in Cunningham South and 57,349 Kilmarnock and Irvine Valley.

In conclusion, the Council notes the rules which Boundaries Scotland requires to apply. In relation to those rules the following comments are made:

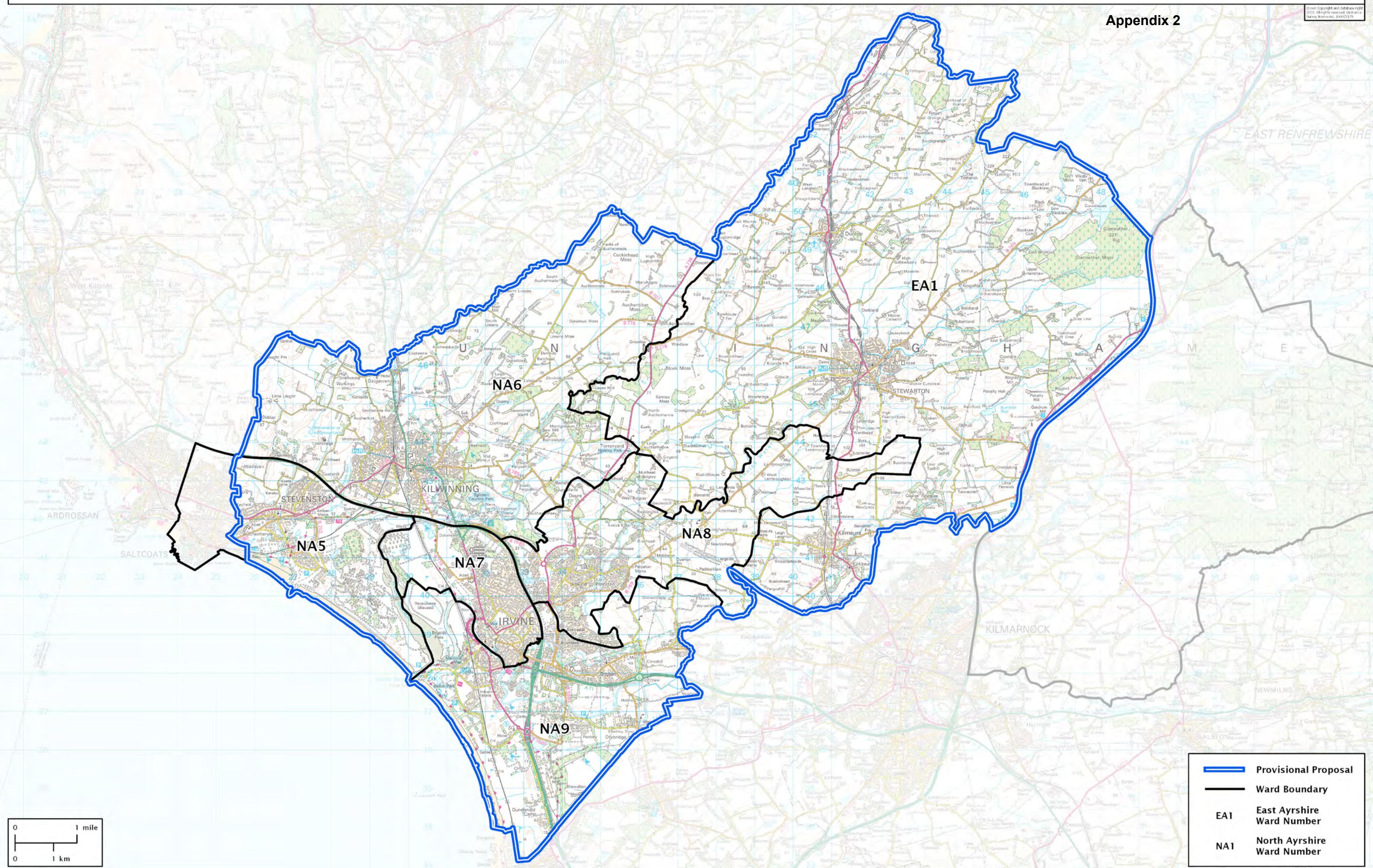
- “Take account of council area boundaries” – the review proposes a divergence from council area boundaries.
- “Create constituencies with broadly the same number of electors” – the review has failed to fully address this and will still have the net result of one constituency exceeding the quota and one being under quota.
- “Take account of special geographical considerations, including size and accessibility” – whilst in adjacent administrative areas, the settlements affected by the change are not generally regarded as being connected to Cunningham South
- “Take account of local ties....caused by the change” – the points made above address these matters. Local ties may be adversely affected by the proposals.

Boundaries Scotland is invited to take full account of the issues raised in this consultation response prior to setting the final boundary proposals for further consultation.

Second Review of Scottish Parliament Boundaries - Provisional Proposals

Cunningham South County Constituency - Electorate 62,113

Appendix 2



Appendix 3

**Boundary Commission for Scotland
First Periodic Review of Scottish Parliament Boundaries
Recommended Scottish Parliament constituencies
Cunningham South County Constituency**

Constituency boundary

