

Second Review of Scottish Parliament Boundaries Midlothian and Scottish Borders Council Areas

Action required

1. The Commission is asked to:
 - Consider the consultation responses for Midlothian and Scottish Borders Council areas as set out in paragraphs 28 to 48 and decide whether to hold a local inquiry.
 - Consider whether it wishes to
 - (a) adopt the published Revised Proposals as Final Recommendations subject to satisfactory design in other groupings being agreed OR
 - b) amend its proposals for constituency boundaries or names and consult upon them again.
 - If a local inquiry or further consultation is not required, consider the draft Final Report as set out in paragraphs 3 to 27 and the map at Appendix A and agree the proposed wording.

Rules

2. The rules for reviewing Scottish Parliament constituencies state:
 - **Rule 1**
 - So far as is practicable, regard must be had to the boundaries of the local government areas having effect from time to time under section 1 of the Local Government etc. (Scotland) Act 1994.
 - **Rule 2**
 - The electorate of a constituency must be as near the electoral quota as is practicable, having regard to Rule 1.
 - Boundaries Scotland may depart from the strict application of Rule 1 if it thinks that it is desirable to do so to avoid an excessive disparity between the electorate of a constituency and the electoral quota or between the electorate of a constituency and that of neighbouring constituencies.
 - **Rule 3**
 - Boundaries Scotland may depart from the strict application of Rules 1 and 2 if it thinks that special geographical considerations (including in particular the size, shape and accessibility of a constituency) render it desirable to do so.
 - **Rule 4**
 - Boundaries Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but it must take account (so far as it reasonably can)—
 - (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of Rule 1, and
 - (b) of any local ties which would be broken by such alterations.

Constituencies at the start of this review

3. At the start of this review, Midlothian Council area was covered by one constituency partly in East Lothian Council area and one partly in the Scottish Borders Council area. The Scottish Borders was covered by one constituency wholly within the council area. The constituencies are shown in Table 1.

Table 1 - Constituencies at the start of this review

| Current Constituency | Council Areas | Designation | Electorate | Variation from Electoral Quota |
|--|--------------------------------|--------------------|-------------------|---------------------------------------|
| Etrick, Roxburgh and Berwickshire | Scottish Borders | County | 55,131 | -8.0% |
| Midlothian North and Musselburgh | Midlothian East Lothian | County | 70,498 | 17.7% |
| Midlothian South, Tweeddale and Lauderdale | Midlothian Scottish Borders | County | 64,697 | 8.0% |

Provisional Proposals

4. We designed constituencies for this area within our overall approach to grouping council areas for constituency design.
5. We designed constituencies for this area within our overall approach to grouping council areas for constituency design. Our proposed grouping for this area included:
 - six constituencies exactly covering the extent of South Lanarkshire and Scottish Borders Council areas. The combined area had an electorate of 351,556 and a theoretical entitlement to 5.9 constituencies.
 - 12 constituencies exactly covering the extent of City of Edinburgh, Midlothian, East Lothian and West Lothian Council areas. The combined area had an electorate of 711,592 and a theoretical entitlement to 11.9 constituencies.
6. We discussed our Provisional Proposals for these council areas and our discussion and conclusions are recorded in the minute of our meetings of 9 February, 9 March and 5 April 2023. We agreed proposed constituency names and designations and our discussion and conclusions are recorded in the minute of our meeting of 5 April 2023.
7. The Provisional Proposals proposed a Midlothian North and Musselburgh constituency that contained parts of three council areas (City of Edinburgh, East Lothian and Midlothian). They also proposed a Clyde Valley and Tweeddale constituency that was partly in Scottish Borders Council area and partly in South Lanarkshire Council area as well as proposing a Midlothian South constituency wholly within Midlothian Council area. The Provisional Proposals retained the existing Etrick, Roxburgh and Berwickshire constituency wholly within Scottish Borders Council area (Rule 1).
8. Our Provisional Proposals were as shown in Table 2. Details of the wards contained within each constituency in the Provisional Proposals were included in the maps of our Provisional Proposals which are available on our website.

Table 2 – Provisional Proposals

| Constituency Name | Council Areas | Designation | Electorate | Variation from Electoral Quota |
|------------------------------------|--|-------------|------------|--------------------------------|
| Clyde Valley and Tweeddale | Scottish Borders South Lanarkshire | County | 60,443 | 0.9% |
| Ettrick, Roxburgh and Berwickshire | Scottish Borders | County | 55,131 | -8.0% |
| Midlothian North and Musselburgh | City of Edinburgh, East Lothian Midlothian | Burgh | 55,122 | -8.0% |
| Midlothian South | Midlothian | County | 64,424 | 7.5% |

9. On 17 May 2023 we published our Provisional Proposals for these council areas for the specified consultation period of one month.

Responses to Provisional Proposals Public Consultation

10. We considered all of the representations received on our Provisional Proposals in these council areas and our discussion and conclusions are recorded in the minutes of our meeting of 5 October 2023.

11. We received 55 responses for these constituencies during the one-month consultation period for Midlothian and Scottish Borders Council areas. All responses have been shared with the Commission.

12. Some representations contained suggestions that did not comply with the statutory rules governing this review. We did not consider those suggestions further.

13. Suggestions and comments included: opposition to the proposed Clyde Valley and Tweeddale constituency because it would create a large constituency that would be challenging for one MSP to represent; no local ties between Scottish Border and South Lanarkshire Council areas; and placing Prestonpans in a proposed Midlothian North and Musselburgh constituency.

14. In their response to the consultation, East Lothian Council objected to the Provisional Proposals for the proposed Midlothian North and Musselburgh constituency. A local inquiry was held at Musselburgh Racecourse on 7 December 2023 covering the proposed constituency.

15. We agreed a local inquiry should be held covering the Borders Council area because of the large number of responses opposing our proposals in the proposed Clyde Valley and Tweeddale constituency and because Scottish Borders Council had objected to them.

16. On 15 November 2023 we published the representations we received during the consultation on our Provisional Proposals.

Local Inquiry

17. Sheriff Principal Ross (Lothian and Borders Sheriffdom) acted as Assistant Commissioner at the local inquiries held at Musselburgh Racecourse on 7 December 2023 and at Peebles Hydro on 11 January 2024.

18. The local inquiries were attended by members of the public, local community groups, representatives of Council's, local councillors, political parties, an MP and MSP's.
19. At the Peebles local inquiry there was both support and opposition to the proposed Clyde Valley and Tweeddale constituency. During the earlier public consultation most of the comments had opposed that constituency stating there were a lack of any ties within it.
20. The Assistant Commissioner noted there were conflicting comments made at the local inquiry regarding the proposed Clyde Valley and Tweeddale constituency. The Assistant Commissioner did not make any recommendations because there were conflicting opinions regarding the existence and strength of community ties within the proposed Clyde Valley and Tweeddale constituency. He believed that communities within the constituency had a similar economic and social nature.
21. At the Musselburgh local inquiry there was opposition to a Midlothian North and Musselburgh constituency that included parts of three different council areas.
22. The Assistant Commissioner's report noted the proposed Midlothian North and Musselburgh constituency would cover three council areas and this may present practical difficulties dealing with different councils and communities as well as confusing for constituents to distinguish who represents them. The Assistant Commissioner made no recommendations because he saw no clear solution to the issues raised.
23. We considered the Assistant Commissioners Reports and transcript from the local inquiries. Our discussion and conclusions are recorded in the minutes of our meeting of 22 February 2024.

Revised Proposals

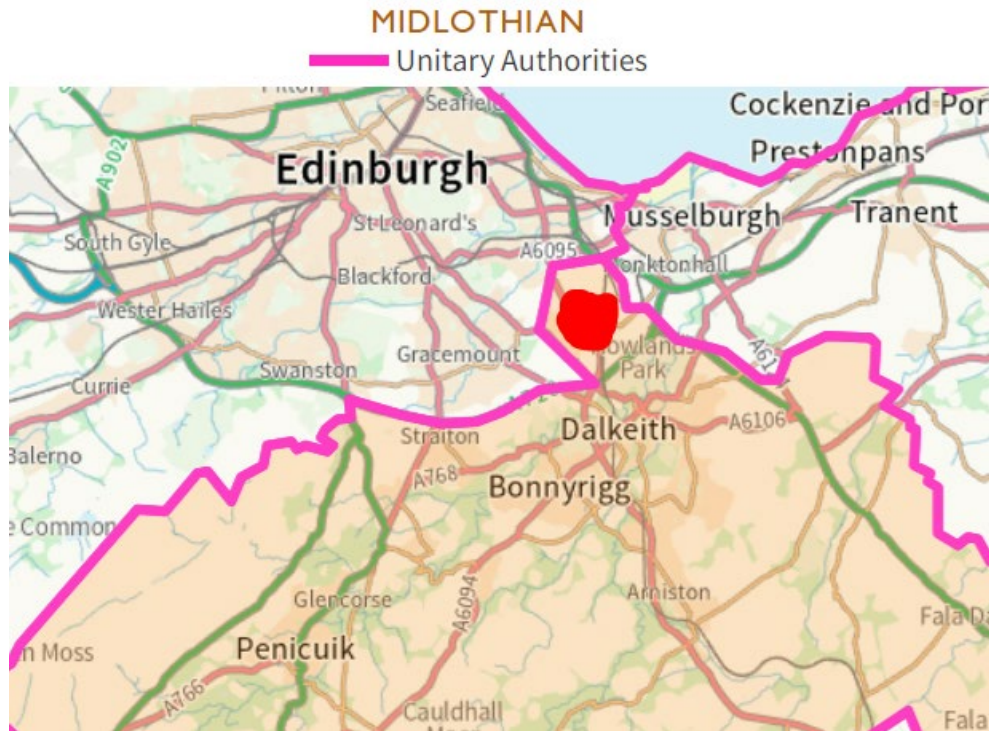
24. We considered an alternative grouping of Scottish Borders and Midlothian Council areas, which was similar to the existing constituency grouping. We believed there could be some support for this as it minimised change to the existing arrangements.
25. Our Revised Proposals: retains the existing Ettrick, Roxburgh and Berwickshire constituency; avoids a Clyde Valley and Tweeddale constituency where there was strong opposition during the public consultation; avoids a Midlothian North and Musselburgh constituency which included parts of three different council areas (Rule 1 and 4).
26. On 16 April 2024 we published our Revised Proposals for these council areas for the specified consultation period of one month.
27. Our Revised Proposals are shown in Table 3. Details of the wards contained within each constituency in the Revised Proposals were included in the maps of our Revised Proposals which are available on our website.

Table 3 – Revised Proposals

| Constituency Name | Council areas | Designation | Electorate | Variation from Electoral Quota |
|--|---------------------------------|-------------|------------|--------------------------------|
| Ettrick, Roxburgh and Berwickshire | Scottish Borders | County | 55,131 | -8.0% |
| Midlothian North | Midlothian | County | 54,005 | -9.8% |
| Midlothian South, Tweeddale and Lauderdale | Midlothian and Scottish Borders | County | 60,174 | 0.5% |

Responses to Revised Proposals Public Consultation

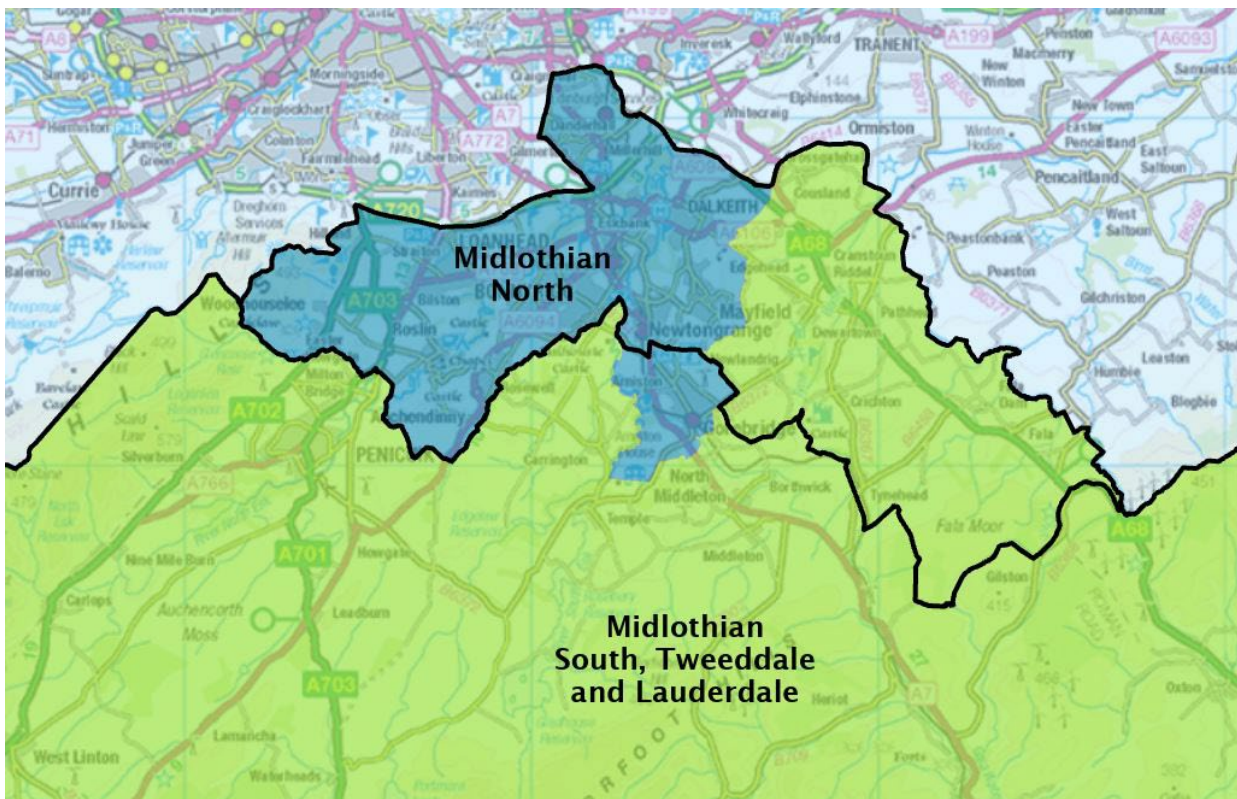
28. We received 16 responses during the one-month consultation period for Midlothian and Scottish Borders Council areas.
29. Some representations contained suggestions that did not comply with the statutory rules governing this review. We did not consider those suggestions further.
30. Three members of the public supported the proposed Ettrick, Roxburgh and Berwickshire constituency.
31. A member of the public suggested the Borders are too large and should be divided into two constituencies.
32. Scottish Borders has an electorate of 93,179 and entitlement to 1.6 constituencies. Two Borders constituencies would have a wide variation from electorate quota (rule 2).
33. A member of the public suggested combining the Scottish Borders with East Lothian to improve access to healthcare services.
34. A member of the public stated Danderhall should be part of Edinburgh because: it sits within the Edinburgh by-pass (A720) road; there are poor public transport links between Danderhall and Midlothian; and a lack of service provision from Midlothian Council.
35. The map below shows the location of Danderhall (red-dot) and the council area boundary (pink line). It is assumed the respondent is raising concerns with council area boundaries rather than constituency boundaries.



36. A member of the public seeks no change to the existing Midlothian constituency boundaries.
37. A member of the public commenting on the proposed Midlothian South, Tweeddale and Lauderdale constituency stated the Revised Proposals were an improvement on the provisional proposal but they had still had concerns with a lack of community ties within the different parts of the constituency.
38. Four members of the public supported the proposed Midlothian South, Tweeddale and Lauderdale constituency because it retains an element of continuity and retains community links.
39. A member of the public stated the proposed Midlothian South, Tweeddale and Lauderdale constituency covers a wide area but there are common issues within it.
40. A member of the public opposed the proposed Midlothian South, Tweeddale and Lauderdale constituency because there is little to connect Midlothian with Scottish Borders.
41. A member of the public opposed the proposed Midlothian South, Tweeddale and Lauderdale constituency because it splits the Midlothian South ward between constituencies. They stated: Gorebridge has closer links with Newtongrange and Mayfield than with Tweeddale or Lauderdale: the proposed names is confusing as the Midlothian South ward is split; Newtongrange and Gorebridge have historical links as mining villages but similar current issues such as SIMD; and the proposals will be confusing to the local electorate.
42. A member of the public opposed the proposed Midlothian South, Tweeddale and Lauderdale constituency because it is becoming more of an urban constituency who have different priorities to rural areas.

- 43. Midlothian Council do not wish to break current or historical community links in Midlothian and oppose a Midlothian South, Tweeddale and Lauderdale constituency that includes parts of the Borders. They suggested solely a Midlothian constituency or constituencies.
- 44. Midlothian has an electorate of 76,131 and entitlement to 1.3 constituencies which would propose a wide variation from the electorate quota (rule 2).
- 45. The Scottish Conservative and Unionist Party accepted the new grouping of Midlothian and Scottish Borders but offered an alternative suggestion that aims to better reflect rural and urban communities in Midlothian and the Borders.
- 46. Their suggestion follows polling district boundaries and adds Gorebridge to a Midlothian North constituency while Pathhead is added to a Midlothian South, Tweeddale and Lauderdale constituency. The map below shows their suggestion in block colours and the Revised Proposals as a black line.
- 47. The advantage of the Scottish Conservative and Unionist Party suggestion is it keeps Gorebridge in the same constituency as Newtongrange, Dalkeith and Mayfield, areas with close local ties.
- 48. The disadvantage of the Scottish Conservative and Unionist Party is that Pathhead looks towards for Dalkeith for local amenities rather than the Borders.

| Scottish Conservative and Unionist Party suggestion | Electorate | Variation from Electoral Quota |
|--|-------------------|---------------------------------------|
| Midlothian North | 59,320 | -1.0% |
| Midlothian South, Tweeddale and Lauderdale | 54,859 | -8.4% |



Summary

49. Three of the existing constituencies covered Midlothian, Scottish Borders and partly East Lothian. The existing Midlothian North and Musselburgh constituency had an electorate of 70,498 and variation from the electorate quota of 17.7%. The other two constituencies were within 10% of the electorate quota.
50. The Commission's Provisional Proposals were designed within groupings of: Scottish Borders and South Lanarkshire Council areas; and Edinburgh, Midlothian, East Lothian and West Lothian Council areas.
51. There was strong opposition to the Provisional Proposals regarding a Midlothian North and Musselburgh constituency because it included parts of three council areas and both some opposition and support for a Clyde Valley and Tweeddale constituency.
52. Both Scottish Borders and East Lothian Council objected to the Provisional Proposals and the Commission agreed to hold local inquiries in Musselburgh and Peebles.
53. Following consideration of all responses to the provisional consultation and to the Assistant Commissioner's reports of the local inquiries the Commission agreed upon a new council area – constituency grouping for its Revised Proposals.
54. The new grouping was for three constituencies covering Midlothian and Scottish Borders Council areas. The Commission retained the existing Ettrick, Roxburgh and Berwickshire, as it had for the provisional consultation. It also proposed a Midlothian South, Tweeddale and Lauderdale constituency which closely resembled the existing constituency boundary and a Midlothian North constituency.
55. Midlothian Council or Scottish Borders Council did not object to the Revised Proposals.
56. There were few comments regarding the unchanged Ettrick, Roxburgh and Berwickshire constituency. There was both some support and opposition for the Revised Proposals in Midlothian and some suggestions for more urban or rural constituencies there.

Constituency Names

57. The Commission will have the opportunity to review all constituency names and designations prior to the publication of its Final Recommendations.

Revised Proposals - Midlothian and Scottish Borders Council Areas Appendix A

