

Second Review of Scottish Parliament Boundaries: Local Inquiries

Purpose

1. The Commission considered Paper BS 59 Local Inquiries at its meeting on 29 August 2023. Further information was requested on the local inquiries held during the First Review and has been provided by email. Drawing on Paper BS 59, this paper sets out proposals for local inquiries.

Background

2. As a reminder, the Scotland Act 1998 sets out
 1. *Local inquiries*

9(1)Boundaries Scotland may if it thinks fit cause a local inquiry to be held in respect of any constituency or constituencies.

(2)If Boundaries Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a constituency it must not make the recommendation unless since the publication of the notice under paragraph 7(2) a local inquiry has been held in respect of the constituency.

(3)If a local inquiry was held in respect of the constituency before the publication of the notice under paragraph 7(2), sub-paragraph (2) above does not apply if Boundaries Scotland after considering—

(a)the matters discussed at the inquiry,

(b)the nature of the relevant representations received, and

(c)any other relevant circumstances,

think that a further local inquiry is not justified.

(4)A relevant representation is a representation made in accordance with paragraph 7(2)(b)—

(a)by the council for an area which is wholly or partly comprised in the constituency;

(b)by a body of not less than 100 persons entitled to vote as electors at an election for membership of the Parliament held in the constituency.

Discussion

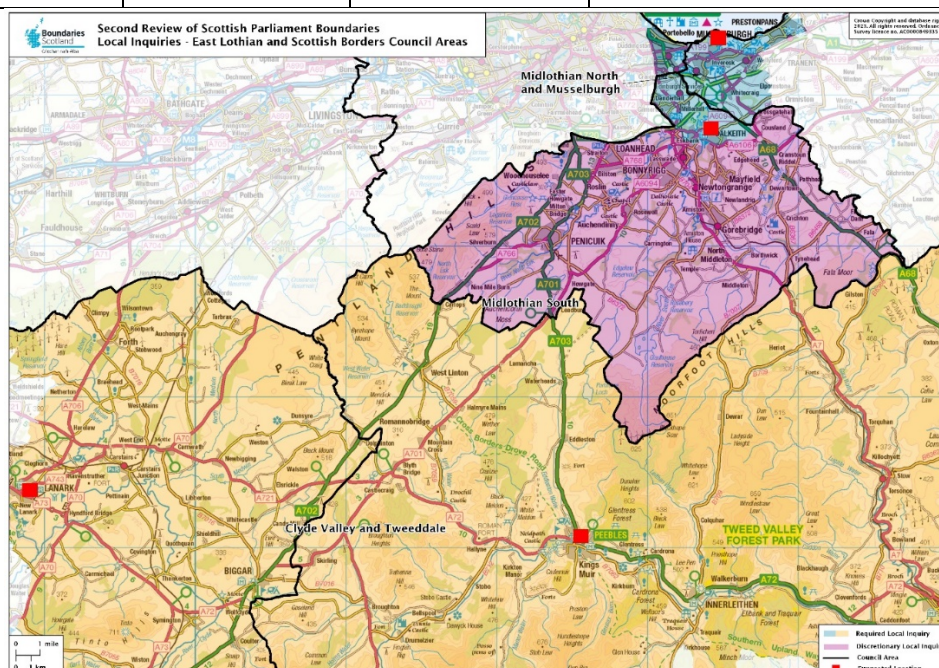
3. The following tables summarise the local inquiries required following council objection (in accordance with Schedule 1, paragraph 9(4)(a) of the 1998 Act) and

the related constituencies which might, at the Commission’s discretion, usefully form part of the relevant inquiry. The maps show the suggested locations of local inquiries.

- There are alternative approaches: the Commission could simply hold an inquiry in each of the required constituencies; or hold a single inquiry over more than one session in different locations across a number of constituencies. This would allow the Assistant Commissioner to be considering a wider range of views than simply the narrow focus of one or two constituencies.

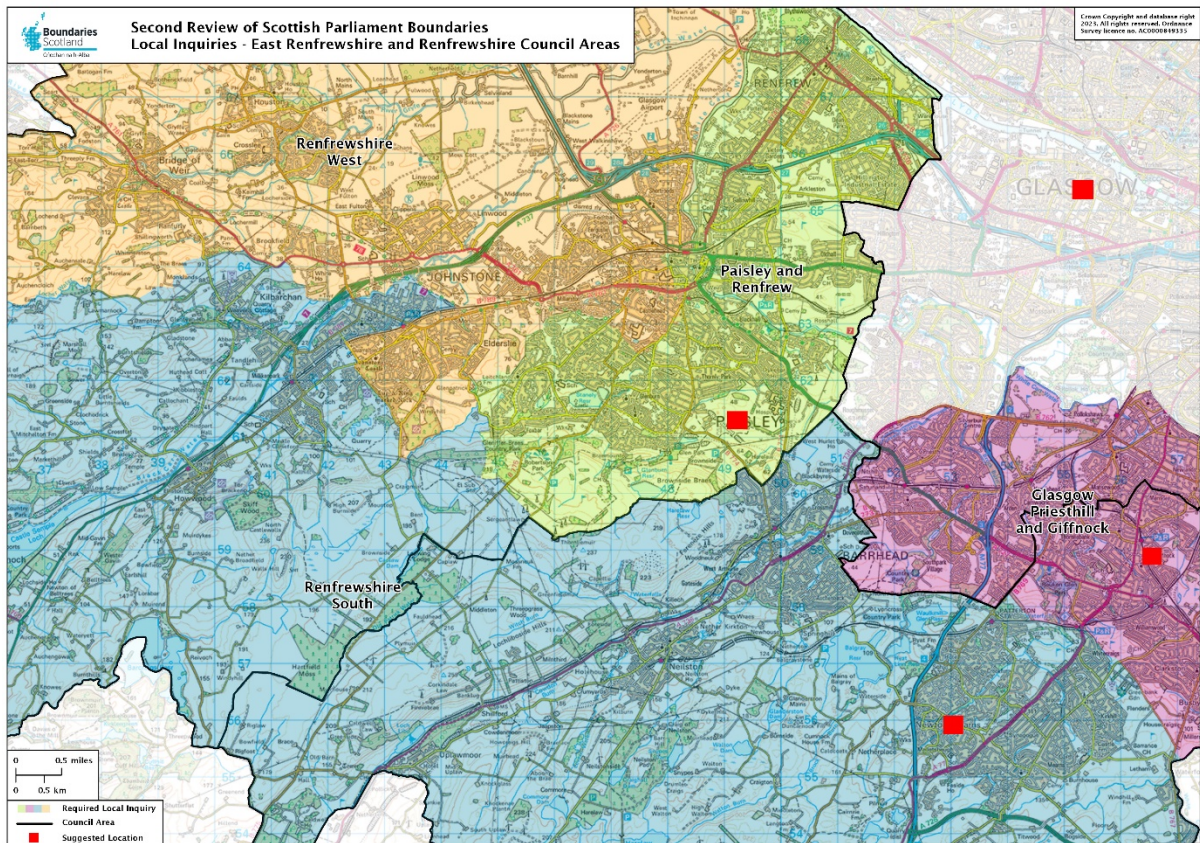
Lothians and Borders

Relevant representation	Constituency concerned	Commission’s discretion	Options
East Lothian Council	Midlothian North and Musselburgh		Either one inquiry to cover Midlothian North and Musselburgh and one inquiry to cover Clyde Valley and Tweeddale
Scottish Borders Council	Clyde Valley and Tweeddale		
		Midlothian South	OR One inquiry held over three or four sessions to consider 4 constituencies. Suggested locations: Musselburgh, Dalkeith, Peebles [and Lanark],



Renfrewshires

Relevant representation	Constituency concerned	Commission's discretion	Proposal
East Renfrewshire Council	Renfrewshire South Glasgow Priesthill and Giffnock		One inquiry held over two sessions to consider four constituencies Suggested locations: Newton Mearns or Giffnock, Paisley.
Renfrewshire	Paisley and Renfrew Renfrew West		Somewhere in Glasgow?



East Ayrshire

Relevant representation	Constituency concerned	Commission's discretion	Proposal
East Ayrshire Council	Cunninghame South and Kilmarnock and Irvine Valley		[At the time of writing the Secretariat is awaiting clarification from East Ayrshire Council as to whether their response was intended as formal objection to trigger a local inquiry]

5. The Secretariat do not consider that any inquiry is required by virtue of meeting the strict interpretation of a body of 100 or more electors (in accordance with Schedule 1, paragraph 9(4)(b) of the 1998 Act). Under a much looser approach of simply “around 100 objections received”, then the following constituencies could be considered (in accordance with paragraph 9(1) of the 1998 Act:

Relevant representation	Constituency concerned	Commission's discretion	Proposal
None but significant number of responses received		Clydebank	One inquiry held in Clydebank
None but significant number of responses received		Edinburgh Forth and Linlithgow	One inquiry held over two sessions in [Linlithgow] and [Muirhouse]

6. Although there are parallels to the public hearings system for reviews of UK Parliament constituencies the purpose of a public hearing is specifically to allow oral representations to be made on the Boundary Commission for Scotland's proposals which carry equal weight to those made in writing. The purpose of a local inquiry is not specified, just that one is required to be held in response to objections or at the Commission's discretion. It would seem reasonable to set a fairly high bar to exercise that discretion given the requirement for the Commission to consult for a period of one month each time it amends its proposals. It is suggested that the Commission apply three tests:

- That a significant response has been received during the public consultation.
- That there are issues which the Commission believes could best be explored by allowing a presentation to an Assistant Commissioner.
- That there are alternatives to the Provisional Proposals which could be considered, and which potentially have a significant impact on the Provisional Proposals in any area.

Locations

7. The suggested locations are only tentative at this stage. The Secretariat will liaise with councils to determine appropriate venues, including availability of council premises.

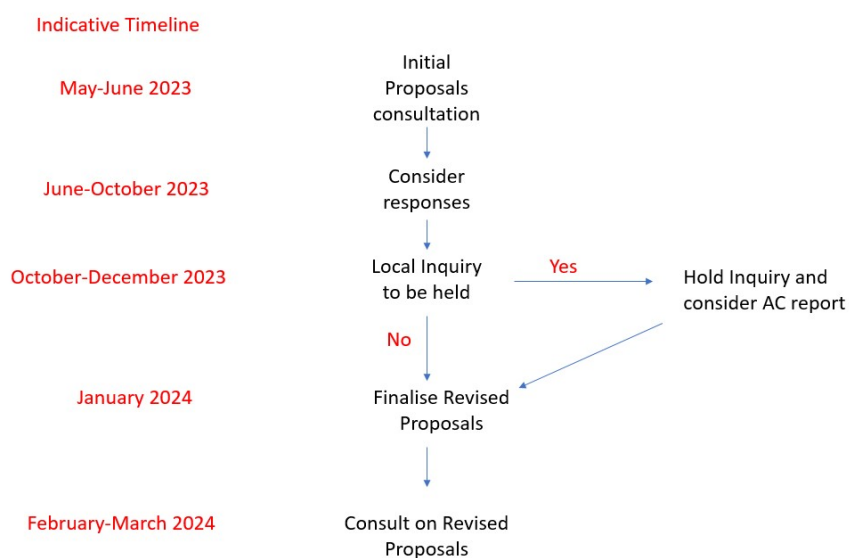
Handling

8. In terms of handling of an inquiry it is suggested that the precedent from the First Review is followed:
 - Commissioners do not attend to avoid getting drawn into debate over the Provisional Proposals.
 - The Secretariat attend to make a statement to the inquiry and answer questions of fact.
 - The Secretariat make available to attendees at the inquiry maps of the existing constituencies, the Provisional Proposals and of any suggestions received from those booked to attend the hearing to support their presentation.
 - That the Assistant Commissioner is invited to report to the Commission with a summary of the issues raised at the inquiry and any recommendations he or she chooses to make.
9. In other respects, it is envisaged that inquiries will follow previous lines including the materials and briefing set out in Paper BS 59. Discussions will need to take place with Sheriffs Principal to agree what they would find helpful.
10. It is suggested that the Commission should not present any initial thinking around possible Revised Proposals or provide maps of alternative options it has developed at its own hand. These will be formally consulted on at the proper time and making informal versions available could potentially be confusing and unfairly allow comment from those present at the Inquiry, excluding those who were either unable to attend or chose not to.

Timing

11. It is hoped that most inquiries can be held before Christmas or as early in the New Year as possible. This will depend on availability of Sheriffs Principal as well as availability of appropriate venues and transcription services.

12. The Secretariat has given thought to whether consultation on the Revised Proposals should be phased, with consultation on areas where change has been made but no inquiries are being held processing on an earlier timescale. On balance this seems more complicated than waiting until after the local inquiries are complete and running one consultation. It is suggested the following process is followed:



Consultation responses

13. It is suggested that all responses from the consultation on Provisional Proposals be published in advance of the first local inquiry or by end of November regardless. This will allow public scrutiny of the responses the Commission is currently considering and may encourage participation in the hearings. It will also be helpful to those attending to see the views of others.

Conclusion

14. The Commission is invited to:

- consider the proposed locations and format for the required inquiries and agree these;
- decide if it wishes to hold any inquiries at its own discretion;
- agree that the Secretariat approach Sheriffs Principal to confirm their involvement as Assistant Commissioners, discuss handling and arrange dates and venues for the inquiries;

- agree that no mapped alternatives reflecting preliminary options for the Revised Proposals are made available at the Inquiries, only maps of existing constituencies, Provisional Proposals and suggestions submitted by respondents;
- agree that the Revised Proposals for all areas are finalised after the inquiries are complete and that a single consultation then runs for one month covering all areas simultaneously; and
- agree publication of all responses received during the Provisional Proposals consultation before the first local inquiry is held.

Secretariat
October 2023