

# Fourth Statutory Review of Electoral Arrangements

## Midlothian Council Area





Local Government Boundary Commission for Scotland

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## Midlothian Council Area

### Constitution of the Commission

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Report Number E06018  
July 2006



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Local Government Boundary Commission for Scotland

Mr Tom McCabe MSP  
Minister for Finance and Public Service Reform

We, the Local Government Boundary Commission for Scotland, present our proposals for future electoral arrangements for Midlothian Council area resulting from our review of local government electoral arrangements as required by section 4 (1) of the Local Governance (Scotland) Act 2004.

In accordance with the provisions of section 18(3) of the Local Government (Scotland) Act 1973, as amended, copies of our report, together with illustrative maps, are being sent to Midlothian Council with a request that the report and maps are made available for public inspection at their offices. In addition copies of our report and maps in the form of PDF images on CDROM are being sent to those who received a copy of our consultation letter. Further, those who made representations during the 12-week public consultation exercise have been informed that the report has been published.

Notice is being given in newspapers circulating in the Midlothian Council area that the report has been made and that interested parties may inspect the report and maps at offices designated by the Council throughout its area or by accessing these documents on our web site.



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July 2006





## Summary

- The review was called for by section 4 of the Local Governance (Scotland) Act 2004.  
**Part 1, paragraph 1**
- The first Commencement Order, which signalled the start of the review process, was dated 20 August 2004.  
**Part 1, paragraph 5**
- Directions from the Scottish Ministers were issued to the Commission on 30 August 2004.  
**Part 1, paragraph 6**
- Our review of electoral arrangements was announced in a letter dated 6 September 2004 sent to each Chief Executive of the 32 Councils.  
**Part 1, paragraphs 10 – 16**
- The ward boundaries proposed by our review are based on topographical identifiers contained in the Ordnance Survey MasterMap large-scale digital plans.  
**Part 1, paragraphs 19 – 24**
- The July 2004 electoral register provided the base electorate for the review.  
**Part 1, paragraphs 25 – 26**
- Our first meeting with Midlothian Council took place on 6 October 2004 at the Council headquarters in Midlothian.  
**Part 2, paragraphs 1 – 3**
- The concluded view of the Council following our first meeting was received by us on 2 November 2004.  
**Part 2, paragraph 4**
- We provided the Council with our initial proposals for 6 wards in Midlothian Council area on 7 March 2005 and asked that a response be made within 2 months.  
**Part 2, paragraphs 10 – 11**
- The Midlothian Council response to our initial proposals was received on 31 March 2005.  
**Part 2, paragraphs 12 – 13**
- We published our provisional proposals for 6 wards electing 18 Councillors on 19 May 2005 and asked that representations be made to us by 11 August 2005.  
**Part 2, paragraphs 14 – 18**
- We received 24 representations during the statutory consultation period of 12 weeks.  
**Part 2, paragraph 19**
- Our consideration of representations.  
**Part 2, paragraphs 20 – 33**
- We recommend 6 x three member wards for Midlothian Council area thereby returning a total of 18 elected members.  
**Part 3, paragraph 1**



## Part 1 Background

### Origin of the Review

1. The Local Governance (Scotland) Act 2004 introduced proportional representation for local authority elections. As a consequence, we were required to review electoral arrangements for all local authorities in Scotland for the elections due to take place in May 2007. This Report presents our findings and recommendations resulting from the review of Midlothian Council area called for by section 4(1) of the 2004 Act.

### The Local Governance (Scotland) Act 2004

2. The 2004 Act made a number of changes to the existing legislation, the Local Government (Scotland) Act 1973, as amended. These changes are set out at Appendix A. However, some of the changes have a particular impact on the review process and it is perhaps worth noting the following provisions:

- at least 2 months before taking any steps to inform other persons of our draft proposals, or any interim decision not to make proposals, we should inform the Council of our proposals (or any decision not to make proposals); and
- before informing any other person of our initial draft proposals, we should take into consideration any representation made by the Council during the period of 2 months beginning on the day on which the Council was informed of our initial draft proposal.

3. Schedule 6 to the 1973 Act, as amended, was further amended by the 2004 Act so that:

- at 1(2), the number calculated by dividing the number of local government electors in each electoral ward of a local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same; and
- at 1(3)(b), any local ties which would be broken by the fixing of any particular boundary but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.

4. The full text of the Schedule 6 rules as amended is set out at Appendix D.

### Commencement of the 2004 Act

5. The Minister for Finance and Public Services signed the first Commencement Order in relation to the Local Governance (Scotland) Act 2004 on 19 August 2004. As a consequence, Sections 4(1) to (4), 5(a) to (c) and (f) (Reviews of electoral arrangements) and Section 6 (Interpretation of Part 1) of the 2004 Act came into force on 20 August 2004. The Commencement Order also stated that, in exercising the functions conferred under the provisions referred to above, Scottish Ministers and the Commission should act on the assumption that the provisions of Part 1 of the 2004 Act are in force for all purposes.

## Directions from Scottish Ministers

6. On 30 August 2004, Scottish Ministers issued Directions to us in exercise of the powers conferred by Section 18(2A) and 18(2B) of the Local Government (Scotland) Act 1973, as amended. The Directions apply during the current review to any consultation conducted by us in accordance with Section 18(2)(a) of the 1973 Act, with the Council of any local government area affected by a review under Part II of that Act. A copy of these Directions is at Appendix B.

7. Amongst other things, the Directions required us to inform each Council, within 14 days of the date of the Directions, in writing, in a letter sent by recorded delivery addressed to the Chief Executive, of the:

- timetable we proposed for the consultation;
- timetable we proposed for the review;
- general approach we proposed to adopt in formulating proposals for ward boundaries;
- information we would like to have available to use in formulating our proposals;
- assistance which each Council would be asked to render to us in the process of review; and
- such other matters we felt appropriate.

8. On 30 August 2004, Scottish Ministers similarly issued Directions to Councils that they should cooperate with us in the conduct of our review and, in particular, that they should:

- establish and maintain an ongoing dialogue which, where appropriate, may include meetings with us;
- take all reasonable steps to ensure that any views expressed, or purporting to be expressed, by or on behalf of the Council to us are accurate;
- provide us with all such information as we may reasonably request; and
- provide us with all such information that the Council considered relevant, including any proposals or ideas a Council may have in relation to new ward boundaries, or otherwise in relation to the formulation of our proposals.

9. A copy of the Directions to Councils is set out at Appendix C.

## Announcement of our Review

10. We announced the start of our review of electoral arrangements in a letter to the Chief Executive of Midlothian Council dated 6 September 2004. With regard to our initial consultation, we informed the Chief Executive that paragraph 7 (subject to paragraph 9) of the Ministerial Directions to us mentioned above stipulated that we should meet with the Council no later than 12 weeks from the date of our letter. We were required to offer each Council two dates for such a meeting and that such a meeting should take place during the Council's ordinary working hours.

11. We proposed that our meeting with Midlothian Council should take place on either 27 September 2004 at 10:00 hrs or 06 October 2004 at 10:00 hrs. We asked the Council to inform us of any other dates within the 12-week period determined by the Directions which should be avoided in the event of our initial dates being unsuitable. We noted that we expected that meetings would be held at the Council's offices but offered, if necessary, to accommodate a meeting at our offices in Edinburgh.

12. With regard to the proposed meeting, we informed the Chief Executive that we would be represented by a Commissioner accompanied by a member or members of our Secretariat. We asked for facilities to be made available which would allow us to make a short presentation to provide background information and to illustrate how we proposed to undertake the review.

13. With our letter we enclosed an outline timetable (Appendix E) which set out the main stages for our review. We also set out details of the general approach which we intended to adopt in considering how revised electoral wards suitable for returning 3 or 4 elected members might be constructed within the terms of the statutory rules, whilst seeking better to reflect local perceptions of natural communities where possible and practicable to do so. We set out our proposal to use information from the July 2004 electoral register as the base electorate for our review and our intention to make available to the Council geographic information systems (GIS) data files containing counts of electors for each postcode within the Council area which would facilitate spatial analysis of these data.

14. Bearing in mind the importance we attached to perceptions of community focus and our concept of the contribution that this focus might make to the delineation of more stable boundaries in the longer term, we asked the Council to identify and map what it considered to be the boundaries between communities within its area. We made it clear that we were particularly interested in such boundaries being identified within contiguous built-up areas, such settlements, or groups of settlements, being likely to merit more than one multi-member ward. We also asked for information which would allow us to make a forecast of the electorate within the Council area at 2009, as required by the legislation.

15. We asked the Council to nominate an official as the recognised point of contact so that the close working relationship necessary to conduct a successful review could be established. We asked if the Council would confirm whether the locations used at the last review in 1996/1998 to deposit material for public consultation remained appropriate and if they would provide details of alternatives where necessary. We also asked for a list of the newspapers circulating within the Council area normally used for the publication of Statutory Notices.

16. We asked the Chief Executive if, prior to our proposed meeting, we could be informed of any particular issues that the Council might wish to discuss with us.

## General Issues

17. Three developments have made it possible for us to reconsider the process and practices of reviewing local government electoral arrangements and of accurately defining the boundaries of proposed wards. Firstly, the availability of computer-based geographic information systems (GIS) provides us with the ability to analyse a variety of localised data and then to develop and explore options for revised electoral ward geography. Secondly, the GIS technology, used in conjunction with Ordnance Survey (OS) large-scale digital data also allows for the boundaries of wards to be more precisely defined than has hitherto been possible – thus obviating the need for written boundary descriptions. Thirdly, the Representation of the People (Scotland) (Amendment) Regulations 2002 provide us, for the first time, with formal access to information contained in electoral registers and,

importantly, allow us to obtain that information in an electronic format which can be managed and spatially examined by means of our GIS facilities.

18. Use of the GIS technology, large-scale digital mapping and electoral register data in examining, reviewing and defining ward boundaries is outlined below.

## Definition of Electoral Ward Boundaries

19. Defining ward boundaries can raise particular difficulties in areas where changes to the built geography are not reflected on available paper maps. In many parts of Scotland such changes are now occurring more rapidly than in the past, with considerable consequences for our boundary review work.

20. The introduction of OS MasterMap® large-scale digital mapping affords the opportunity for the first time for electoral ward boundaries to be defined by means of unique topographical identifiers (TOID®s) which accurately identify the position of the natural and built features depicted by the large-scale digital data. Accordingly, it is possible to identify the boundaries of electoral wards electronically by directly linking the line of any boundary to, for the most part, the OS TOID®s.

21. All Councils in Scotland now have full access to OS MasterMap®, as do all central government bodies, agencies and government-sponsored organisations with GIS facilities. Generally, all such bodies using large-scale digital mapping have a preference for boundary information to be defined against that background.

22. As a consequence:

- all of the proposed ward boundaries we recommend are directly related to digital information contained in the Topography layer of OS MasterMap®, which was supplied to us by OS in July 2004, except where circumstances demand that a line between 2 unconnected TOID®s is necessary, for example, in crossing a road or river;
- where part of a ward boundary and the boundary of the Council area are coterminous, that part of the ward boundary is the boundary of the Council area as depicted in the Administrative Boundaries theme of the Topography Layer of OS MasterMap® as supplied to us by OS in July 2004; and
- where applicable, the coastal boundary of a ward is defined by means of the low water mark springs as depicted in a large-scale digital data set (prepared on our behalf by OS from its large-scale digital information) except in areas where, historically, all or part of the Council's seaward boundary presently has a recognised off-shore definition.

23. We are aware that, at the time of this review, OS is undertaking a Positional Accuracy Improvement initiative (PAI) and that it does not expect to complete this work in Scotland until March 2006. Further, the results of the PAI will not be fully incorporated into the OS large-scale digital maps until later in that year. Even after this detailed work by OS, the position of residential property existing at the time of our review will remain within the ward as defined by our review. This provides better long-term accuracy than would be provided by written boundary descriptions.

24. Drawing these matters together, we have worked on the reasonable assumption that the boundaries of wards will be more accurately defined than has been possible at previous reviews

and that any future dispute over the line of a particular boundary will be capable of resolution by reference to deposited copies of the ward boundaries in digital form in conjunction with deposited copies of the OS MasterMap® data (Topography layer and Administrative Boundaries theme of the Topography layer and coastline data) mentioned at paragraph 22 above.

## Electorate Data used in the Review

25. As mentioned at paragraph 17 above, in preparation for this review, we investigated and tested the potential offered by GIS technology in the preparation of proposals for revised electoral arrangements. To make fullest use of GIS systems in our review activities it is necessary to have the basic numerical data, for the most part electorate information, in a format which allows them to be directly associated with digital mapping showing the underlying geography to which it relates. Ideally, our preference would have been to link addresses in the electoral register directly to the background geography by means of a geo-referenced address database. However, in the absence of a definitive national address database, and being aware of the shortcomings of available address-based GIS databases, we researched the potential for making use of postcode geography maintained by the General Register Office for Scotland (GRO(S)) as a means of identifying the number of electors on the electoral register at a level of resolution low enough for us to develop and consider proposals for the boundaries of revised electoral wards. Initial tests, involving matching the postcodes for addresses on the electoral register with the GRO(S) postcode geography files, indicated that we could successfully identify electors on the electoral register at the small-user postcode which contained their address and, as a consequence, establish accurate counts of electorate for these postcodes.

26. The availability of up-dated electoral register information on a monthly basis allowed us to associate information on the electoral register at July 2004 with the most up-to-date postcode geography available from GRO(S) (August 2004) thus minimising the potential for mismatches between the two data sets. As a consequence, at the start of our review in Midlothian Council area, of the 60,790 electors on the register at July 2004, 60,767 (99.96 percent) could be identified within the postcode geography held in our GIS. The residual number of 23 electors were contained in 4 postcodes which, as far as we could ascertain, were newly allocated by the Post Office and, as such, had not yet appeared in the latest Post Office Address Files which GRO(S) uses to update and maintain its postcode geography system. We were, therefore, confident that postcoded electorate data for Midlothian Council area could be used as the initial building blocks for reviewing electoral arrangements in that area.



## Part 2 The Review in Midlothian Council Area

### Meeting with the Midlothian Council

1. Our initial meeting with the Midlothian Council took place on 6 October 2004 at 10:00 hrs at the Council Chambers, Dalkeith. We were represented at that meeting by John Marjoribanks who was accompanied by Andrew Gunn from our Secretariat.
2. We made a short illustrated presentation which set out the background to the review and the nature of our GIS systems, which provided us with the facility quickly and accurately to prepare proposals and examine alternatives. We demonstrated that the GIS allowed us to look closely at relevant matters such as the geography and topography, settlement patterns and communication links within Council areas. We explained that, as required by the Schedule 6 Rules, we needed information from the Council on house building, demolitions and known institutional development for the 5-year period to 2009 in order to form a view on the number of electors in the Council area at that time. We also invited Councils to provide information which would help us define areas recognised locally as communities. We set out our proposed timetable for the review, which envisaged 7 stages with completion by August 2006. A copy of the outline timetable is set out at Appendix E.
3. Following our presentation, we answered some general questions on matters relating to the review process. We also invited, and took careful note of, various views expressed in relation to the review in the Council area.

### Concluded View of the Council

4. The Ministerial Directions (Appendix B) issued on 30 August 2004 stated that each Council should, if it so desired, submit its concluded views on review matters to the Commission within one month of the date of our initial meeting. Midlothian submitted its concluded view to us on 2 November 2004. The main points may be summarised as follows:
  - the total projected electorate at July 2009 was 66,676;
  - the wards should be based on the communities, settlements and community council areas identified on the map supplied earlier to us and clearly defined natural or physical boundaries should be adopted as far as possible;
  - electoral parity should be within  $\pm 5$  per cent except in special circumstances where it might be slightly extended; and
  - an examination of available options had indicated that 6\*3 member wards, as set out in an mapped example, appeared to produce a better configuration of wards than alternatives comprising 3\*4 member wards and 2\*3 member wards.

## Initial Proposals

5. Our Secretariat noted that the electorate within Midlothian is concentrated in Danderhall, Dalkeith, Eskbank, Bonnyrigg, and Lasswade with the communities of Easthouses, Mayfield, Newtongrange and Gorebridge looking towards their northerly neighbours and/or associating with adjoining rural electorates. The other major centres of electorate are Loanhead and Penicuik which sit together with Milton Bridge, Bilston, Roslin etc in the 'A701' corridor. There is a relatively small dispersed rural electorate distributed across an extensive rural hinterland.

6. Our Secretariat proposed a structure of 5 wards which brought together:

- Dalkeith, Eskbank and Danderhall;
- Loanhead, Lasswade and Bonnyrigg, except for a sizeable built-up area adjacent to the Sherwood Industrial Estate;
- Gorebridge, Roslin, Rosewell, part of Bonnyrigg at Sherwood and the sparsely populated rural area extending to the Council's southern boundary.
- Mayfield, Newtongrange and Easthouses with Pathhead and the rural communities associated with the A68(T); and
- Penicuik, Milton Bridge etc and the rural electorate associated with the A701, A702(T) and A766.

7. We noted that the deviation from parity for the wards proposed by our Secretariat ranged between -5.5 per cent and 3.4 per cent, which we considered was acceptable within the terms of the statutory rules. However, we noted that Roslin and Rosewell were not associated with either Penicuik, Loanhead or Bonnyrigg with which there were obvious transport links. We considered that the built-up area adjacent to the Sherwood Industrial Estate should be associated with Bonnyrigg. With the aid of GIS we examined how these issues might be addressed by making consequential adjustments to adjacent wards within the terms of the statutory rules. We found that the changes necessary inevitably resulted in other communities being divided between wards. Whilst it was feasible to design a 5-ward structure in terms of electoral parity, we were unable to identify a ward structure that addressed adequately the community issues brought to our attention by the Council.

8. In examining the potential for developing a 6-ward structure our Secretariat advised that the 3-member wards offered by the Council by way of example could not be significantly improved upon. Accordingly, we examined that option. While the electoral parity figures for the proposed wards were acceptable we observed that there were potential issues arising around, for example, Milton Bridge/Penicuik and Dalkeith/Eskbank but we found that addressing these issues led to disparities in ward electorates, which ranged between -17.7 per cent and 17.4 per cent, that could not be satisfactorily resolved by making further consequential changes. However, the Council's proposals did not appear to us to split communities, and communities had been brought together into particular groups in order to achieve electoral parity. We concluded that, within the terms of the statutory rules, the proposals based on communities and settlements identified by the Council and the existing Community Council structure provided a sound basis for revised electoral arrangements subject only to some minor boundary realignments that had no significant effect on ward electorates. As a consequence of our decision our Secretariat prepared revised wards using the methodology made known to the Council and bearing in mind all the observations made to us in its concluded view.

9. Following full discussion it was agreed that our initial proposals for Midlothian Council area should comprise 6 electoral wards each of which would return 3 elected members as follows:

Ward Number a	Forecast Electorate b	Number of Elected Members c	Average Electorate per Member d	Divergence from Parity (%) e
1	11,320	3	3,773	2
2	11,620	3	3,873	4
3	10,640	3	3,547	-4
4	11,510	3	3,837	3
5	11,110	3	3,703	0
6	10,580	3	3,527	-5

### Informing the Council of our Initial Proposals

10. We submitted our initial proposals to Midlothian Council on 7 March 2005 illustrated by maps showing the boundaries of the proposed wards. We also provided details of the forecast of electorate for each ward at 2009, a GIS file containing the boundaries of each ward and a CDROM containing maps of the proposed ward boundaries in PDF image format. (A GIS file containing the GRO(S) postcode geography showing the 2004 electorate together with the expected new build/demolition etc data and the electorate for each postcode at 2009 arising from these components of change was also available to the Council to assist with the review process.)

11. We asked the Council to provide its views on our initial proposals within two months as specified in the legislation. Contact was maintained with the Council at officer level throughout this initial consultation period.

### The Midlothian Council Response

12. We received the Midlothian Council's written response to our initial proposals on 31 March 2005.

13. The Council accepted that our draft proposals were broadly in line with its concluded view, offered no other comments and agreed that the statutory public consultation should proceed. The council provided names for each of the wards and we adopted them as our own.

### Provisional Proposals

14. Our provisional proposals for revised electoral arrangements in Midlothian Council area made provision for a Council of 18 elected members in 6 wards each returning 3-members as follows:

Ward		Forecast Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity(%)
Number a	Name b				
1	Penicuik	11,320	3	3,773	2
2	Bonnyrigg	11,620	3	3,873	4
3	Dalkeith	10,640	3	3,547	-4
4	Midlothian West	11,510	3	3,837	3
5	Midlothian East	11,110	3	3,703	0
6	Midlothian South	10,580	3	3,527	-5

15. We published our provisional proposals for revised electoral arrangements in Midlothian Council area on 19 May 2005. These differed from our initial proposals in that they contained minor changes necessary to fix the proposed boundaries to the OS MasterMap® TOID®s (see Part 1 paragraphs 19-24).

16. A statutory notice, detailing where our provisional proposals had been deposited for the public consultation and setting out the arrangements we had made for receiving representations, was published in the Dalkeith Advertiser, Edinburgh Evening News and the Peebleshire News. Copies of the documents and maps deposited for the public consultation were also placed on our web site. A short news release was issued on 18 May 2005. The Council was also provided with copies of the documentation and maps on CDROM which it was free to distribute on a wider basis. Further, we provided the Council with GIS files containing the proposed ward boundary details.

17. All MPs and MSPs with a constituency interest were provided with copies of our provisional proposals on CDROM as were the headquarters organisations of the political parties represented at the Scottish Parliament. We also informed the Scottish Parliament Information Centre, Community Councils, Electoral Registration Officers and the Electoral Commission of our provisional proposals.

18. We asked that representations should be made to us within the 12-week period ending on 11 August 2005. We informed all concerned that representations could be made by writing to our Secretary at 3 Drumsheugh Gardens Edinburgh, EH3 7QJ, by email [Midlothian@lgbc-scotland.gov.uk](mailto:Midlothian@lgbc-scotland.gov.uk), by fax at 0131 538 7511 or by using the representations pro forma accessible on our web site at [www.lgbc-scotland.gov.uk](http://www.lgbc-scotland.gov.uk). Those making representations were asked to provide their full postal address including postcode.

## Representations

19. Twenty-four representations were received during the statutory public consultation. The main points raised by the various parties are summarised below:

### Councillors

**Councillor Campbell** requested that Eskbank should be included with Dalkeith in Ward 3 rather than be associated with Mayfield.

**Councillor Fletcher**, leader of the Scottish Liberal Democrat Group, stated that:

- Dalkeith should be part of a 4-member ward that incorporated Eskbank because that area together with Newbattle and Kippielaw were part of Dalkeith and it made no sense to link them to Mayfield;
- It made no sense to link Pathhead, Cranston and Cousland with Dalkeith;
- Penicuik should be wholly incorporated in a 4-member ward;
- Bonnyrigg and Lasswade should be kept together and housing on the south side of the Polton Valley should be in the Bonnyrigg ward;
- the south of the Council area should comprise a 4-member ward incorporating Mayfield, Newtongrange and Gorebridge;
- Loanhead, Bilston and Roslin should be in the same ward, but the northern part of Penicuik should be contained in a ward which comprises all of that town; and
- Temple and Carrington should be moved from the South ward to the West ward in order to retain the rural characteristics of that ward.

**Councillor Milligan** requested that all of Lasswade, Kevock and Wadingburn should be included in Ward 2.

## Political Parties and Associations

**Midlothian Branch of the Scottish Green Party** generally approved of our proposals but expressed concerns that:

- Eskbank, Newbattle and Woodburn were traditionally considered part of 'Greater Dalkeith' and had more in common with Dalkeith than Danderhall which our proposals incorporate with that area; and
- Auchendinny, Greenlaw and Milton Bridge had links to the Penicuik community rather than with Loanhead, Roslin and Rosewell.

**Midlothian Constituency Labour Party** wrote in support of our provisional proposals.

**Midlothian Liberal Democrats** wrote in substantially the same terms as Councillor Fletcher.

**Midlothian Conservative and Unionist Association** wrote expressing the view that our proposals for revised electoral arrangements did not meet the criteria set out in the McIntosh Report namely, fair provision for independents, allowance for geographical diversity and a close fit between wards and natural communities. The association stated that:

- an arrangement that included 4 member wards was more likely to provide a representative Council and offer better opportunities for independents and minority parties;
- the real geographical split in Midlothian was between rural and town communities and, although the number of rural electors was insufficient to justify a rural ward, rural areas should be attached to the towns to which they look for services;

- Penicuik, Bonnyrigg and Dalkeith were the core economic units of Midlothian and their electorate would be best served by Councillors with a remit covering the whole of these areas; and
- our proposals divided the major towns of Penicuik and Dalkeith in ways that split local ties contrary to the remit set out in the Schedule 6 rules; there is a difference of 10 per cent in the number of electors in the smallest and largest ward and having only 3 member wards limited the proportional representation that is likely to arise from the change to STV PR.

The Association included proposals and supporting arguments for 5 wards:

- Ward 1 - would include all of Penicuik, Milton Bridge and Greenlaw and contain 14,749 electors;
- Ward 2 - would consist of Danderhall, Shawfair and Loanhead and contain 10,795 electors;
- Ward 3 would include Dalkeith including Eskbank, Newbattle, Kippielaw and Easthouses and contain 14,831 electors;
- Ward 4 would include all of Bonnyrigg and Lasswade and contain 11,738 electors; and
- Ward 5 would link Mayfield, Newtongrange, Gorebridge and Rosewell with 14,082 electors.

The Association believed that the boundary between Penicuik and Greenlaw/Milton Bridge was not easily identifiable and that the natural geographical and social economic barrier was the valley of the North Esk, which separated Roslin from Rosewell.

**Penicuik Scottish Liberal Democrats** expressed concern about our proposals to locate Greenlaw, Glencorse and Milton Bridge in the Midlothian West ward believing that these areas should be in the proposed Penicuik Ward. Local opinions had been sought and 62 electors, approximately 10 per cent of those affected, had a similar concern.

**Lasswade and District Civic Society** objected to our proposals for the Wadingburn and Kevock area believing that a community was split and noting that the area was within the Bonnyrigg and Lasswade Community Council area. It considered that the number of electors affected was small and did not justify such a significant and socially detrimental change to the community.

## Other Representations

**Eight letters** suggested that the electorate in Lasswade, Kevock and Wadingburn should be included in Ward 2.

**Five letters** objected to our proposals which excluded Glencorse, Milton Bridge and Greenlaw from the proposed Penicuik ward. These areas had community ties with Penicuik and were completely different to Polton and Loanhead.

**Two letters** objected to our proposals which include Eskbank in a ward with Mayfield and expressed the view that Dalkeith and Eskbank were linked communities.

## Consideration of Representations

20. We noted the views regarding proportionality raised by the Midlothian Conservative and Unionist Association. However, in reviewing electoral arrangements, we are required to make recommendations within the terms of the legislation. We noted that neither the legislation nor the Directions from Scottish Ministers required us to design a structure of wards that maximised either the number of 4-member or 3-member wards in any area. In our review of Midlothian, as in all Council areas across Scotland, our concern was to achieve a structure of wards that complied with the requirements of the legislation, bearing in mind the Schedule 6 rules, and that had regard to the perceived extents of communities where it was possible and practicable to do so.

21. We had been aware throughout, that in making our proposals in some areas, it would be necessary to divide existing communities and, similarly, it would be necessary to bring together in revised wards communities which were not associated under present arrangements. Given these circumstances, we had adopted a balanced approach, recognising that it was not possible wholly to reconcile all of the various views expressed to us.

22. In considering the representations, we observed that, in the revised wards proposed by the Midlothian Conservative and Unionist Association, all of Penicuik, Milton Bridge and Roslin had been associated in a 4-member ward and that Loanhead had been linked with Danderhall, thus allowing Eskbank, Dalkeith, Easterhouses and communities in the south east of the Council area along the A68(T) to be combined in another 4-member ward. However, the revision divided Mayfield, a relatively small community, with part being included within the enlarged Eskbank/Dalkeith ward and part within the Newtongrange, Gorebridge and Rosewell ward. Further, the proposals associated Newtongrange and Gorebridge at the eastern side of a ward that also contained Rosewell at its western boundary. While there were direct transport links between Rosewell, Bonnyrigg and Roslin there were no such connections between Rosewell, Newtongrange and Gorebridge.

23. Bearing in mind other representations received during the consultation process, we noted other concerns which could not be resolved by the 5-ward structure proposed.

24. We could not agree that the association between Loanhead and Danderhall was strong enough to justify a change in our proposals and noted, in this connection, that we had not received any representations from electors in Danderhall or Loanhead that opposed our proposals for these communities. There was a clear geographical divide between these communities in the Wadingburn area where, according to other representations, much of the electorate was more closely associated with Lasswade and Bonnyrigg. Further, we observed that there was no direct transport link between the 2 communities within the Council boundaries and that the existing service provision for these areas was focussed elsewhere.

25. We were concerned that the proposals divided the community of Mayfield and we noted that we had received no representations from electors in that area which opposed our proposals. Conversely, we also noted that, with minor exception, our proposals reflected the existing Community Council arrangements.

26. We were also doubtful about the proposed amendment that associated Newtongrange, Gorebridge and Rosewell in a ward. In our view Rosewell was more appropriately linked either northwards towards Bonnyrigg/Lasswade or westwards to Roslin. We noted that no representations concerning our proposals for Rosewell, Gorebridge and Newtongrange had been received from electors in these areas.

27. Overall, we concluded that the proposals for a 5-ward structure did not improve upon our provisional proposals and could not be adjusted to alleviate the community issues we identified.

There would be particular difficulties with the proposed Loanhead/Danderhall ward. If the concerns in the Lasswade, Wadingburn and Kevock areas were acted upon they would further weaken the already tenuous link between Loanhead and Danderhall. Accordingly, we agreed that our proposals should not be amended in the manner proposed.

28. We considered those other representations which also directly, or indirectly, advocated a 5-ward structure for the Council area and noted that, at the outset of the review, our Secretariat had designed proposals for 5 wards which addressed most of the issues now raised. However, revisiting these proposals identified other potential community conflicts for which no resolution could be found. Notwithstanding our examination of the 5-ward structure proposed by the Midlothian Conservative and Unionist Association, we remained of the view that our proposals based on communities and settlements identified by the Council and the existing Community Council structure provided a sound basis for revised electoral arrangements. Accordingly, we agreed that the structure of 6 wards we proposed should not be substantially amended to create a structure of 3 and 4 member wards.

29. We considered those representations that were concerned with Lasswade, Kevock, and Wadingburn and the south side of the Polton Valley and agreed that it would be possible, within the terms of the statutory rules, to amend the boundary between the Bonnyrigg and Loanhead wards to associate all of the communities identified with Bonnyrigg. However, in making these adjustments we observed that the area between Lasswade Road and the Sheriffhall Roundabout on the A720 did not sit well in the Danderhall/Dalkeith ward because the main transport links led directly into Eskbank. Because very few electors would be affected, we agreed to amend our proposals so that properties with access on to the A772 and B6392 were incorporated in the Eskbank ward.

30. We considered those representations that sought variously to associate Dalkeith with Eskbank, Woodburn and Newbattle and those that objected to the inclusion of Eskbank in a ward with Mayfield. We noted that there were constraints on varying our proposals in these areas, principally because of the need to accommodate Danderhall with communities other than Eskbank or Dalkeith. With minor exceptions, our proposals linked Danderhall & District and Dalkeith & District Community Council areas - which was supported by the transport links in that area - and a very small woodland area within Ironmills Park within Eskbank & Newbattle Community Council area.

31. Associating Eskbank with Dalkeith and Danderhall increased the electorate in the combined areas to a level which justified 4 members. We noted that, at the outset of the review, we had rejected this configuration, which had been proposed by our Secretariat, because of consequential issues in that design of a 5-ward structure elsewhere. We also considered the potential for a 5-ward structure in light of the representations received during our consultation and agreed that it was not possible to create an acceptable design of wards across the Council area. Accordingly, we were not persuaded to accommodate the revision sought.

32. When we considered those representations variously concerned with our proposals for Auchendinny, Glencorse, Greenlaw, Milton Bridge and Penicuik, we found that the only means of resolving issues in the A701 corridor was the creation of a 4 member ward. However, in considering representations which proposed a 5-ward structure for the Council area, and in exploring at length the options available to us, we were clear that this did not improve upon our provisional proposals. In our view, a 5-ward structure did not overcome community concerns across the wider area. Whilst the problems identified at Auchendinny, Glencorse Greenlaw, Milton Bridge and Penicuik might well be addressed, the relevant modifications raised significant community issues elsewhere across the Council area to the detriment of our proposals when considered in the round. We agreed that the boundaries between wards in this area were clearly defined, and that within the A701 corridor, our proposed ward structure brought together communities with a common interest.

33. We noted those representations which supported our proposals.

## Part 3 Final Recommendation

1. Having conducted the fourth statutory review of electoral arrangements for Midlothian Council area in accordance with the procedures described in Parts 1 and 2 above, we recommend that future electoral arrangements for the said Council area should provide for a Council of 18 elected members in 6 wards each returning 3 members as follows:

Ward		Forecast Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity(%)
Number a	Name b				
1	Penicuik	11,320	3	3,773	2
2	Bonnyrigg	12,010	3	4,003	8
3	Dalkeith	10,590	3	3,530	-5
4	Midlothian West	11,120	3	3,707	0
5	Midlothian East	11,160	3	3,720	0
6	Midlothian South	10,580	3	3,527	-5

2. The boundaries of the proposed electoral wards are described in the form of digital data as set out at Part 1 paragraph 22 of our report. These data files, which have been securely stored on magnetic media at the date of publication of our report, comprise GIS files in shapefile format containing the features copied from the OS MasterMap®, large-scale digital data as supplied to us at July 2004. A full copy of the OS MasterMap®, Topography Layer, the Midlothian Council area boundary depicted in the Administrative Boundaries theme and the low water mark ordinary springs large-scale digital data (prepared on our behalf by OS from its large-scale digital information) has similarly been secured on magnetic media. These secured data files ensure that the proposed ward boundary polyline shapefiles data can be verified against the July 2004 version of the large-scale base mapping from which the proposed ward boundaries are derived.

3. A statutory notice, detailing where our report has been deposited for inspection was published in the Dalkeith Advertiser, the Edinburgh Evening News and the Peebleshire News. A news release announcing the publication of our report was also issued.

4. A map at the print size and scale set out below has also been deposited for public inspection at the locations set out in the statutory notice:

- Midlothian Council area A0 scale 1:36,000

5. Our report and the map detailing the recommended ward boundaries, together with individual maps of each of the recommended wards, are available on our web site at [www.lgbc-scotland.gov.uk](http://www.lgbc-scotland.gov.uk) and can be viewed or downloaded free of charge within the constraints imposed by Crown copyright.



## Appendices

- Appendix A Extract from Local Governance (Scotland) Act 2004
- Appendix B Direction Under Section 18(2A) of The Local Government (Scotland) Act 1973
- Appendix C Direction Under Section 18(2A) of The Local Government (Scotland) Act 1973
- Appendix D Local Government (Scotland) Act 1973, as amended  
Schedule 6 – Rules to be observed in considering electoral arrangements
- Appendix E Review Timetable
- Appendix F Illustrative Maps

## Appendix A

### Extract from Local Governance (Scotland) Act 2004

#### 4 Reviews of electoral arrangements

- (1) As soon as practicable after the commencement of this section the Boundary Commission shall-
  - (a) review the electoral arrangements for all local government areas for the purpose of considering future electoral arrangements for those areas, and
  - (b) formulate proposals for those arrangements.
- (2) Part II of the 1973 Act applies to a review under subsection (1) as it applies to a review under section 16 of that Act except that section 17 of that Act has effect as if it required-
  - (a) the Boundary Commission to submit a report on any review before such date as the Scottish Ministers may direct, and
  - (b) the Scottish Ministers to make an order under section 17 giving effect to the proposals of the Commission under subsection (1) (whether as submitted to them or with modifications).
- (3) The Boundary Commission shall, when complying with section 18(2)(aa) of the 1973 Act on a review under subsection (1), also inform the council of the reasons for any differences between-
  - (a) their draft proposals, and
  - (b) the draft proposals which would have been made had they been formulated on the basis that each electoral ward of a local government area is to consist of a combination of existing electoral wards (the rules set out in Schedule 6 to that Act having been disregarded in so far as those rules conflicted with that basis).
- (4) The Boundary Commission shall disregard subsection (3) when formulating proposals for future electoral arrangements under subsection (1).
- (5) The 1973 Act is amended as follows-
  - (a) in section 16(2) (duty of Boundary Commission to carry out periodic reviews of electoral arrangements), for “Schedule 5 to this Act” substitute “section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9)”,
  - (b) in section 18 (procedure for reviews)-
    - (i) in subsection (2), after paragraph (a) insert-

- “(aa) at least two months before taking any steps under paragraph (b) below to inform other persons of any draft proposals or any interim decision not to make proposals, inform the council of any local government area affected by the review of those proposals or that decision;
- (ab) before taking any such steps, take into consideration any representation made to them by such a council during the period of two months beginning on the day on which the council is informed under paragraph (aa);”,
- (ii) after subsection (2) insert-
  - “(2A) The Scottish Ministers may give directions to-
    - (a) the Boundary Commission,
    - (b) the council of any local government area affected by a review, in relation to consultation under subsection (2)(a) above.
  - (2B) Such directions may be given generally or in relation to particular reviews or particular aspects of reviews.”,
- (c) section 20 is repealed,
- (d) in subsection (1) (interpretation) of section 28, in the definition of “electoral arrangements”, after “councillors”, where second occurring, insert “, the number of councillors for each electoral ward”,
- (e) in subsection (2) (review of electoral arrangements to be carried out in compliance with certain enactments) of that section-
  - (i) after “Act”, where first occurring, insert “or section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9)”, and
  - (ii) for “section 5 of the Local Government etc. (Scotland) Act 1994” substitute “section 1 of the Local Governance (Scotland) Act 2004 (asp 9)”,
- (f) Schedule 5 is repealed,
- (g) in sub-paragraph (2) of paragraph 1 of Schedule 6, for the words from “of”, where fourth occurring, to the end of that sub-paragraph substitute “calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.”, and
- (h) at the end of sub-paragraph (3) of that paragraph insert-
 

“but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.”

## Appendix B

### **DIRECTION UNDER SECTION 18(2A) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

1. The Scottish Ministers, in exercise of the powers conferred by section 18(2A) and (2B) of the Local Government (Scotland) Act 1973 (“the Act”), and of all other powers enabling them in that behalf, hereby give the following directions to the Local Government Boundary Commission for Scotland (“the Commission”).
2. These directions apply in relation to any consultation carried out by the Commission, in accordance with section 18(2)(a) of the Act, with the council of any local government area affected by a review under Part II of the Act (“the council”).
3. In carrying out any such consultation, the Commission shall comply with the requirements set out in paragraphs 4 to 12 below.

#### **Information to be provided by the Commission**

4. The Commission shall, within 14 days of the date of this Direction, inform the council in writing, by letter, by recorded delivery, addressed to the Chief Executive of that council of the following–
  - (a) the timetable proposed by the Commission for that consultation;
  - (b) the timetable proposed by the Commission for the review to be conducted by the Commission under section 4(1) of the Local Governance (Scotland) Act 2004;
  - (c) the general approach the Commission proposes to adopt in formulating its proposals for ward boundaries;
  - (d) the information the Commission would like to have available to use in formulating those proposals;
  - (e) the assistance which that council would be asked to render to the Commission in the process of the review; and
  - (f) such other matters as the Commission considers appropriate.

#### **Process of consultation with the council**

##### **General**

5. The Commission shall take all reasonable steps to establish and maintain an ongoing dialogue with the council for the purposes of the review. That dialogue may be conducted in person, orally, in writing or otherwise.

6. In the course of the consultation, the Commission shall encourage the council-
  - (a) to establish, and communicate to the Commission, any proposals or ideas that the council may have in relation to new ward boundaries, or otherwise in relation to the formulation of the Commission's proposals; and
  - (b) to provide such factual information held by the council as the Commission or the council think relevant in relation to the formulation of the Commission's proposals.

### Meeting with the council

7. Subject to paragraph 9, the Commission shall meet with the council no later than twelve weeks after the date of the letter sent in terms of paragraph 4.
8.
  - (1) The Commission shall propose to the council 2 dates, and the times on those dates, on which that meeting might take place.
  - (2) Where the council indicates that those proposals are unsuitable then the Commission shall offer 2 further dates, and the times on these dates, on which the meeting might take place.
  - (3) All of the dates and times proposed by the Commission under this paragraph shall be within the ordinary working hours of the council.
  - (4) Nothing in this paragraph shall prevent the Commission and the council meeting at any time which is not within the ordinary working hours of the council where the Commission and the council so agree.
9. The Commission is not required to meet with the council where-
  - (a) the council indicates that it does not wish to meet the Commission; or
  - (b) the council fails to respond to any proposal made under
    - (i) paragraph 8(1), during the period of 14 calendar days beginning with the day on which the council received that proposal; or
    - (ii) paragraph 8(2), during the period of 7 calendar days beginning with the day on which the council received that proposal.

### Formal written views of the council

10.
  - (1) The Commission shall take all reasonable steps to ensure that they have received the concluded view of the council in writing on the matters raised in the consultation by no later than-
    - (a) the end of the period of four weeks beginning with the date of any meeting held in accordance with paragraph 7; or

- (b) in the event that, in terms of paragraph 9, no meeting took place between the Commission and the council, the end of the period of four weeks beginning with -
  - (i) the date on which the council indicated that it did not wish to meet the Commission; or
  - (ii) the date on which the period referred to in paragraph 9(b)(i), or if applicable, 9(b)(ii) ends,whichever may apply.

- (2) Where the Commission have not received the concluded view referred to in sub-paragraph (1), within the timescale provided for in that sub-paragraph, the Commission may disregard any conflict in the views that have been expressed by, or purportedly by, the council where, in the opinion of the Commission, those views conflict.

11. Where the Commission is of the opinion that it has not received the concluded view of the council it shall notify the council of that fact no fewer than 7 calendar days before the end of the consultation.

12. For the purposes of these directions, the Commission shall assume that a view expressed as being the concluded view of the council is the concluded view of the council if that view is expressed in a letter from the Chief Executive of the council to the Commission.

Andrew P Kerr

A member of the Scottish Executive

Edinburgh  
30th August 2004

## Appendix C

### **DIRECTION UNDER SECTION 18(2A) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

1. The Scottish Ministers, in exercise of the powers conferred by section 18(2A) and (2B) of the Local Government (Scotland) Act 1973 (“the Act”), and of all other powers enabling them in that behalf, hereby give the following directions.
2. These directions apply in relation to any consultation carried out by the Local Government Boundary Commission for Scotland (“the Commission”), in accordance with section 18(2)(a) of the Act, with the council of any local government area affected by a review under Part II of the Act (“the council”).
3. In taking part in such a consultation, the council shall comply with the requirements set out in paragraph 4 below.
4. For the purposes of enabling the Commission to exercise the functions conferred upon them by virtue of section 18(2)(a) of the Act, as read with the Scottish Ministers’ direction to the Commission dated 30<sup>th</sup> August 2004, the Council shall co-operate with the Commission and shall in particular:-
  - (a) establish and maintain an ongoing dialogue which, where appropriate, may include meeting with the Commission;
  - (b) take all reasonable steps to ensure that any views expressed, or purporting to be expressed, by it or on its behalf to the Commission are accurate;
  - (c) provide the Commission with all such information as the Commission may reasonably request; and
  - (d) provide the Commission with all such information as the Council considers relevant, including any proposals or ideas the Council may have, in relation to new ward boundaries, or otherwise in relation to the formulation of the Commission’s proposals.

Andrew P Kerr

A member of the Scottish Executive

Edinburgh  
30 August 2004

## Appendix D

### Local Government (Scotland) Act 1973, as amended Schedule 6 – Rules to be observed in considering electoral arrangements

1. (1) This schedule applies to the consideration by Scottish Ministers or the Boundary Commission of electoral arrangements for election of councillors of local government areas.
  - (2) Having regard to any change in the number or distribution of electors of a local government area likely to take place within the period of five years immediately following the consideration, the number calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.
  - (3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to-
    - (a) the desirability of fixing boundaries which are and will remain easily identifiable;
    - (b) any local ties which would be broken by the fixing of any particular boundary but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.
2. The strict application of the rule stated in paragraph 1(2) above may be departed from in any area where special geographical conditions appear to render a departure desirable.

## Appendix E

### Review Timetable

**Stage 1:** Initial consultation with Councils and the early establishment of an ongoing dialogue between the Commission and Councils for the purpose of the Review.

Councils are given full opportunity to communicate to the Commission any proposals or ideas that they may have in relation to the design of new wards. The Commission outlines the methodology underlying its intended approach to the Review.

Clarification of general review issues, both technical and administrative. Exchange of factual information between the Commission and Councils relevant to the design of proposed wards.

Discussion/exchange of information for any areas of concern.

**12 weeks**

**Stage 2:** Development of initial proposals by the Commission for each Council area with ongoing consultation between the Commission and Councils as necessary on emerging issues.

Preparation of maps, supporting documentation and GIS files of proposed ward boundaries for Councils once the Commission has completed drafting its initial ward schemes.

**10 weeks**

**Stage 3:** Initial proposals released to Councils. Two months allowed for the Council to comment on proposals, offer amendments and or alternatives. Further discussions with Council as required throughout this stage to clarify emerging issues relating to the initial proposals.

**9 weeks (2 months)**

**Stage 4:** Full consideration by the Commission of issues arising through stage 3 which might lead to revision/adjustment of initial proposals. Further liaison with Councils taken forward on a needs basis

**8 weeks**

**Stage 5:** Publication of the Commission's provisional proposals as part of the statutory public consultation process. Analysis of representations received. Seek Council views on aspects of representations and the impact they have on the provisional proposals as required.

**12 weeks**

**Stage 6:** Full analysis of representations received by the Commission.

Commission determines where a need has arisen for local inquiries, organises and conducts inquiries and reviews its provisional recommendations in light of inquiry reports.

Publication of revised recommendations where the Commission makes significant changes to its provisional proposals.

Consider representations received within 1 month.

Move to final recommendations where possible.

**20 weeks**

**Stage 7:** Complete final recommendations for all Council areas.

Complete review process, write and submit reports.

# Appendix F

## Illustrative Maps

Ward 1 – Penicuik

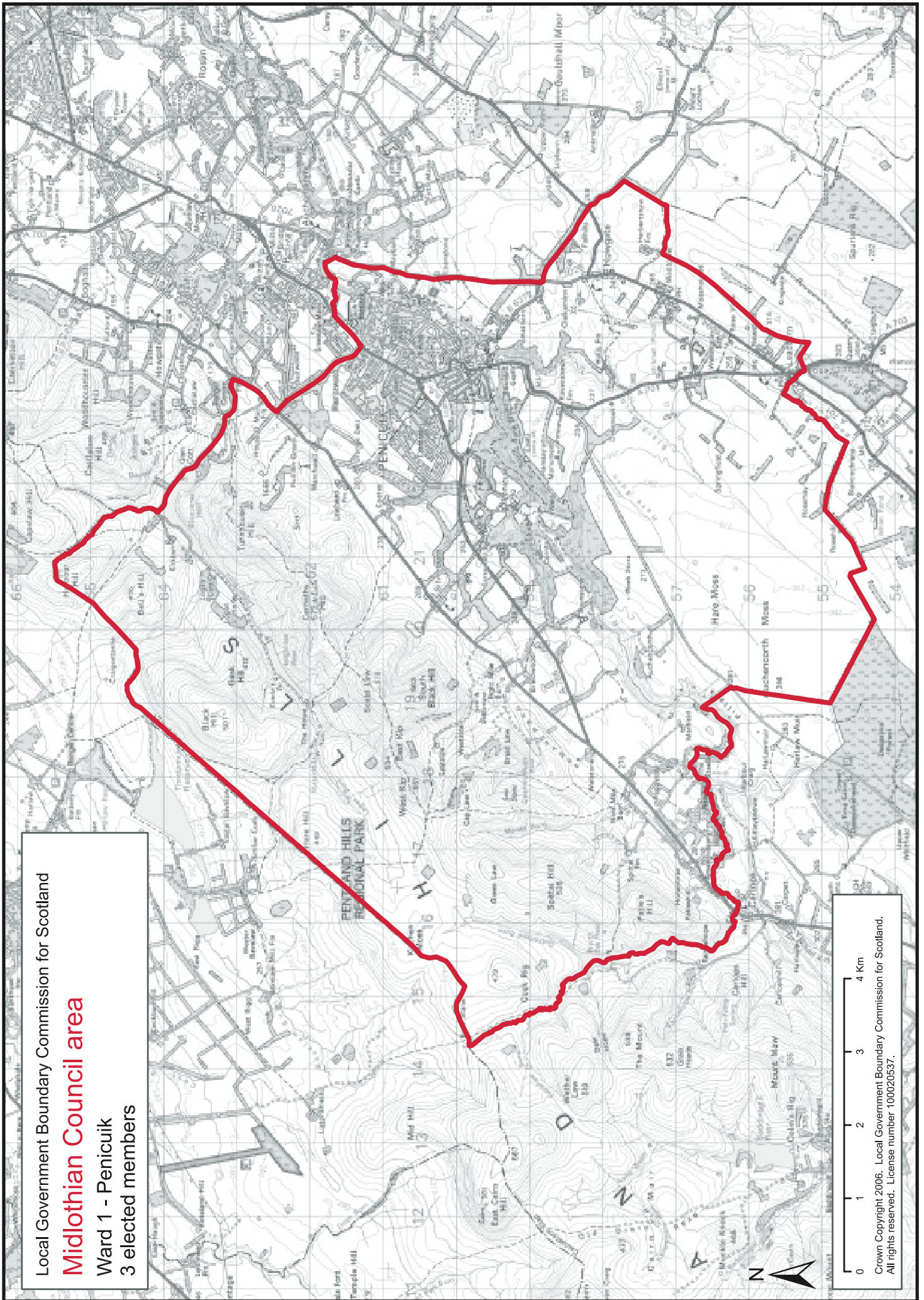
Ward 2 – Bonnyrigg

Ward 3 – Dalkeith

Ward 4 – Midlothian West

Ward 5 – Midlothian East

Ward 6 – Midlothian South



Local Government Boundary Commission for Scotland  
**Midlothian Council area**  
 Ward 1 - Penicuik  
 3 elected members

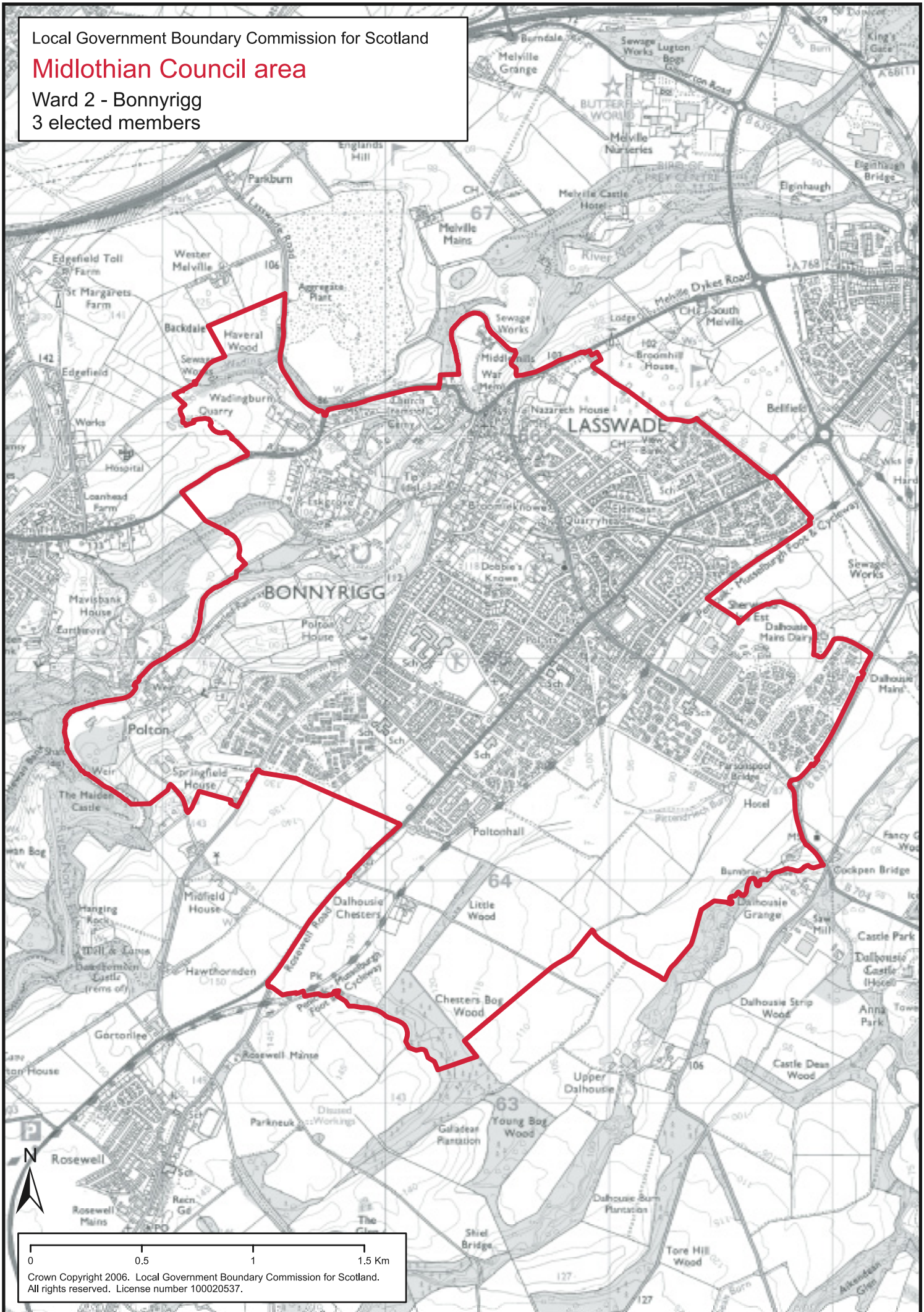
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Local Government Boundary Commission for Scotland

## Midlothian Council area

Ward 2 - Bonnyrigg

3 elected members

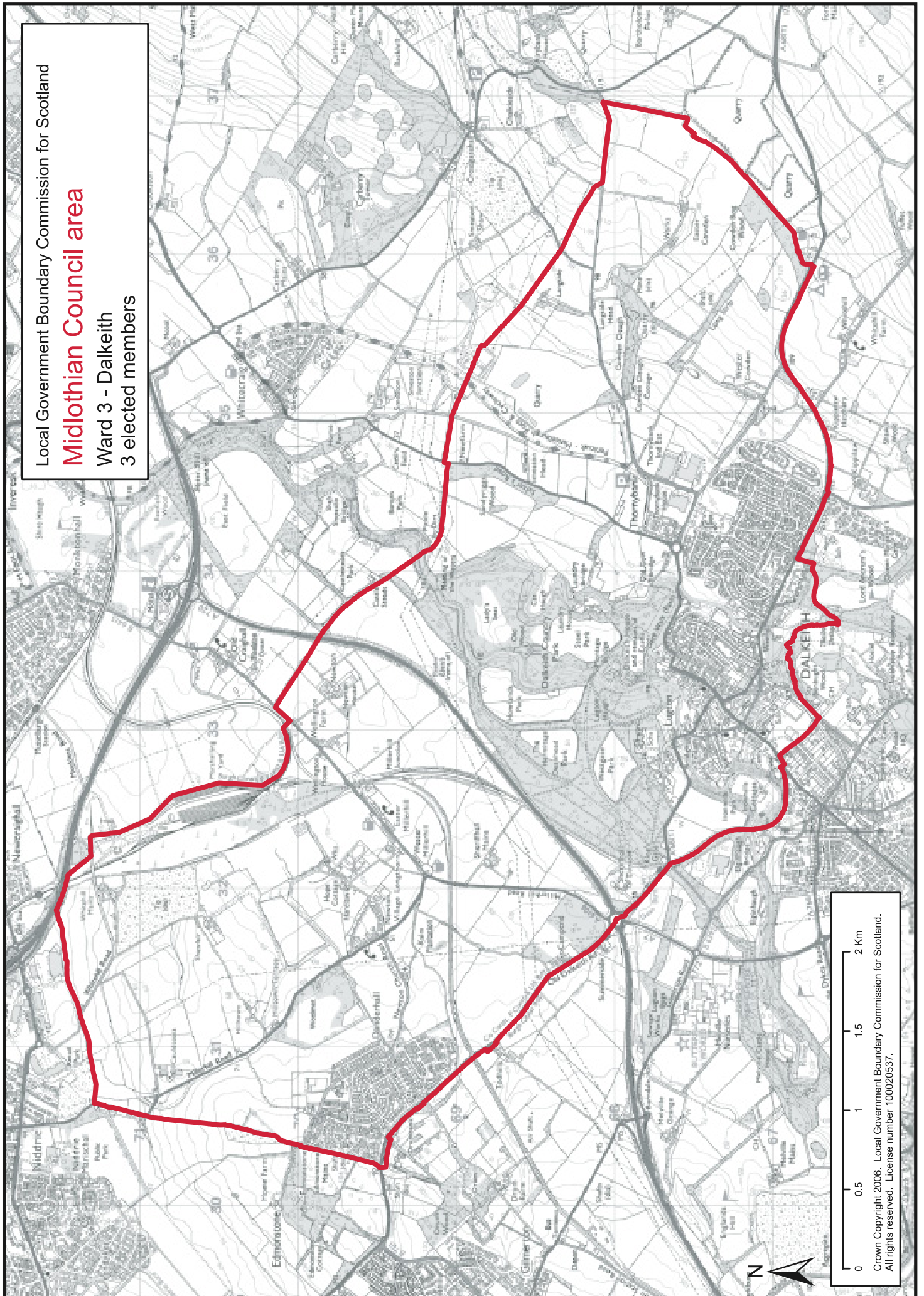


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Local Government Boundary Commission for Scotland

## Midlothian Council area

Ward 3 - Dalkeith  
3 elected members



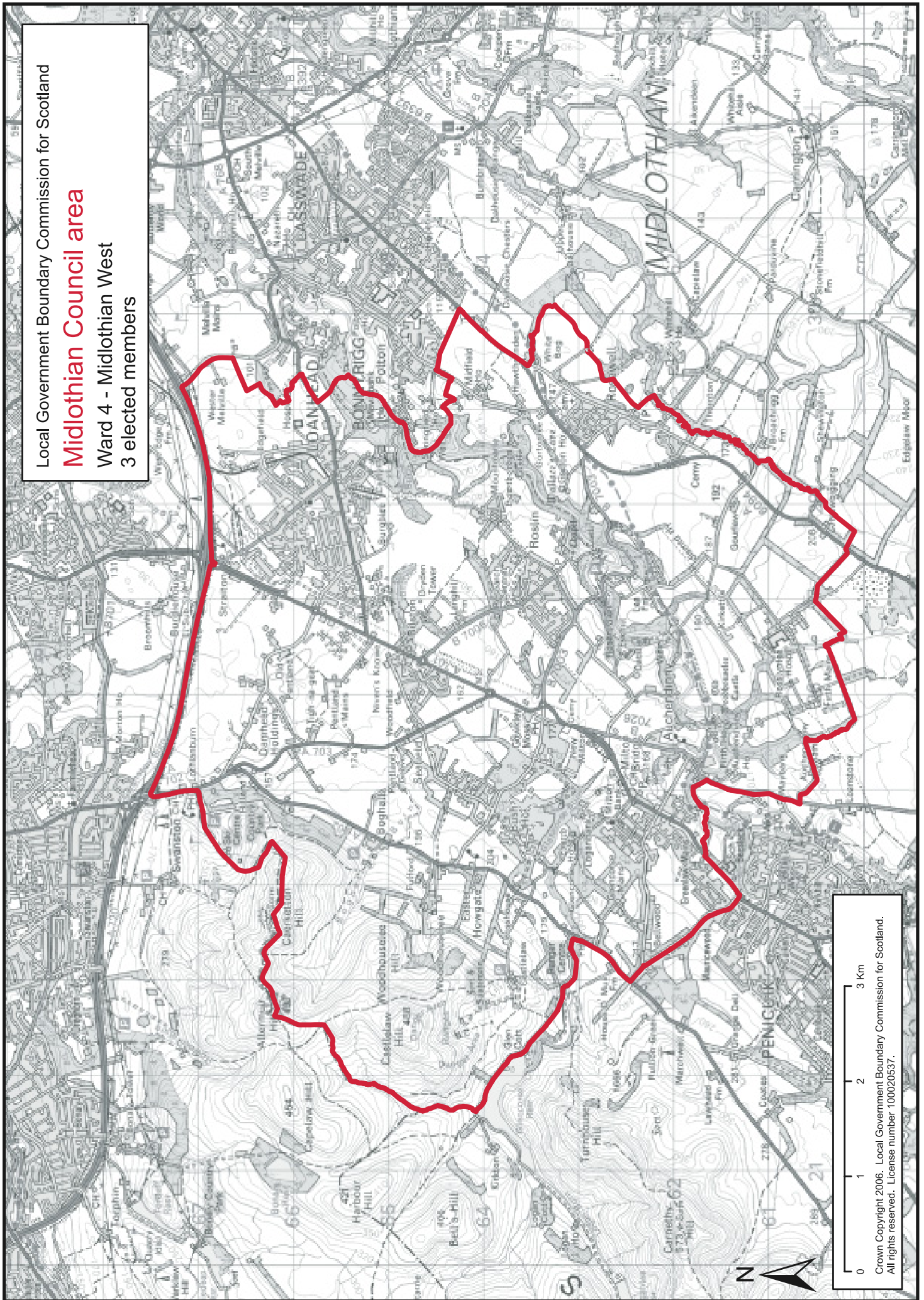
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Local Government Boundary Commission for Scotland

**Midlothian Council area**

Ward 4 - Midlothian West

3 elected members



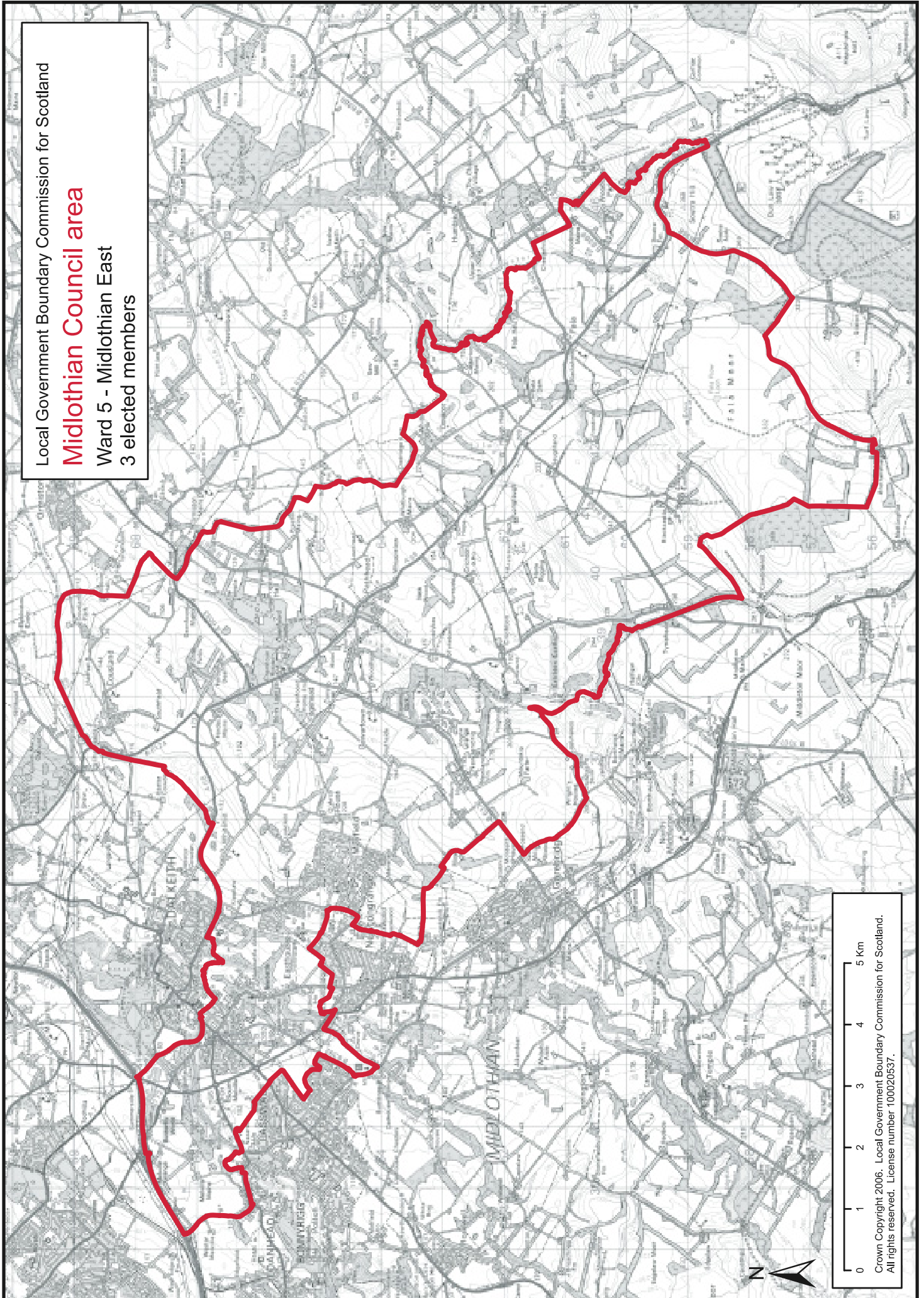
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Local Government Boundary Commission for Scotland

**Midlothian Council area**

Ward 5 - Midlothian East

3 elected members



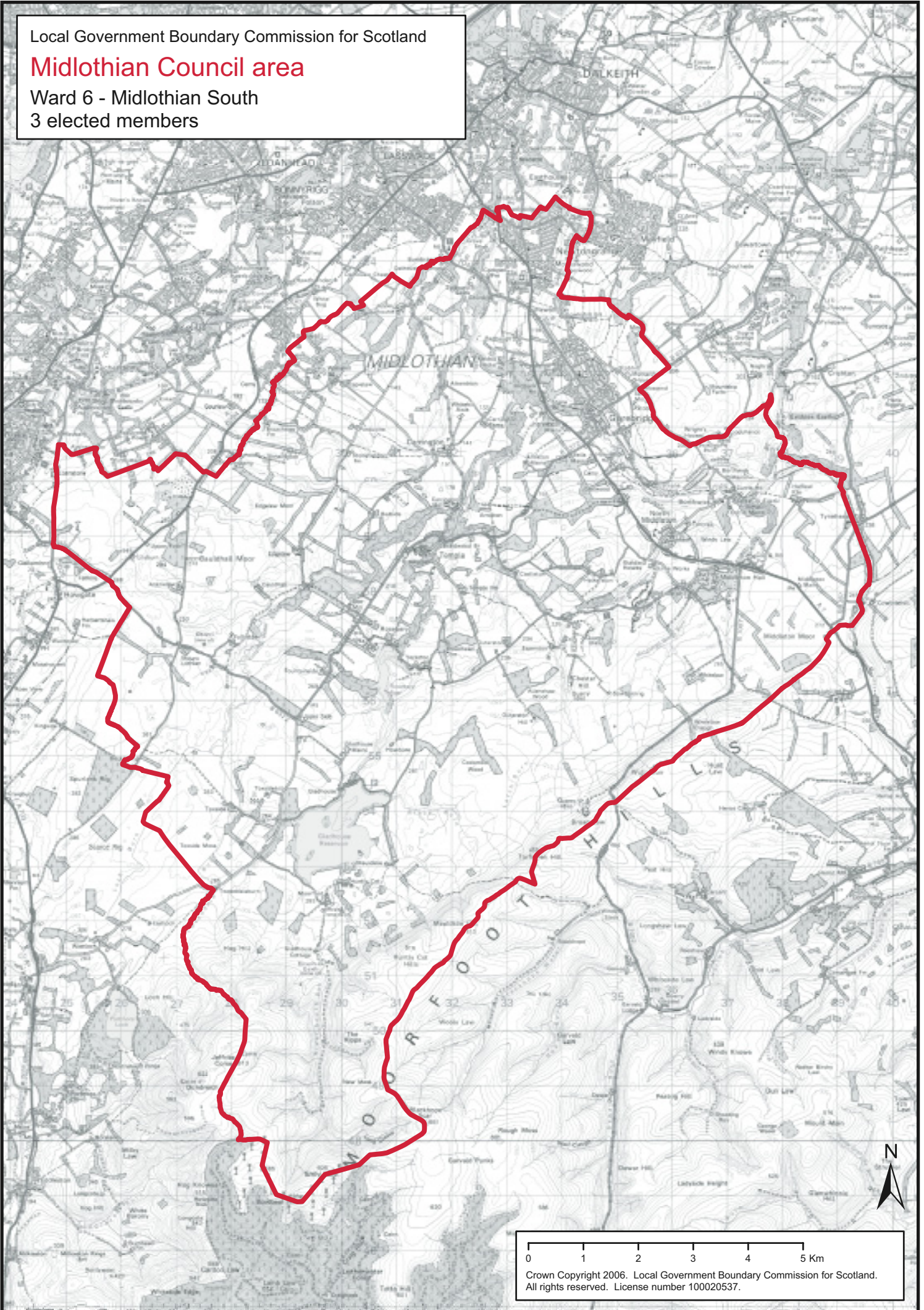
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Local Government Boundary Commission for Scotland

**Midlothian Council area**

Ward 6 - Midlothian South

3 elected members



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