

BOUNDARIES SCOTLAND
LOCAL INQUIRY

2nd Review of Scottish Parliament Constituencies

Held at:

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The Park Hotel
2 Dundonald Pl
Kilmarnock
KA1 1UR

on

Tuesday, 12 December 2023

SHERIFF PRINCIPAL MURPHY

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(Tuesday, 12 December 2023)

AFTERNOON SESSION:

(1403)

SHERIFF PRINCIPAL MURPHY: Good afternoon, everyone. Thank you very much for coming along to join us. My name is Sean Murphy. I am the Sheriff Principal of North Strathclyde and as the Assistant Commissioner I have been asked to chair this afternoon's meeting.

In due course I will ask those people who have signed on already to come forward and speak and then if anyone else wishes to make a statement, I will come to you afterwards. Could I start by asking everyone, please, to make sure if you have a mobile phone, it is either on silent or switched off. Notes are being taken by two staff to my left of the events today so when people are speaking I will ask them to come forward to this table here, and can I ask you first of all just to state your name and if you are speaking on behalf of an organisation or council, could you indicate that at the outset, please, for the purposes of the notes?

Now, I am required to read the following opening statement.

This Local Inquiry is one of six being held around Scotland where you have an opportunity to make further comments or suggestions on the Commission's provisional proposals for constituencies. A transcript of today's proceedings is being made, and that will be published on the Boundaries Scotland website along with my report at a later date.

Local Inquiries are held by the Commission in areas where a local authority has objected to their proposals, where there has been a strong local response or where they feel they want additional information. The Commission welcomes this inquiry which provides an opportunity for local views to be heard as part of the process of reviewing Scottish Parliament boundaries. The Commission also welcomes the opportunity to explain the legislative provisions and procedures it must follow.

The population, and therefore the electorate, of each constituency is constantly changing, with people moving into or out of areas as well as within the same area. As a result of these changes, some MSPs may represent considerably more or fewer electors than others. These variations in all levels of representation are one of the reasons that the Commission carries out regular reviews of Scottish Parliament boundaries, in order to ensure electoral fairness.

Schedule 1 of the Scotland Act requires Boundaries Scotland to conduct reviews of Scottish Parliament boundaries for constituencies and regions at intervals of every 8 to 12 years.

The existing constituencies for the Scottish Parliament were defined following the First Review of Scottish Parliament boundaries, completed in 2010. Those boundaries have been used in the 2011, 2016 and 2021 Scottish Parliament elections.

The Second Review must be completed by 1 May 2025 when the legislation requires that the Commission submit its final recommendations to Scottish Ministers.

In formulating its provisional proposals for constituencies, the Commission has a statutory duty to apply Schedule 1 of the Scotland Act 1998 as

amended. That Schedule sets out a set of rules to be applied when designing constituencies.

The rules can be summarised as follows: There are to be 73 constituencies. Three of these are protected so not under review: Orkney Islands, Shetland Islands and Na h-Eileanan an Iar (Western isles). The remaining 70 constituencies must meet a set of requirements and must do so in a way which, so far as practicable, is consistent throughout the whole of Scotland.

Rule 1 - So far as is practicable, regard must be had to the boundaries of local authority areas.

Rule 2 - The electorate of each constituency is to be as near the electoral quota as is practicable, while having regard to Rule 1. The electoral quota is determined by dividing the total number of local government electors on September 2022 electoral registers for all of Scotland, except the three preserved island constituencies, by 70. The electoral quota remains fixed throughout the period of a review and is 59,902 electors for this review.

The Commission may depart from 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. Best practice from the Venice Commission (Code of Good Practice in Electoral Matters) and previous reviews suggests an electorate within $\pm 10\%$ of the electoral quota is acceptable.

Rule 3 - The Commission may depart from the strict application of the preceding rules if it considers that special geographical considerations, including the size, shape and accessibility of a constituency, make a departure desirable.

Rule 4 - The Commission must take account, so far as it reasonably can, of inconveniences attendant on altering constituencies and of any local ties which would be broken by doing so.

Sometimes these rules can be seen as conflicting and the Commission must exercise its discretion in deciding the appropriate weight of each in any given constituency.

The Commission recognises that changes to constituencies are often unwelcome. However, the legislation requires that Parliamentary boundaries are regularly reviewed and places a duty to do so upon the Commission. As in previous reviews, the main concerns have generally arisen from the need to take account of the movement of electorate within Scotland.

The Commission wishes to emphasise that its review relates solely to boundaries for the Scottish Parliament and does not affect the structure or arrangements of local government areas or the services they provide. Parliamentary boundaries do not affect the provision of council services, health services, or council tax, nor do they signal a desire to change any other boundaries, including school catchments or local authority boundaries or the remit of community councils. Electoral boundaries are purely for the purposes of identifying constituencies for elections.

The Commission also wishes to emphasise that, for the purpose of formulating proposals for revised constituencies, the results of previous elections have not entered into its consideration. Similarly, it is not for the Commission to speculate upon the effects which its recommendations may have on future voting patterns or the partisan composition of the Parliament.

The Commission developed its provisional proposals in council area groupings and decided that the combined grouping of North Ayrshire, South Ayrshire and East Ayrshire council areas should be represented by 5 constituencies. There are currently 5 constituencies within these areas.

The Commission proposed no changes to three constituencies but did propose changes to the existing Cunninghame South and Kilmarnock and Irvine Valley constituencies. The proposals split the East Ayrshire, Annick ward by following the centre of the M77 motorway. The towns of Dunlop, Kilmaurs and Stewarton, with approximately 10,800 electors, were added to a Cunninghame South constituency.

Whilst acknowledging the links between Kilmaurs and Stewarton and Kilmarnock, the

Commission agreed that the proposed constituencies for this area were acceptable overall as they retain three of the existing constituencies including retention of the close links between Ayr, Prestwick and Troon, which have been in place since 2011 and this may avoid confusion for the local electorate. They also use the M77 motorway as an easily identifiable boundary. All five constituencies are within 10% variation from the electoral quota.

The Commission agreed that this arrangement was the most appropriate given the distribution of electors throughout this grouping of council areas. During the one-month public consultation, held between May and June 2023, the Commission received only 12 responses for the constituencies covering North Ayrshire, South Ayrshire and East Ayrshire Council areas. North Ayrshire Council opposed the proposals and East Ayrshire Council responded in similar terms to North Ayrshire Council and formally objected to the proposals and called for today's Local Inquiry. They stated communities in East Ayrshire ward 1, Annick, look towards Kilmarnock and have nothing in common with communities in Cunninghame South. They believe that the Annick ward should remain within a Kilmarnock and Irvine Valley constituency. They also stated the proposals do not consider new housing developments and population growth.

The Commission welcomes all comments and alternative suggestions to its provisional proposals in this area, not just on those issues raised in this statement today, but would highlight again that any alternative constituency designs must meet the legislative requirements for this review if they are to be adopted.

Now, can I remind anyone who wishes to speak, please, to come to the table here where you will be recorded with the little device that is sitting there and can I ask you to state your name clearly, first, please and if you are representing an organisation or council authority to indicate that. Could I

call, please, first of all, David Mitchell, who is the Chief Governance Officer of East Ayrshire Council? Mr Mitchell?

MR MITCHELL: Good afternoon. As you say, my name is David Mitchell. I am the Chief Governance Officer and solicitor to the council for East Ayrshire Council. Forgive me, my Lord. I have only ever been at one of these inquiries, so I forget the level of formality. I have prepared just a couple of folders of background correspondence that you may find helpful. I do not know if you wish to receive that?

SHERIFF PRINCIPAL MURPHY: Is that to be passed on to the Commission?

MR MITCHELL: I am quite happy if it is. There are two sets there.

SHERIFF PRINCIPAL MURPHY: Thank you.

MR MITCHELL: If I can maybe just preface the presentation of the council's position, my Lord, just to note that East Ayrshire Council, since its inception in 1996 I do not believe has ever formally objected to any previous Boundary Commission proposals. I do recall myself and my colleague did attend once at an inquiry in South Ayrshire that I think was at their behest, but otherwise we do generally understand the process and understand the difficulties. As you say, it is a fluid situation in every constituency and we recognise the challenge, so this is the first time that East Ayrshire Council, I believe, has formally objected to any proposals that have been put forward by the Commission in relation to any of the constituencies since 1996 under our inception. So, I think the point I am making is it was not a decision taken lightly and it was a decision which reflected the unanimous view of all parties within the council.

I will just quickly, my Lord, go through the bits of documentation, the few productions, just to give the context and then quickly thereafter set out the basis of the rationale of the council's position. The first contact came between the Boundary Commission and the council when the proposals were first launched. On 24 May, we sent a letter from the council to Ms Drummond-Murray, the secretary of Boundaries Scotland asking for more clarification and information so that is just there for your interest.

Thereafter, the council met on 29 June and what I have sent your Lordship, for convenience, hopefully, is a copy of the report to the council which I will touch on now, which simply sets out there it was to provide members with information on the proposals and to seek endorsement on the holding response submitted by the Chief Executive on behalf of the council. What happened there, as your Lordship will know, is there is only a four-week period allowed within the legislation. This is by no means a criticism of Boundaries Scotland. There is a limited timescale for response which does not always fit with the administrative arrangements of councils, so we put in a holding response and then invited members to debate the matter and obviously, my Lord, what I am putting forward today is very much the council's position on the proposals, and the council was asked, as you see, in recommendations to consider the proposals and endorse the response that had been put in on a holding basis but even that had been subject to consultation with the leaders of the political groups to ensure that what we were putting forward was in line with the views of the councils themselves.

I will not go through this in detail. The report rightly paraphrases or sets out at paragraph 6 the proposals as you summarised them yourself, and it gives some commentary there on the impact of the original proposals. The report also provided members with both further correspondence between Boundary Scotland and the Chief Executive again for further clarification that had been asked for. Then at what is marked appendix 3 on 15 June, that is the holding response that was put in, but I will not go over that one because we resubmitted after the June meeting. So, that is what was put to the members. For absolute completeness, I have included a copy of the relevant minute and I think it is at page 10, this item features, so that is just the formal record, as you know, of the decision taken.

The council's position is actually set out if you go to the next report in October. Appendix 1 is the letter of 3 July, my Lord, from East Ayrshire Council Chief Executive to Ms Drummond-Murray and that is the reflection of the decisions taken in June. I will maybe just expand on some of the points.

So, as you will see there in the third paragraph, the response, as I said, was unanimous with the agreement of all members of the council in June and it received cross-party support. In essence, the council was of the opinion that the communities within ward one, Stewarton, Dunlop, Lugton, Kilmaurs, have and always have had stronger links with Kilmarnock as their administrative base than they have had with (inaudible) and do not have any particular links with the communities within Cunninghame South. Obviously, that is a matter that will generate more than one view or opinion but that was certainly the view of other councillors that the ties are there, the ties exist between these communities and Kilmarnock and East Ayrshire rather than particularly Cunninghame South.

The council set out their objection to the proposal to include ward one constituents on the grounds that the council felt that the proposed constituency breaks the local ties presently established between the communities and the request was it remains that ward one should be retained within the Kilmarnock Valley. The letter also sets out concerns that were highlighted in relation to the fact that this would then create the three MSPs representing East Ayrshire in different parts and there was reference to children of school age and just as a reflection there, you may be aware that one of the other inquiries caused to be held relates to Glasgow and Giffnock and Priesthill where in the past there was a shared school, so there was that linkage in the communities. I know it's not the strongest point, but the point is that the people who live in these communities go to East Ayrshire schools, they are part of East Ayrshire. They identify themselves with East Ayrshire, in the view of the council, and don't necessarily feel they have a particular connection with Cunninghame South.

I think that at one level the concern might be that if people don't feel as connected with a constituency change are far less likely to turn out and vote and as your Lordship will be aware, at every election event we are part of the campaign to try and absolutely increase turnout and encourage people to vote. So, there would be a concern if any proposals might have the opposite effect.

The council went on at the bottom of that page to highlight – and I do appreciate, my Lord, that in terms of proposed housing developments, the rules absolutely do not allow the Boundary Commission or Boundary Scotland to take account of possible future numbers as the population in each constituency. Given the point in time, I think the point they would wish to make is, “Well, we can’t take account of the numbers, the effect that these proposals moves Cunninghame South from being below the desired quota to above the quota and the concern would then be that that already sets them on the journey of starting to swing further beyond the quota when account is taken of what may come in the future but we would also accept that the antidote to that is the eight to 12 year review requirement announced and maybe it will be picked up in further reviews.

From an East Ayrshire perspective, I think the fundamental concern is, as matters sit we are 10 per cent above the quota and as matters would sit with the effect of the proposals, from an East Ayrshire perspective, if I can be parochial for once, the impact was quite minimal because it’s something actually that is minimum in overall effect because the swing goes from 10 per cent up to minus 3.7 per cent or 4 per cent, I think is the figure given on the board. Sorry, it is 8.7. So, it is still quite a significant swing in terms of being away from the quota on the East Ayrshire side of things.

We did write and set out the objection and I will come back to a couple of points in a minute, and Boundary Scotland, just for completeness, wrote back on 19 September and that completes the production. There is also just a loose note there and it was really just for background and it can form part of the submission.

The general points that kind of reflect the council position: it was felt initially there was not a lot of detail, clarity or rationale in the implications of the changes, maybe limited consideration of the geographical circumstances and maintenance of local ties and any inconvenience caused by alteration of existing boundaries. In that regard, my Lord, I would just make the point that that is not officers of the council putting themselves first or putting their own convenience first. That is a reference to the convenience of the voters and the electorate themselves.

If I could just refer to the second page of the bullet points, what that simply highlights is that there are already many arrangements. I have just listed there the various constituencies for the UK and the Scottish Parliament.

SHERIFF PRINCIPAL MURPHY: I cannot find that.

MR MITCHELL: It is the loose document at the front.

SHERIFF PRINCIPAL MURPHY: Thank you.

MR MITCHELL: So, the second page is just the current position. So, as you see the current Kilmarnock Loudon constituency, that entirely covers East Ayrshire wards, but as you will see, my Lord, for Ayr Carrick and Cumnock, at the moment that is split between East Ayrshire and South Ayrshire wards and that was run by South Ayrshire. And for central there is a split between North Ayrshire Wards and South Ayrshire wards and that is run by south and then you have North Ayrshire run, North Ayrshire and Arran. Similarly, just for interest, in the Scottish Parliament constituencies we also have established practice where South run Ayre constituency but East Ayrshire runs Carrick,

Cumnock and Doon Valley where that is split between east and south, and again North Ayrshire run Cunninghame. Over the page, North Ayrshire also run Cunninghame South and then East Ayrshire runs Kilmarnock and Irvine Valley. The point is simply that there are already situations where all three Ayrshire councils have to and do work together to deliver successful election events in the other partner authority areas, so it is not the principal. It can happen, it does happen, and the objection is not based on that kind of inconvenience.

What I would simply say is that most councils these days try and get the right balance in their polling scheme and certainly our practice is a mixed approach so we may use council buildings to run elections but we may also use either former council buildings or other buildings in third-party control and there will be a letting fee. It's about the balance of convenience in terms of if you always use the schools and the impact on the schools. So, if in this case, North Ayrshire are to run an election event across swathes of Stewarton and Lugton and Dunlop, etc., then as a starting point as any council does in that situation, we don't own property in other authority areas. We don't tend to have as much access to staff and tend to use casual staff that we enlist for elections so yes, it can be done and, as I say, the objection is not based on the inconvenience of having to do it in another constituency.

We have an approach for that but it is more challenging to make sure that you have all the buildings you need and it can also lead to an increased cost if you are having to lease more buildings as opposed to use more of your own buildings as an authority. And as well with staff, it is not the case that staff are all drawn from within the authority boundaries; we all share and make those arrangements work but equally, it is definitely harder for a council to get the buildings they need and get the staff they need in areas that are outwith their own boundaries. So we do it, but if we have to do it then it should come with a benefit and I think the overall concern of our council is quite simply that the impact of the proposals feels disproportionate to the actual benefit when you consider, as I say, that the impact is to move Kilmarnock and Loudoun from - I think we are 10 over to 8.3 under. So, it is almost the same imbalance but in the other direction, and that feels kind of not as if it is really achieving the objective of getting near the quota, and if we are only partially achieving the objective, that is, I think, where the feeling came from, that the impact of the changes is particularly disproportionate.

So, in conclusion, my Lord, at this stage the borderline is that the council just feels it goes too far from East Ayrshire's point of view and, as I say, that the overall impact of putting these settlements into Cunninghame South is disproportionate when you actually bottom out the change and the impact of the proposed change because the actual effect is to take a plus 10 per cent swing, or a plus 10 per cent over the quota and have the constituency at minus 8.3 below the quota - it is 1.7 in arithmetical terms, but it does not feel like a significant gain for all of the impacts that have been identified.

I am not sure, my Lord, I will take a steer because you will see from the correspondence we have had with the Boundaries Commission that some of the points made through the council objection have, I think, been recognised and accepted and I think that there may be an inclination to accept - they were not full counter proposals that they put forward but what was suggested was at the very least Kilmaurs should be retained within Kilmarnock, the

constituency, and there is a minor point that the original proposals would have split one district, that 109 would have been split between Cunninghame South and the Kilmarnock constituency and that is something to be avoided because that is where folk would be voting in the one polling place and you would now need to create two, cheek by jowl, run by different electoral administrators.

SHERIFF PRINCIPAL MURPHY: Is this the part where effectively you are speaking of them being in the same building?

MR MITCHELL: Well, we would recommend it would not, so if at the moment they would be in the same building but to then have two different – the rest would be – and even when we run it and it is different wards or different spaces within the one building, votes can end up in the wrong box but to have that contaminate across two different constituencies, so best practice would be not to split a polling district in the one building, so that would be a slight niggle, but to be fair I raise it because I think that has been recognised and I think there may be an acceptance that splitting 109 would not be a sensible aspect of the proposals as well as retaining Kilmaurs. In conclusion, my Lord, the council notes that acceptance of that understanding and would certainly welcome, as a minimum, the retention of Kilmaurs as is, and the retention of the whole of 109 within the Kilmarnock constituency, but notwithstanding that, the council's position remains and therefore my instructions are that the council would still wish to object to the remainder of the proposals for the main reasons that I have hopefully made clear, which is simply that the impact on the communities seems to outweigh, quite significantly, the actual benefit on this occasion. I hope that is helpful, my Lord, and I am happy to pause there. I do not know if there are questions or points of clarification.

SHERIFF PRINCIPAL MURPHY: I have none. Does anyone else have any?

MR TOSH: Yes, Murray Tosh on behalf of the Scottish Conservative Party. I am not arguing any of the community points you have made. I just wondered if you had any more information about the projected housebuilding in Cunninghame South, which you seemed to think will reclaim the existing balance (inaudible).

MR MITCHELL: I do not have the specifics. The numbers that the members had in their understanding at council was that between the three consented developments that are there, I think it is several hundred houses or several hundred units that could be built and the concern, as I say, would simply be that if you move the current Cunninghame South from below the quota to above the quota and for others to come, and I absolutely do accept it is clear that the numbers cannot be taken into account but the principle is if you make a change that puts Cunninghame above the quota, you have already almost set it on the way to the next imbalance when the further houses come. So, the short answer to your question was, sir, that the understanding was that there are several hundred that have now been consented across those three developments.

MR TOSH: We have heard some others say that this is the best of (inaudible) templates.

MR MITCHELL: That would be the concern, that it simply sets them on the road for another imbalance because they are 4 per cent over before there might be that influx.

SHERIFF PRINCIPAL MURPHY: Does anyone else wish to seek clarification at this juncture? Thank you, Mr Mitchell.

MR MITCHELL: Thank you.

SHERIFF PRINCIPAL MURPHY: Now, the next person who has registered to speak is Tom Cook from East Ayrshire Conservative & Unionist Association. Mr Cook?

(14.30)

MR COOK: Thank you, your Lordship, and thanks for the opportunity to make representations to you today and to explain the reasoning behind the East Ayrshire Conservative and Unionist Association's objection to the Boundary Commission's proposals affecting the Kilmarnock and the Irvine Valley Constituency. As I say, I am Tom Cook, and I am the President of the East Ayrshire Conservative Association. We acknowledge that the current electorate of Cunninghame South is very low and, whilst Kilmarnock and Irvine Valley has been expanding steadily, with new housing estates which have been developed around Kilmarnock since the M77 extension opened, and that has, you know, attracted many commuters into the area - and we therefore realise why the proposals suggest the transfer of electors to Cunninghame South and that creates a better balance across the East Ayrshire constituencies, and we acknowledge that it would appear that the Commission have modified their initial proposals and have proposed, we believe, to remove Kilmaurs from their proposal, which is certainly welcome. I will now set out the reasons why we think that the proposal that Boundaries Scotland has brought forward is the wrong solution and offer an alternative solution. We accept that Stewarton and Dunlop are not far from Irvine and Cunninghame South, but we consider that there is more connection between Cunninghame South and East Ayrshire communities along the A71 corridor. There will be people in the Stewarton area who commute to Irvine for work or who visit out of town retail parks, but we doubt whether many people in Irvine, Kilwinning or Stevenston will consider that they have any links or affiliation to Stewarton and the District. The route from Stewarton to Irvine is a low trafficked B class road. Public transport links are lacking, with no rail link and no viable bus service to Irvine. There is a small shuttle bus which has to be subsidised by SPT and that connects the villages to Irvine, but the usage is very low. This would therefore lead us to conclude that there isn't a huge amount of interaction between Stewarton District and Irvine. There are direct rail links from Kilmarnock to Stewarton and Dunlop and a regularly well used bus service between Kilmarnock and Stewarton, which would indicate that residents of Stewarton and Dunlop regularly travel to Kilmarnock for work, shopping and leisure. We suggest that the transfer of electors in the A71 corridor, along with the new housing development to the west of Kilmarnock would make more sense, as the A71 dual carriageway links Kilmarnock and Irvine within minutes. The number 11 bus service from Kilmarnock to Ardrossan runs every 15 minutes along the B7801, which is the former A71, and that passes through Crosshouse Hospital, Crosshouse, Springside, Dreghorn and Irvine, and a large number of people use that route every day. As well as serving Kilmarnock, Crosshouse Hospital is the provider

of acute hospital maternity and outpatient services to the residents of Irvine, Kilwinning and Stevenston and Cunninghame South, and they will have a sense of connection to this part of East Ayrshire. We calculate that there are around 3,985 electors in the Kilmarnock West and Crosshouse ward who live in the village of Crosshouse, Knockentiber and Gatehead.

SHERIFF PRINCIPAL MURPHY: I am sorry, sir, could I have that figure again, please?

MR COOK: 3,985.

SHERIFF PRINCIPAL MURPHY: Yes, thank you.

MR COOK: Electors within the Kilmarnock West and Crosshouse who live in the villages of Crosshouse, Knockentiber and Gatehead, and the new build housing estates in the west of Kilmarnock at Fardalehill, immediately west of Bonnyton and Muirfield, principally around Dumfries Drive. Fardalehill is already a very large housing development, now into its second phase, with further phases to follow, and it's a distinct area separated from the long-established housing in Bonnyton as a result of an imposed planning condition, while Muirfield is entirely separated from Kilmarnock by Annanhill golf course, which would provide an ideal boundary for the constituencies. In addition, to add almost 4,000 electors to the current Cunninghame South would create a constituency with over 55,000 electors, while bringing Kilmarnock and Irvine Valley down to a figure well within the range considered acceptable by Boundaries Scotland. The resulting Cunninghame South would be larger than Glasgow Cardonald, while Kilmarnock and Irvine Valley would be smaller than Glasgow Kelvin. So, we believe these electorates should be acceptable to the Boundaries Scotland. We acknowledge that the additional proposals allow for the expansion of Kilmarnock and Irvine Valley, with suggesting that the population is taken into account. Having studied the local development plan for East Ayrshire, we calculate that sufficient land is identified for some 4,900 houses in the current Kilmarnock and Irvine Valley constituency, with 1,530 of them, over 30% of the total, to the west of Kilmarnock and around Crosshouse and Cunninghame South, and we propose that these areas should be included in Cunninghame South. The future growth of housing, and therefore the electorate, would fall into both constituencies, creating numbers which should stay within the quota for the foreseeable future. The largest housing sites identified within the local development plan are at Fardalehill, where phase 2 has started, and relevant sites in the development plan of CH/H1/H2 and H3, GH/H1, KTA/H3/H4/H7 and H10, and KT/H1. In conclusion, therefore, and whilst not happy about any change to the current boundary, we recognise that, due to the population movement, there has to be change. On the advice from Boundaries Scotland, we ask for them to consider our alternative scheme which transfers different areas from those in their initial proposal and takes into account transport links and longstanding patterns of movement for work, shopping and hospital visits, and it also allows for a growth in the population of both constituencies from new house building and incoming households and provides stability for the future. We contend that our alternative is workable and preferable to the initial proposals and hope that Boundaries Scotland will see this as a constructive and workable alternative and will give it full and careful consideration. Thank you, my Lord.

SHERIFF PRINCIPAL MURPHY: Thank you, Mr Cook. Does anyone wish to seek any clarification from Mr Cook? Yes, sir.

COUNCILLOR DOUGLAS: Barry Douglas from the Scottish Labour Party. Tom, if you can just clarify again where you think your proposed boundary would be relative to Muirfield, Fardalehill and Bonnyton?

MR COOK: In terms of Muirfield, it would be the golf course boundary, which then takes you down to the railway line, the Troon railway line, there would be a boundary there. The boundary between Bonnyton and Fardalehill is perhaps not quite so well defined, but in the planning consent, it had to be a definite, clear boundary in the scheme put in at the time, so there is a boundary at that particular point.

COUNCILLOR DOUGLAS: I just raised that point in case the boundary would be running through my back garden on the proposal that Mr Cook is proposing - that was all. Thanks.

SHERIFF PRINCIPAL MURPHY: Thank you. Any other questions? Thank you, Mr Cook.

MR COOK: Thank you.

SHERIFF PRINCIPAL MURPHY: Can I call upon Councillor Barry Douglas from the Kilmarnock and Irvine Valley Constituency Labour Party to present their position?

COUNCILLOR DOUGLAS: Thank you, my Lord. Barry Douglas, Councillor for Kilmarnock East and East Ayrshire Council, but I am here today in my capacity as Vice-Chair of Kilmarnock and Irvine Valley Constituency and to represent the Constituency Labour Party's view. My Lord, I have to say that I thought we might have had a rare degree of political consensus given the council's view has been to reject the proposals put forward by Boundaries Scotland. However, I hear from the Conservative Party today that they have a different proposal. What I would say is that, whilst I recognise that between 1950 and 1974, the Stewarton area was part of a very central Ayrshire parliamentary constituency for the United Kingdom parliament, those boundaries, I think, have been long since gone and the association between the Annick villages and towns with Kilmarnock is particularly strong. The Stewarton area, as I say, has been previously with Irvine for the UK parliament, but Kilmaurs has never been; Kilmaurs has always been part of a constituency that is centred around Kilmarnock. I know the points that Mr Mitchell has made relative to the house building numbers and I appreciate that you cannot take - I am sorry - that Boundaries Scotland cannot take into consideration those numbers, but when it comes to looking at a short-term fix, I think it is important because - and I think you made the very comment yourself relative to this being seen perhaps as a short-term fix, which indeed is my opinion and the opinion of the Constituency Labour Party. I would certainly recommend and accept that the council's proposals put forward be adopted and that would be the position of the Scottish Labour Party and we would, however, accept the position that East Ayrshire Council has put forward as an amendment, which would be that Kilmaurs would be retained within the Kilmarnock and Irvine Valley Constituency, with an electorate that the council had estimated at that time to

be 59,691, which would then be - sorry, that would be for Kilmore South, and 57,349 for Kilmarnock and Irvine Valley, which would mean that Kilmaurs would be retained within the Kilmarnock-based constituency whilst the rest of Annick would move to the Kilmore South Constituency. And for reasons of clarity, I would accept that that would perhaps be more palatable.

However, I come to you on the basis of the community ties that I believe exist and I don't believe exist between Stewarton and Irvine. I don't believe, however, that the comments made by Mr Cook relative to the splitting of Irvine Road, Kilmarnock and Muirfield areas of Kilmarnock should be taken out. The very points that Mr Cook raises in terms of those boundaries are through the urban area of Kilmarnock, the Fardalehill area that Mr Cook mentions, in particular, is only one mile from the town centre of Kilmarnock and it's very much part of the conurbation of Kilmarnock, and I would absolutely urge the commission to resist any proposals that looked to change the urban fabric of the town in relation to a Member of the Scottish Parliament. However, there is, as I say, a counter-proposal that East Ayrshire Council has proposed and from the Scottish Labour Party, Kilmarnock and Irvine Valley Constituency, we would certainly support that. However, our preference would be a change to the boundaries and that the entire Annick ward remain within the Kilmarnock and Irvine Valley Constituency as a first preference. Thank you.

SHERIFF PRINCIPAL MURPHY: Thank you. Does anyone wish to ask any points of clarification of Councillor Douglas? No, and nor do I. Thank you, sir.

COUNCILLOR DOUGLAS: Thank you very much. Now, the final person who had pre-registered to speak is Murray Tosh. Mr Tosh, on behalf of the SCUP.

MR TOSH: My apologies, sir - I believe you have a copy of my presentation but I do not and I am going to have to read it from my laptop, which I hope can be set up very quickly indeed.

SHERIFF PRINCIPAL MURPHY: Yes, please do.

MR TOSH: Hopefully, there is no problem here with the password for the hotel's wi-fi. This is the most technologically challenging thing that I have ever done. Thanks - I have now been given a paper copy, but I'm still going to do the laptop if it will open up. Here we go. Thank you, sir. My name is Murray Tosh, I represent the Scottish Conservative and Unionist Party. I am not an employee or an office-holder in the Party but I'm a member of the committee which reviews boundary proposals and offers comments on them and sometimes counter-proposals to them. I now live in the Scottish Borders, but lived for many years in Kilmarnock and Kilwinning and Cunninghame South. My early teaching career was in Irvine and Kilwinning and I contested local government elections in Kilmarnock, Kilwinning and Irvine, I was Chairman once of Cunninghame South Conservative Association and contested that constituency in the first Scottish Parliament election in 1999 and represented it for four years as a Regional MSP. Our Party's view is that the provisional proposals conform with the rules which Boundaries Scotland must follow. As you, sir, pointed out, rule 1 requires it to have regard to local authority boundaries. None of the three Ayrshire Councils has a number of electors which entitles it to a whole number of constituencies, and the standard way of applying this rule is to group the councils together to achieve an overall entitlement to five

constituencies. Rule 2 requires that constituencies should be equal in size as far as is practicable. The five constituencies proposed are all within 10% of the quota of the average number of electors for each of the 70 constituencies being reviewed and, as was pointed out earlier, the 10% variation that the commission is working to is an internationally agreed standard of good practice for forming constituencies. Rule 3 does permit departures from the quota where special geographical considerations apply, but the only significant departure in this review is in Highland Council's area, where special geographical circumstances do arise, and we accept that there isn't really a case to argue that they arise here in Ayrshire. It is rule 4 that I want to talk about more this afternoon because it requires Boundaries Scotland to take into account the inconveniences, which Mr Mitchell addressed to an extent, arising from proposals, and local ties which might be broken by them. That does not mean that Boundaries Scotland cannot change constituencies and it is the fact that every review breaks constituencies and breaks ties. It does mean, however, that the Commissioners must look closely at local circumstances in the detail of new boundaries which are designed to achieve the overriding objective of equalizing the electorates. Our view is that we do not necessarily agree with them but we take the view that the provisional proposals are acceptable in principle. Cunninghame South is well below quota and needs an infusion of several thousand electors, and we can't dispute the logic in finding them from the larger neighbouring Kilmarnock and Irvine Valley, which is already at the upper limit, and which has been gaining steadily in electors since the first review. We decided to be represented at this inquiry today largely because of the challenge that East Ayrshire Council have made to the thinking behind the proposals and because our local Association in East Ayrshire wants consideration of an alternative way of addressing the issue. Dealing first with East Ayrshire, I understand East Ayrshire's case that it wants to maintain the existing boundary for community links and ties, and I am not here to dispute any of those. It also argues - and this is the difficult part for me - that the electorate of Cunninghame South is now growing because of recent land allocations for house building. Now, that did raise doubts, not about the principle that electors could not be transferred, but about the numbers of East Ayrshire electors who should be added to Cunninghame South. We know that Boundaries Scotland cannot make proposals which take into account future house building, but we believe that it can take into account long-term trends in population and electorate when it is looking at different options, alternative approaches, so long as all of the options are acceptable within the quota as calculated from the 2022 electorate. So, we took seriously the points raised by East Ayrshire in case Boundaries Scotland had missed a gathering imminent surge in population in Cunninghame South driven by new house building and planned to move so many electors which, as Mr Mitchell said, created a new imbalance - just the opposite of the current imbalance. And to find out, I looked at the North Ayrshire Development Plan, its housing needs assessment and its housing land audit, and I also looked at the East Ayrshire Development Plan, because you have to compare like with like, to find the trends in the electorate and population in recent years and to look at whether there is this new trend in population.

Now, these plans altogether show that more building is programmed in Kilmarnock and Irvine Valley Constituency than in the two constituencies in North Ayrshire combined. A higher proportion of the Kilmarnock houses will be built for sale and there is, therefore, a greater likelihood that the housing to be

built here in Kilmarnock will draw people in from other areas, increasing its electorate at a faster rate than is possible in Cunninghame South, which contains less than 50% of North Ayrshire's programmed building. And the electoral trends tell the same story. In 1980 there were 50,111 local government electors in Cunninghame South. In 1999 when the elections were held on the same day as the first Scottish Parliament elections, the numbers had risen to 50,257. By September 2022, after over 40 years of house building in Cunninghame South, the electorate has risen to 51,298. That is barely more than the number of 16 and 17 year olds who have been added to the register who were not on it back in 1984. So, thousands of houses have been built, mostly around Kilwinning and Irvine, in that period, and the electorate has flat-lined. And while it's obviously going to be the case that some people have moved into Cunninghame South and other people have moved out of Cunninghame South, house building in North Ayrshire as a whole only meets the needs of the local population, it doesn't increase the population. And North Ayrshire's Housing Needs Assessment shows that in that area every year deaths exceed births, there is steady out-migration of younger households, the population is aging, average household size is falling and they project that the North Ayrshire population will fall in the long-term. There is no net household information whatsoever and all of the identified housing need is for affordable housing - essentially, for rented housing for local people who are already on the electoral register. Private housing completions are lower in North Ayrshire than in East and South Ayrshire and the market sector simply does not fuel net in-migration. North Ayrshire has stacks of development land and would programme more in its effective land supply, but there is insufficient demand for it, and I couldn't find any evidence of an imminent surge in building or any demographic driver which will lift the electorate of Cunninghame South significantly above its 40 year flat-line. And if I may depart just for a moment, sir, from my script, that's the issue which we looked at: is there really realistically any way to maintain the status quo? And we don't think that there is. We're not actually anxious to fire anybody off East Ayrshire into North Ayrshire. We just think it's inevitable and the issue is: how do you do it? What's the least damaging way to attempt it? Now, when we look at the former Kilmarnock and Loudoun District, in order to compare like with like, in 1984 it had a local government electorate of 62,555. In 1999, the same comparison year, it had fallen to 61,434, and in the first review of Scottish Parliament constituencies, using the July 2007 electorate, it had fallen a little bit more to 61,070. But as of September 2022, it has risen to 65,558 electors, and I think we all know here why that has happened. Since the completion of the M77 motorway link, Kilmarnock has simply become a much more attractive location for people who commute to and beyond Glasgow and there has been significant house building in and migration into Stewarton and Kilmarnock. The rate of growth isn't on the same scale of population growth as you get in, say, Midlothian or East Lothian, but it has raised the electorate of Kilmarnock and Irvine Valley to a level already 10% above the quota and there is little likelihood of that trend being reversed. So, we think that, however little people here might like it, and however little people in Cunninghame might like it - and I don't think the changes will be hugely popular anywhere - it's just apparent that the electorate of Cunninghame South is unacceptably low. It can't be brought up to quota from Cunninghame North and it does require an infusion of electors from somewhere, and that looks inevitably to be Kilmarnock and Irvine Valley given the size of its electorate. We recognise that, no matter how the Boundary Commission tries to sort that out, local ties will be broken and electors whose

ties are essentially with Kilmarnock will find themselves instead in a constituency based on Irvine. We consider that the provisional proposals respect rules 1 and 2, as I have said, and we are aware that East Ayrshire Council has been having discussions with Boundaries Scotland about the status of Kilmaurs, and if there are revised proposals brought forward which retain Kilmaurs in Kilmarnock and Irvine Valley, we agree that these would be consistent, too, with rules 1 and 2, and we would have no objection to that being done. Mr Cook advanced an alternative to the provisional proposals and, looking at that, we consider that it also respects rules 1 and 2.

We don't see a role for rule 3 here in assessing the provisional proposals in Ayrshire and we think that the Commissioners must now be guided in rebalancing the two constituencies by applying rule 4; that is, assessing the impact of breaking existing ties for any body of electors which might be transferred and the possibility of creating ties between Cunninghame South and any incoming electors. Now, that's as much as I want to say from the standpoint of the Scottish Conservative and Unionist Party. We don't have a political axe to grind here at all. I want to add some thoughts which are purely my own because I know the area. I have given a lot of thought to all these options and I have talked to Tom Cook about his plan and, you know, we have discussed some of those issues, and you will maybe recognise some of the same points being made. I used to be very politically active here in Kilmarnock in the early 1970s, which is a long time ago now. I clearly remember when Stewarton and Dunlop were returned to the Kilmarnock Constituency in the first 1974 election as a result of the Second Periodic Review of Parliamentary Boundaries, and I say "returned" deliberately because these communities have been moved back and forth over the years. Originally, in our North Ayrshire Constituency, Stewarton and Dunlop were included first in Kilmarnock in 1918 and then they were moved in 1950 to Central Ayrshire, which was a new constituency built around Irvine. They came back to Kilmarnock in 1974, just months before the first elections to the new Kilmaurs and Loudoun District Council. I knew some of the Stewarton councillors then and, while there might have been a bit of regret about the disappearance of their own town council, the alignment with Kilmarnock for local government services and parliamentary elections seemed to be sensible and acceptable in all of the areas which were affected by it. Now, I don't know if the Commissioners were influenced in framing the provisional proposals by any awareness that Stewarton used to be in Central Ayrshire with Irvine and Kilwinning or thought that its residents might have a different sense of civic identity because they used to have their own council and a borough in their own right, but, as Councillor Douglas said, these changes took place almost 50 years ago. You'd have to be my age or older for any of that to impinge on your thinking at all, and I just don't think that links broken 50 years ago are particularly relevant to the discussion today. Now, the Commissioners might have seen Stewarton as a reasonably well nucleated town; it's got its own secondary school, it's got supermarkets, it has a good range of locally provided services and it has a strong sense of civic pride. And that's all true. But I wonder if they realise how little interaction Stewarton does actually have with Irvine, linked, as it is, as Tom Cook said, by only a B road and a pretty minimal bus service?

Now, I am sure that some people in Stewarton will work in Irvine and are liable to go to Irvine, perhaps to go to the beach or to the retail shopping facilities which are particularly good in Irvine, but realistically we all know

that Stewarton is very firmly in Kilmarnock's orbit. Now I spent many years living, working and doing local politics also in Cunninghame South, and I would like to offer a personal perspective from that standpoint; I do not speak for anyone else in Cunninghame South, it is just my own interpretation. Now I accept that there might be some people, I thought maybe teachers, who could live in the urban area and work in Stewarton, but there will not be many, and it is hard to imagine many people from Irvine, Kilwinning or Stevenston going to Stewarton to work or shop, to eat out or to access any local services; to be honest, I doubt Stewarton is on the radar of most people in Cunninghame South. But as Tom Cook said, everybody in Cunninghame South knows Crosshouse, that is the location of Ayrshire's major acute hospital and only maternity hospital. Irvine, Kilwinning and Stevenston people go there frequently as inpatients, clients for outpatient services and visitors, and there is easy road access and very reliable public transport. Very frequent bus services run along the former main road, and they also serve the people in the Crosshouse area, who have equal access in the opposite direction. And that is the thrust of Tom Cook's proposal. I do not think he is arguing that somehow Crosshouse belongs with Irvine, what we are saying is 'Who is going to be more or less disadvantaged if there is a transfer of population?', and we discussed what he proposed should be moved and we agreed that there were not enough electors in Crosshouse, Knockentiber and Gatehead. But there are these new housing developments, clearly they are part of the area of Kilmarnock, nobody is going to dispute that, but Moorfield is detached from Kilmarnock by the golf course, Fardalehill abuts on it but there is a boundary, maybe not the type of boundary that Boundaries Scotland now favours, they like motorways, rivers and trunk roads, but there is a boundary of planting, of footpaths and fencing which does separate the estate. It is reasonable to assume that many of the residents on the western side of Kilmarnock will work and possibly shop in Irvine, to which they have very direct access. And of course, at Fardalehill you have this very large land allocation, where building is already progressing on site. Now as I said, I know these areas reasonably well. I struggle to decide what I would do if I were one of the commissioners. Who has a better claim to be included in Kilmarnock, the people in the new estates close to the town, a mile away, or the people of Stewarton and Dunlop, who have been with Kilmarnock all or most of their lives? Which communities connect better with Irvine: the residents of Stewarton and Dunlop, or the people who live on the A71 transport corridor with its bus services and dual carriageway? Now I know that people in Crosshouse and Knockentiber look to Kilmarnock exactly as the people of Kilmaurs do, but they are a lot more likely I think to work in Irvine and I wonder if, are their social and familial ties between Crosshouse residents and those of Springside and Dreghorn, which are just inside Cunninghame South along the old main road to Irvine? Are residents of Stewarton or those of Crosshouse more likely to have or to establish links with people and organisations in Cunninghame South, and which area will people in Cunninghame South be more likely to identify with? Now, my judgement is that the A71 communities would fit better with Irvine, certainly much more so than the farm households in polling district E109 along the motorway between Fenwick and Glasgow who would be put into the Cunninghame South constituency by the provisional proposals, and I am encouraged that Mr Mitchell thinks that might not happen. However, I do acknowledge that there are arguments both for and against moving either group of electors, and it may be that my readiness to support my colleague

Mr Cook is possibly influencing my own personal judgement. My perspective is to look at the alternatives from the standpoints of Kilmarnock and Cunninghame South, but the commissioners might think that this is really a matter that should only be looked at from a Kilmarnock perspective, I do not know. My only certainty is that change cannot be avoided, because Boundaries Scotland exists to review constituencies and achieve equal electorates, and must do so. But I suspect that the detailed allocations between the two constituencies might still require fine tuning, in the light of any reaction to possible revised proposals at the next stage of this consultation exercise. That is all I have to have to say.

SHERIFF PRINCIPAL MURPHY: Thank you. Does anyone wish to ask any point of clarification for Mr Tosh? Yes, Mr Doulas.

BARRY DOUGLAS: Thank you. Mr Tosh, you mentioned that the boundary between Fardalehill and Bonnyton is a substantial one, planted... As a resident of Fardalehill I can assure you, my boundary fence is the boundary between my house and my garden, and Bonnyton. And in terms of the residents there in Farndalehill, prior to that I lived in Bonnyton; I am a Bonnyton boy originally, and most people around me are Kilmarnock. There are a few who have come from Stewarton and a few who have come from Irvine moving into Kilmarnock, but the vast majority of people here were Kilmarnock people, and I just wondered what gave you the idea that there was a substantial boundary between them?

MURRAY TOSH: Well I did not, I specifically said that the boundary was weaker than the boundary which the Boundaries Commission would normally apply. If the Boundaries Commission decides that these proposals are invalid, that they cannot accept that that is an adequate boundary, then it is obviously inevitable that Stewarton and Dunlop will go, because there has to be an equalisation, that is what it is all about. That is not really my business, because I do not live here now; I have got opinions, but that is your business. Now, what I am suggesting is that when there are revised proposals, if there are, your council needs to think carefully about what it wants to achieve: is it happy with those, is that enough, or does it want to keep more? And if it does, which bits does it want to prioritise and how will it do it; what arguments will it put forward? And I counsel you not to do that, I mean I addressed the housing stuff because you had, I counsel you not to put any emphasis on that because it is a September 2022 figure which counts. If you give the commission two models of it, both good, then they will think about the trends, but they are not there to predict the future, and if they come back with a counterproposal and you want to change it, think about the community links, but think about everybody that is involved in the area in between. I do not think that moving Stewarton is better than moving Crosshouse, I think Crosshouse would go better than Stewarton. The problem is that Crosshouse does not have the numbers, Stewarton does, and if you go purely by the numbers in your back garden it is Stewarton that goes, I am afraid. And that might be your preference, but I counsel you to argue it or the Boundaries Commission will make that decision unaided.

SHERIFF PRINCIPAL MURPHY: Any other questions for Mr Tosh? Thank you very much.

MURRAY TOSH: Thank you. I am not that technologically adept, because I still need to use a mouse.

SHERIFF PRINCIPAL MURPHY: I find when trying to work computer equipment, you never have a primary school child who can operate it to hand at the appropriate time.

MURRAY TOSH: I rely on my nephew.

SHERIFF PRINCIPAL MURPHY: And I my grandchildren, yes. Now that concludes the presentations by the various parties who had registered at the outset, and I am grateful to them all for their contribution. Does anyone else wish to be heard on any point? Okay, thank you, thank you all very much.

(15.20)

(End of Afternoon Session at 16.00)

EVENING SESSION

(18.29)

SHERIFF PRINCIPAL MURPHY: Could I ask you, please, councillor, to state your full name and your position for the record?

COUNCILLOR RICHARDSON: David Richardson, local councillor or elected member with East Ayrshire Council. I serve ward 2, North Kilmarnock.

SHERIFF PRINCIPAL MURPHY: Can I ask, are you this evening representing a personal opinion or are you speaking on behalf of your group within the council? Or both?

COUNCILLOR RICHARDSON: Um, yes. I wouldn't assume I am speaking on behalf of the East Ayrshire Council or even the SNP group. I think I would prefer to say I am here on a personal basis.

SHERIFF PRINCIPAL MURPHY: Right, thank you. And what would you like to say to the commission?

COUNCILLOR RICHARDSON: Just a couple of things. Um, this was obviously discussed at chambers, at council, and I just cannot agree with the proposals on a couple of grounds. I think there are too many historical ties between the town of Kilmarnock and the villages of Kilmaurs, Fenwick, Stewarton and Dunlop to sort of separate them, to be honest. I know it talks about the A77 in this paper as being a boundary, but, you know, the people of East Ayrshire have been commuting to work in the morning. The rail line basically follows, you know, Kilmarnock, Kilmaurs, Stewarton, Dunlop. So the people from these towns who are commuters, and that is a lot of people nowadays, you know, travel to and from work together.

The other thing I would like to say is I know, I can understand, the rationale behind what Boundary Scotland are trying to do and make sure that each MSP is representing sort of an equal number of people. But when we looked at ... I think North Ayrshire are of a similar mind as well. We know that it was a slight imbalance, probably in the favour of East Ayrshire just now, but looking at the new development that is going on, all that this would do, within a few years there would be the same imbalance but in the other

direction. So that's really the couple of points that I would like to make. That's all I would really like to say. I just don't see the overall rationale or the benefit behind this.

SHERIFF PRINCIPAL MURPHY: Yes. Okay, thank you. The commission cannot take account of future developments at this stage in terms of population shift because of housing development. This matter has been raised earlier on, that they have to work on the figures as to where people are at this point in time. But the views expressed have been expressed by others across the political spectrum in the course of today, yes.
Is there anything else you would like to add?

COUNCILLOR RICHARDSON: It is a strange one, that, because obviously the Scottish government, and I know the Boundaries Commission is separate from Scottish government, but all of the local authorities are working to local development plans. So we know roughly what houses are going in where, you know, years in advance of it actually happening. So I know what you are saying, that, you know, decisions cannot be based on future figures, but these are future figures that are actually, um ... you know, it's not as if somebody has licked their finger, put it up in the air and, you know, just pulled a figure out of the air. It is all planned. So both North Ayrshire and East Ayrshire know roughly what is going to happen. It's in the local development plans.

SHERIFF PRINCIPAL MURPHY: Yes, thank you. Is there anything else you would like to add, sir?

COUNCILLOR RICHARDSON: No, I wasn't expecting to actually have the floor like that. That was quite a surprise. No, that's really all the input I have got.

SHERIFF PRINCIPAL MURPHY: Thank you.

COUNCILLOR RICHARDSON: No, thank you.

FEMALE SPEAKER: Thank you for coming along.

COUNCILLOR RICHARDSON: You are welcome.

SHERIFF PRINCIPAL MURPHY: Yes. Okay, so we will pause at, I make that, 18.35pm.
(18.35)
(The Evening Session Adjourned at 20.00)