

BOUNDARIES SCOTLAND

LOCAL INQUIRY

Second Review of Scottish Parliament Boundaries

Held at:

Lothian Suite
Musselburgh Race Course
Linkfield Road
Musselburgh
Edinburgh
EH21 7RG

on

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SHERIFF PRINCIPAL ROSS

(Chairing the sessions as Assistant Commissioner for Boundaries Scotland)

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(Thursday, 7 December 2023)

AFTERNOON SESSION:

(14.00)

SHERIFF PRINCIPAL ROSS: All right, everyone, good afternoon. It is now 2 o'clock so we will start. I will start off by introducing myself and then why we are all here and give a short statement about the aims of the Boundary Commission and what we hope to achieve today.

My name is Nigel Ross. I am the Sheriff Principal for Lothian and Borders. I am here only as an Assistant Commissioner for the Boundaries Commission and only for the purposes of taking evidence from members of the public, such as yourself, and others who wish to comment on proposed changes to boundaries for the Scottish Parliament. I am not part of the Commission and I have accepted appointment only on a temporary basis to advise and assist Boundaries Scotland. My function here is not to represent anybody but simply as a neutral party who will take evidence and comments from any of you and prepare a report which summarises what everyone has said today. That report will be submitted to Boundaries Scotland and will be publicly available and I will now take a few minutes to explain the purpose of this inquiry and the purpose of the review and how Boundaries Scotland has gone about the whole exercise.

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 which 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 those changes, some MSPs may represent considerably more or fewer electors than others.

Schedule 1 of the Scotland Act 1998 requires Boundaries Scotland to conduct reviews of the Scottish Parliament boundaries for constituencies and regions at intervals of every eight to 12 years.

The existing constituencies for the Scottish Parliament were defined following the First Review (this is the second) of the 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 submits its final recommendations to the 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 designating constituencies.

The rules can be summarised as follows: There are to be 73 constituencies throughout the whole of Scotland. Three of these are protected so not under review, and they are Orkney Islands, Shetland Islands and the 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.

So 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 the 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 at present is 59,902 electors per constituency for this review. Best practice, which comes from the Venice Commission Code of Good Practice and Electoral Matters and previous reviews, suggest an electorate within plus or minus 10 per cent of the electoral quota is acceptable.

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.

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.

And 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 that 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, or 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 revising 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 by grouping council areas so that each grouping was entitled to a whole number of constituencies. It decided that the combined grouping of West Lothian, City of Edinburgh, Midlothian and East Lothian council areas should be represented by 12 constituencies. There are currently 11 constituencies within these areas, although one constituency also contains part of Scottish Borders council area which is not in this proposed grouping.

When examining the existing Scottish Parliament constituencies in East Lothian, the Commission noted that the existing East Lothian and Midlothian North and Musselburgh constituencies both had electorates with a variation from the electoral quota in excess of plus 10 per cent. At the time of the last review the electorate of East Lothian council area was 72,960. This had grown to 88,539 in 2022. The Commission agreed that some change to the constituency boundaries in this area was necessary.

The Commission therefore proposed an East Lothian constituency which, similar to the existing arrangements, contained those parts of East Lothian council area outside the towns of Musselburgh and Prestonpans. It also proposed a Midlothian North and Musselburgh constituency that contained the communities of Prestonpans and Musselburgh, Dalkeith and Portobello from the council areas of East Lothian, Midlothian and City of Edinburgh respectively. While the Commission was aware that this proposed constituency straddled three council areas, it agreed that this proposal was worth putting out to consultation to seek public opinion on it and other alternatives that might be suggested.

During the one-month public consultation, held between May and June 2023, the Commission received 70 responses for the constituencies covering East Lothian Council area.

East Lothian Council objected to the proposals and under the terms of the legislation, if a council objects to a proposed constituency within its area then a local inquiry must be held, and here we are. The Council stated that ideally the council area would be coterminous with an East Lothian constituency but acknowledged that electoral parity was a factor in constituency design. They also suggested the proposed change to the East Lothian constituency boundary in the west of the council area breaks strong community ties present in the area.

More than 50 responses specifically opposed placing Prestonpans in the

proposed Midlothian North and Musselburgh constituency because: it broke local ties between Prestonpans and neighbouring towns, villages and communities; it is difficult for elected members to represent a constituency containing parts of three council areas; and suggesting Prestonpans was effectively being removed from East Lothian.

The Commission welcomes all comments and alternative suggestions to its provisional proposals, not just on those issues raised in my statement today, noting again that the alternative constituency designs must meet the legislative requirements for this review.

Now, that is all I have to say by way of opening statement. We will now move to taking the evidence of anybody who wants to give that. I am quite happy to listen to everybody who wants to have their say. I have been given a list of people who indicated they wanted to give a contribution and so, if it is all right by you, I will simply go through that list and then anybody who is not on that list can thereafter give their contribution.

So, with that, the first name I have is Colin Beattie MSP, Mr Beattie? I think the way of doing it is by coming to the table and using the microphone, if that is okay by you.

MR BEATTIE: Yes, that is fine.

SHERIFF PRINCIPAL ROSS: Thank you. Now, the way it will work, just for everyone's benefit, is that I will allow whoever is sitting here to make the statement they wish. I will then ask for questions, which will be placed through me, just to keep some sort of order, and I might ask some supplementary questions, and then that will be the end of each speaker. I will do that for everybody in turn until we are finished. So, Mr Beattie, over to you.

MR BEATTIE: Firstly, thank you for giving me the opportunity to say a few words today and my apologies that immediately after I will have to sprint back to the Parliament.

Back in 2011 I got elected to the then brand-new constituency of Midlothian North and Musselburgh. It was quite a challenge in many ways because we were dealing with two council areas, two communities, two different philosophies and culture, and very little history of interchange between the two areas. And we handled that simply by treating the East Lothian part, Musselburgh and Whitecraig, and so forth, as a discrete area and Midlothian as a discrete area. So they were held entirely separate, and that worked. But it was never easy because you were dealing with two councils as well. Two councils have different ways of approaching things. They have different attitudes, different rules, different processes. I am not saying hugely different, but different enough that you had to be aware of them. And from the point of view of my staff, they had to be very well aware of all these differences and be able to track them and, you know, use them to get the support they needed to my constituents.

Moving into the proposal we have here, and I am talking about three different councils, and the areas concerned are again culturally very different. Not

a lot of interchange between them. You can't even get a bus easily from Dalkeith to Portobello. Travelling around the constituency as such is a bit of a nightmare. There is nothing to hold them together. You have three sets of councillors working away in the different council areas with very little overlap, if any. Not much in the way of necessary co-operation even. So they are working in isolation. The councils effectively are working in isolation. The only point at which this would become united is at Parliamentary level, the Holyrood level, where from a political point of view the MSP would have to cover these three areas and bring everything together in his or her office. The logistics around administering cases for constituents in three different administrations should not be underestimated. It is not as if I have a horde of staff who can specialise in the philosophies of the different areas. It is going to, I would say, increase the possibility of error. It is going to make it far more difficult to handle.

I think I would probably need additional resources, I would certainly try for it, I doubt I would get it, so I think the workload would be additional on the people that I have employed at the moment. Dealing with three councils is going to be cumbersome and I am not sure, and I am open to correction, I am not sure there are very many constituencies that do have to deal with three councils and all the issues that go around that.

Additionally, essentially the constituency at the moment is a rural one. I have all the villages of Bilston, Rosewell, Roslin, and so forth, and there are the larger towns like Musselburgh and Dalkeith. But essentially most of the people and their mindsets are rural. They feel it is rural or semirural in certain areas. By taking out all those rural attachments, by taking away Rosewell and all the other places, by focusing on urban centres, Dalkeith, Musselburgh, Prestonpans, Portobello, you have a whole different constituency. It is now an urban constituency, not a rural constituency. And many people will be distressed at that because in their minds they live in the country, except they won't, and at least politically they will be cut off from that rural hinterland that they had.

Now, I realise that to a large extent this is a numbers game, but it is also about people. It is also about communities and that really is key for me. There is no connection between the communities in Midlothian, East Lothian and Portobello. It just does not exist. So again, we will be treating each area in isolation and dealing with that particular cultural and community area separately. And it is not efficient. It really is not efficient. It can be done, of course it can be done, but it is not ideal and it is not good for the people living there. We should be encouraging communities; we should be nurturing them. We shouldn't be just slapping them together and saying, "Right, you are now a political constituency because we need the numbers." That really is not good enough.

I will give an example. Mayfield and Easthouses, which are part of Dalkeith, they are being sliced off and yet everything they ... they are going to go to Midlothian South. They have not even got a bus to Midlothian South. If they want to travel to Midlothian South they are going to have to get a bus into Dalkeith and then off to Midlothian South. There is no direct communication. All their support, all their shopping, everything, is in Dalkeith. The council offices are in Dalkeith. Everything is in Dalkeith. And yet Dalkeith is going to

be part of this new Midlothian North and Musselburgh constituency. It makes no sense. It is going to upset communities. I know it has upset communities. People don't see the logic of it. I do not understand how you are going to sell it to them.

I can take Musselburgh for example, which has been moved in and out of Midlothian over many years. And they still talk very negatively about it because they feel that they are being treated badly and that should not be the case. This should not be what the outcome of this is. And Portobello is a completely urban area with an entirely different population, needs, and so forth, from Danderhall, which is part of Dalkeith. It just does not make any sense at all.

I realise the purpose of this is to make an even workload, to make it such that there is an even distribution of the population between the different constituencies, but I think there are better ways to do it than this. I just feel that what we have got here is Midlothian North and Musselburgh is the last bit to be put together and it takes up all the bits round about just to push them together and make it a constituency. And I don't think that is the way it should be. Many of my constituents feel very negatively about it. I feel negatively about it because I do not think it will serve them well in my experience. Given my experience of the existing Midlothian North and Musselburgh, I can understand the additional difficulties that would come in, the awkwardness of the whole thing, and I just do not think that people are well served by this and I think it should be rethought, reconsidered, and that they should have another go, this time trying to put together communities that actually have something in common that actually would have the ability to work together and where there are even transport links, which there is not across the new constituency. Thank you.

SHERIFF PRINCIPAL ROSS: Thank you very much. Now, does anyone have questions for Mr Beattie? Yes, the gentlemen at the back there.

MURRAY TOSH, SCOTTISH CONSERVATIVE AND UNIONIST PARTY: Could I just ask if Mr Beattie has any firm ideas to put to the Commission about what would be preferable constituencies?

MR BEATTIE: I think one of the problems is, I said there towards the end that I felt that Midlothian North and Musselburgh was a bit of a put together of all the bits that you could not fit in elsewhere. I think you need to look at the whole of the south of Scotland and rejig that, and maybe that is a bigger job than I should suggest, but certainly I get the feeling that we are at the tail end and it is just being, you know, let's stick these areas together. That gives us a number. Everybody else is fine round about and we will make it work. I do not think that is the way forward.

SHERIFF PRINCIPAL ROSS: Anybody else want to ask a question?

SPEAKER 1: I would just like to make a comment. I think you're right; it is just a numbers game. That's all it is, it's a numbers game, and I don't think the geographical part of it or the transport links have been looked at all. I mean, I've got a son who lives in Dalkeith and I know how difficult it is to get there without a car. So I totally agree with what you are saying.

SHERIFF PRINCIPAL ROSS: Yes, getting in, you mean by bus?

SPEAKER 1: By bus, yes.

SHERIFF PRINCIPAL ROSS: Is that not a matter for the local authorities rather than the national authorities?

SPEAKER 1: It probably is local authority, but I think local authorities are in enough difficulty at the moment with regards to money without trying to add in extra by saying, "We are changing the constituencies so we are going to put bus services on here in order that people can get from one to another." How do we get to surgeries? That is additional work for you, more surgeries, further away. It is just an absolute nonsense.

SHERIFF PRINCIPAL ROSS: All right, thank you. Just as a matter of clarification, if you want to add any detail, do you have any practical examples of the problems that this is liable to cause in relation to the Scottish Parliament constituencies?

MR BEATTIE: If by that you mean the logistics of handling --

SHERIFF PRINCIPAL ROSS: Just any problems that you see arising out of the fact that you are dealing with three constituencies in one, as it were.

MR BEATTIE: Yes, I mean, as I said at the beginning, it's three different areas with three different outlooks, three different philosophies, almost in certain ways a different culture. And dealing with it as a Parliamentarian, you have to be sensitive to these differences and, you know, encourage each area and give each area support. And the diversity makes it quite difficult.

SHERIFF PRINCIPAL ROSS: That is because their aims may be in conflict.

MR BEATTIE: Occasionally yes, mostly not, but occasionally yes.

SHERIFF PRINCIPAL ROSS: Right.

MR BEATTIE: The other issue of course is that dealing with the councils at a practical level within my office is potentially quite difficult because, as I said, each council does things differently. The core is the same but the way they do it, the nuances, are the things you have to learn to be able to give the support is to your constituents, the skills that your staff have to acquire, the contacts, the developing relationships, it is very important. This is a people game, you know, so you need to know who you are dealing with in the council, you need to understand them, what their approach is. You need to develop that. Three councils make it extremely difficult, extremely difficult, and you know, it is a question of resources. And I do not think that has been adequately thought through.

SHERIFF PRINCIPAL ROSS: All right. I have no further questions. Thank you very much, Mr Beattie.

MR BEATTIE: Again, my apologies that I need to rush back for a vote.

SHERIFF PRINCIPAL ROSS: Thank you.

MR BEATTIE: Thank you.

SHERIFF PRINCIPAL ROSS: All right, next on my list is Councillor Norman Hampshire.

BOUNDARIES SCOTLAND STAFF- MEMBER: I don't think you need the microphone. I think everybody can hear you.

COUNCILLOR HAMPSHIRE: Yes, that is fine.

SHERIFF PRINCIPAL ROSS: All right, if you just want to take a seat. (Pause).

COUNCILLOR HAMPSHIRE: Okay, thank you for this opportunity to speak to the inquiry to look at the case for East Lothian. We are aware within the council and it has been discussed that this is not a simple process and anybody that's tried to look up the boundary movements, it is difficult, but we feel the proposal that is in front of us just now is not strong enough and I will present East Lothian's case. I am councillor Norman Hampshire, the leader of East Lothian council. I represent the Dunbar and East Linton ward, which is on the eastern side of East Lothian, and I have been a councillor for over 30 years. The background of our case is East Lothian is a predominantly rural area. The six main towns, Musselburgh, Prestonpans, Tranent on the west of East Lothian. In the east we have Haddington, North Berwick and Dunbar and many villages around each of the towns. They have all pride in their communities and strong social cohesion between the villages and towns. You will find many families have lived in their communities for many generations and these links are important.

The council is made up of six wards, Musselburgh, Preston/Seton/Gosford, Tranent, Wallyford and Macmerry, which is all on the west side of East Lothian, North Berwick Coastal, Haddington, and Dunbar and East Linton, which is on the east side of the constituency.

Of our case is East Lothian is predominantly a rural area with six main towns: Musselburgh, Prestonpans, Tranent on the west of East Lothian. In the east we have Haddington, North Berwick and Dunbar, and many villages around each of the towns. They have all pride in their community and strong social cohesion between their villages and towns. You will find many families have lived in their communities for many generations and these links are important.

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organisations within the school catchment area. This improves the links between the families and the services required, and the issues they are dealing with.

The proposed boundary changes and the implications for the communities. The proposed new Midlothian North and Musselburgh constituency will continue to have a Musselburgh ward, Wallyford and Whitecraig. However, the draft proposal would then take Prestonpans out of East Lothian and put it into Midlothian North and Musselburgh, along with part of Edinburgh East constituency. This will mean the new Midlothian North and Musselburgh constituency will be across three different local authority boundaries; the only constituency, I am aware, that will do so.

That will make for confusion for the communities involved, the Council staff and other services. The communities require as well -- the communities require -- as well as an increased workload of the MSPs and their offices, who have to deal with more local authorities than any other MSP.

Prestonpans is an integral part of East Lothian, has a longstanding historical link with its neighbouring community in Preston/Seton/Gosford, especially Port Seton/Cockenzie, as well as Tranent, and has always looked eastward to the rest of East Lothian for a sense of community and cohesion.

The Council ward is also the site of former Cockenzie Power Station, one of the key economic development sites in the south-east of Scotland. We do not want to see these communities and social and economic ties fractured across arbitrary new constituency boundaries.

The alternative proposal to respect communities and Council ward boundaries in East Lothian, Midlothian and Edinburgh. The case for their alternative boundary proposal is respecting the communities affected by the change being proposed. Its aim is to try and reduce any confusion about who the elected representatives are for the community. This will help constituents, businesses and the Council when dealing with issues in the area. The alternative position, we are proposing, which is supported by the local community council and many other local organisations and groups, is for the Prestonpans community, that is part of the Preston/Seton/Gosford ward to remain in East Lothian constituency and not be allowed to move into Midlothian North and Musselburgh constituency. This will allow the whole of Preston Lodge Secondary School catchment area to remain in East Lothian constituency and retain the vital Cockenzie redevelopment site to be represented by a single MSP.

This proposal would result in East Lothian constituency having an electorate of around 67,500. That is the upper end but not the largest of the proposed new constituencies.

We also propose that Musselburgh, Wallyford and Whitecraig will remain in Midlothian North and Musselburgh constituency. We understand there is an alternative proposal that will keep all the Edinburgh constituencies within the Edinburgh City Council and West Lothian Council boundaries. This change would also need Midlothian North and Musselburgh constituency to take back some of the electorate that the Boundary Commission are proposing to move from Midlothian North to Midlothian South, most likely all or part of Bonnyrigg,

Midlothian East wards. That would result in Midlothian North and Musselburgh constituency being similar to its current composition and having an electorate of around 59,000 -- about the average.

The change to Midlothian North and Musselburgh would leave the Midlothian South constituency that is proposed by the Boundary Commission short on the numbers of electorate required. I have been informed that the local enquiry on the Clyde Valley and Tweeddale are considering changes to the Midlothian South constituency.

These alternative proposals will keep communities together, avoid a constituency crossing over three local authority boundaries, which is a breach of one of the Commission's key rules, and reduce confusion around who the elected representatives are for the area.

The community of Prestonpans is one of the areas in East Lothian that falls within the most deprived 20 per cent of areas in Scotland. This understanding between the community and their Council services, and elected representatives, is so important in this area and any confusion must be kept to a minimum.

The constituency is also supported by natural geographical boundaries, such as the A1 and the (inaudible). Therefore I make the request in the interests of communities of East Lothian and their neighbouring councils that East Lothian Council would like the local enquiry to please consider making the changes that I have outlined in my statement, and keep East Lothian and Midlothian North, Musselburgh constituencies intact. Thank you.

SHERIFF PRINCIPAL ROSS: All right, thank you. Before there are any questions, is that note already submitted?

COUNCILLOR HAMPSHIRE: I have got it available -- yes.

SHERIFF PRINCIPAL ROSS: Because there is a lot of information in there and frankly I did not get all of the references.

COUNCILLOR HAMPSHIRE: Right, okay. I think it may have been submitted.

CARLO GRILLI (EAST LOTHIAN COUNCIL): We will get that across to you.

SHERIFF PRINCIPAL ROSS: That would be very helpful. Just to let me know the details. And the other thing is you are -- you have a map or maps --

CARLO GRILLI (EAST LOTHIAN COUNCIL): We have some maps but would we be able to talk to them a little bit with Council doing a slight presentation to supplement Councillor Hampshire first? If that is okay?

SHERIFF PRINCIPAL ROSS: So in fact you are dovetailing together? Well why not do that now then? And then we can have some more questions on the whole presentation.

MR EDWARDS: So I will just introduce myself. My name is Denis Edwards. I am an advocate and I am representing East Lothian Council. Because I am a lawyer, obviously I will be making what I consider to be legal points in addition to some

geographical points, and I will make them very briefly. But obviously I am not making any -- I do not have a personal interest in this matter in relation to the geographical boundaries and social ties which have already been well mentioned this afternoon.

Now this first map, and there is quite a few of them -- I do not think we will have to -- we may not need to mention them all and the councillor, being more familiar with the local area will probably be better than me to explain some of the detail. This is the local authority area of East Lothian, which we see there. And I can see there are certain maps here. This here, at the end if we can see it, on the eastern -- western side, is the constituency, the new constituency that is proposed.

SHERIFF PRINCIPAL ROSS: That is the new constituency?

MR EDWARDS: Yes.

SHERIFF PRINCIPAL ROSS: What colour are you referring to?

MR EDWARDS: So we can see clearly here it is --

SHERIFF PRINCIPAL ROSS: Well which colour are you referring to?

CARLO GRILLI (EAST LOTHIAN COUNCIL): It is the pink --

MR EDWARDS: So it is the pink coming up with the blue.

SHERIFF PRINCIPAL ROSS: Ah, right, so it is not actually a solid colour. It is just a pink boundary that we follow round.

MR EDWARDS: But this one shows graphically that the boundary -- Boundary Scotland's proposal will include within the Midlothian North and Musselburgh constituency three local authority areas; Eastern Edinburgh, East Lothian and Midlothian South.

Now one of the implications of that -- one implication which we can flesh out in light of actually what both the MSP said and what the councillor has said, is the implications in relation to the catchment area of two schools. Now it is not quite so easy to see at a distance, and even up close, but there is a secondary school in Prestonpans and its catchment area would be outside of the new Parliamentary constituency. Its catchment area would be in Midlothian North and Musselburgh. But the school itself would be in the Parliamentary constituency in East Lothian.

And there is a similar problem in relation to the Wallyford Secondary School, at the bottom -- towards the bottom of the map.

CARLO GRILLI (EAST LOTHIAN COUNCIL): The new Rosehill School.

MR EDWARDS: Yes, the catchment area of which would fall into another Parliamentary constituency, Midlothian South, but the school would be in the Midlothian North and Musselburgh constituency.

Now we say that is unsatisfactory for all the reasons which have already been said. It is not just to do with social ties, but when there are problems with

schools then, of course, the problem for an MSP -- and as we all know problems with schools are sometimes single issue or single person, but often they are more systemic, a number of parents have some issues, then there is going to be a confusion of democratic accountability -- that is what it comes to -- in that the MSP is going to be dealing with more than one council area in relation to his or her constituents and in relation to the school. And in the context of education that is a very important council responsibility but it is also, of course -- in fact it is a very important responsibility for members of the Scottish Parliament as well.

So we say that that is a practical issue in relation to, ultimately the democratic responsibility and accountability for the school system, which will pose practical difficulties for the MSP who represents that constituency.

So there is one more matter that I wanted to refer to -- I think that is, in the time we have available, that is a real practical issue that we would ask you --

SHERIFF PRINCIPAL ROSS: You have as much time as you need if you want to make a further point.

MR EDWARDS: Well that is an example of the practical issue. I mean on the legal points -- I do not have my computer with me -- but on the legal points we do say that Boundaries Scotland, in the briefing papers that we have seen, have not paid sufficient regard to the rules in -- that has been written in schedule 1 to the Scotland Act.

In summary, we say that there is a certain priority to be given to rule 1 to respect local authority areas and for there to be alignment between local authority areas and Parliamentary constituencies, insofar as that is practical. Now in the briefing papers, 35 and 39, I think they are, Boundaries Scotland sets out the options. Option 1 in paper 35 becomes option 3, I think, in -- or the other way round -- in paper 39. What it comes down to is this proposal, which is being advanced for Midlothian North and Musselburgh, which takes in three local authority areas. Now we say that there is a practicable alternative which is the one that Councillor Hampshire has just advanced, in particular that Prestonpans remains within East Lothian. Rule 4, so rules 2 and 3 we do not have to worry so much about. They are ultimately about a numbers game. But rule 4, which is keeping the constituencies within the number of -- the maximum number of constituencies, the population relative to the constituency number of 59,900. But rule 4 is very important because rule 4 directs Boundaries Scotland to consider issues as such local ties and the inconveniences that are caused arising from trying to make sure that each constituency is the same size. And we have just identified that in the school system, of course, there are great inconveniences which can be avoided pursuant to the proposal which East Lothian Council has advanced.

Now one consideration which Boundaries Scotland has to have regard to, is that there is not -- that they can implement rule 1 in making sure the local authority area -- the constituencies align with local authority areas, as long as there is nothing excessive constituency size. But the Venice Commission, as they themselves have identified, puts -- defines, it may well be -- it could be excessive but not defined, but the references are given to the Venice Commission, which is between 10 and 15 per cent.

Now under East Lothian -- under the proposals that Councillor Hampshire has advanced, the constituency, which would leave East Lothian -- which would leave Prestonpans within East Lothian and the other adjustments that are suggested would lead to a constituency that was some 67,000, and that is well within the 15 per cent margin, which the -- which Boundaries Scotland can work within, mindful of the Venice Commission's proposals.

And as Councillor Hampshire has said, there are other examples. One is more rural, I accept, Inverness and Nairn, but there is also one in Glasgow - I think it is the Glasgow East, or Shettleston constituency I think, which includes Shettleston and Baillieston, which has, I think, a population of some 68,000. Now we are not clear what has led to that scenario, but as you can probably hear I am from Glasgow and I would expect that it has something to do with the identifies of East Glasgow, Shettleston and Baillieston and so on, and also keeping local authority areas within a single Parliamentary constituency insofar - local authority wards within a single constituency so far as possible.

So we would be interested to hear why that was adopted and accepted in that context, when consideration is given to the proposals that Councillor Hampshire has advanced.

Finally, we are also concerned that when Boundaries Scotland has set out the pros and cons of their preferred option, which I think is option 1 now -- it was option 3 -- when they set out the pros and cons they do not give any reasons why they consider it practicable to have three local authority areas. There are no reasons given as to why another option -- for example leaving Prestonpans within East Lothian is not practicable, and why it is reasonable to proceed with the proposal that they are making, notwithstanding the great practical difficulty of this Parliamentary constituency having three local authority areas.

Now we do consider that reasons have to be given for this, and if they are not then it lead to the sort of criticisms that the MSP was making, that these proposals are just not supported by logic. Thank you.

SHERIFF PRINCIPAL ROSS: So just let me get that last little nugget down.

MEMBER OF THE PUBLIC: Can I ask a question?

SHERIFF PRINCIPAL ROSS: Sorry, just a moment. I beg your pardon, I just need to finish typing this -- all right, I will turn now to questions now. Madam, do you want to --?

MEMBER OF THE PUBLIC: No, I just wanted to clarify because the maps I find are really difficult for me and I can't see that anyway. Is the whole of Prestonpans going to be moved into the new area?

MR EDWARDS: It would be taken out of Midlothian North and Musselburgh.

MEMBER OF THE PUBLIC: No, I'm talking about Prestonpans. Is this getting moved into the new area? In its entirety?

CARLO GRILLI (EAST LOTHIAN COUNCIL): Yes, I mean that is the -- Prestonpans is here.

MEMBER OF THE PUBLIC: So the whole of --

CARLO GRILLI (EAST LOTHIAN COUNCIL): And that is the line that takes it --

MEMBER OF THE PUBLIC: But see just that --

SHERIFF PRINCIPAL ROSS: We may be better just to go the other map. --

COUNCILLOR HAMPSHIRE: The whole of Prestonpans' community is coming out of East Lothian and going into Midlothian North, the whole of it. But that then means that the other part of Preston/Seton/Gosford, which is the catchment area of the Preston Lodge High School --

COUNCILLOR HAMPSHIRE: -- is going to remain in East Lothian. So they have split that catchment. So there will be people in -- who go to the secondary school in Prestonpans who will deal with the MSP from East Lothian, and the other parents will have to deal with the MSP for Midlothian North.

MEMBER OF THE PUBLIC: Yeah, yeah. No, I was just asking because it wasn't clear from the map it was the whole of Prestonpans.

MEMBER OF THE PUBLIC: That it was proposed getting moved into, you know, Midlothian, or whatever it's going to be called.

SHERIFF PRINCIPAL ROSS: The answer is a substantial yes.

MEMBER OF THE PUBLIC: Yes. I thought at the beginning you said that this is mainly for electoral reasons and the catchment areas wouldn't be affected.

SHERIFF PRINCIPAL ROSS: Yes, that is correct. That is correct.

MEMBER OF THE PUBLIC: So why is the catchment areas getting affected?

COUNCILLOR HAMPSHIRE: No, the catchment area will stay the same for that school. It is just that they will be in two different constituencies.

COUNCILLOR HAMPSHIRE: So there will still be the same catchment but --

SHERIFF PRINCIPAL ROSS: Yes, only for the Scottish Parliament purposes.

SHERIFF PRINCIPAL ROSS: This is to do with MSPs, not local councilors. Both councils are staying where they are, doing what they are doing.

MEMBER OF THE PUBLIC: So none of those thing be changed or anything?

SHERIFF PRINCIPAL ROSS: No, no. So --

CARLO GRILLI (EAST LOTHIAN COUNCIL): No, it will not change anything on the ground. It is about how you would interact with -- or the wider population will interact in reference to the schools. So it is how the Scottish MSP will have to deal with three or four different issues.

MR EDWARDS: It is the practical difficulty --

MR EDWARDS: -- of people living in one local authority area with the Council in another local authority area, and the MSP being different to it, or having to deal with more than one local authority area.

MEMBER OF THE PUBLIC: Yes.

CARLO GRILLI (EAST LOTHIAN COUNCIL): And you have got the same issues coming across with two or three MSPs potentially having to deal with same issue.

MR EDWARDS: But the same point could be made of transport, that the MSP may --- the MSP is going to have to deal with different local authority areas in relation to the practicalities of transport. We have focused on education because of course it is a very topical subject. But equally the point could be made in the same way as transport connections.

SHERIFF PRINCIPAL ROSS: Just to pick up that point, could it be an advantage that a problem, hypothetical problem of Preston Lodge school could be raised now with two separate MSPs? One who covers the school's physical, geographical area, and another who covers a lot of the parents who live next door in a different Parliamentary area?

COUNCILLOR HAMPSHIRE: The issue we usually have is that when there is an issue within the school, it is not just one individual. Some are one individual child. It is a whole group of children. So, some of the children's parents will be speaking to one MSP, others are speaking to a different one, and they are probably getting different messages, and it will just cause confusion within whatever argument, or problem they are trying to deal with because, you know, when you have got different people giving different messages it causes confusion for the electorate.

SHERIFF PRINCIPAL ROSS: I absolutely see that. I was just wondering, just being Devil's Advocate, if there might have been an advantage in having two resources you can go to, to get a solution to a systemic problem.

COUNCILLOR HAMPSHIRE: Yes. There is obviously, you know, two different people raising the issue but as long as it is coordinated, and you find that that does not happen at that level.

SHERIFF PRINCIPAL ROSS: So it is about coordination.

COUNCILLOR HAMPSHIRE: It is, yes.

MR EDWARDS: Or even if they were just from different parties, of course, there could be tension and you would introduce potential tension for that. Yes.

MR GRAY: Sorry, I am about to speak, but could I make a comment not within that question?

SHERIFF PRINCIPAL ROSS: Yes, of course, yes.

MR GRAY: You also have to take into account Parliamentary rules. Now rules which stop one MSP from interfering into another MSP's constituents. So, it is not necessarily the case that from the neighbouring constituency you could engage in a problem, which has -- I mean when I speak I will give a practical example of that. Parliamentary rules would actually stop you, and if your neighbouring MSP disagreed with you they would be able to invoke those rules to stop you representing your constituent.

MURRAY TOSH: I am not sure that is correct. I'm a former MSP myself --

SHERIFF PRINCIPAL ROSS: Well wait one minute. Okay, I have noted that. Are you going to speak to later?

MR GRAY: Yes.

SHERIFF PRINCIPAL ROSS: Right, okay. Well we take up that point then.

MR GRAY: Sure.

SHERIFF PRINCIPAL ROSS: Okay. Now, sir, what do you want to say?

MURRAY TOSH: No, since Mr Gray is going to speak later I will be happy to take up that point. What I would like to be clear about, I understood the advocate gentleman to say that the Preston Lodge school was not within the Prestonpans ward. But I think he meant that there was a confusion in the catchment areas. I don't live in this area and I would be grateful if I could be shown where the Preston Lodge school is, on the large map. I do not want to make a mistake later on, you see.

CARLO GRILLI (EAST LOTHIAN COUNCIL): No, I think you are right. It is more about -- it is in the Preston/Seton/Gosford ward, the schools here. Prestonpans -- Preston Lodge is there.

MEMBER OF THE PUBLIC: So the Preston Lodge school is in fact in the Prestonpans ward?

CARLO GRILLI (EAST LOTHIAN COUNCIL): It is in the Preston/Seton/Gosford ward so it is (inaudible) ward.

MURRAY TOSH: Right, thank you.

SHERIFF PRINCIPAL ROSS: The Preston Lodge is within the --?

MR GRAY: The Preston/Seton and Gosford ward.

SHERIFF PRINCIPAL ROSS: The Preston/Seton and Gosford.

COUNCILLOR HAMPSHIRE: Preston/Seton and Gosford, which will be split over the two constituencies.

MR EDWARDS: Yes, but just to be clear our point is that there will be people going to it who are not in the same constituency.

SHERIFF PRINCIPAL ROSS: Thank you. All right, any more -- any questions?

MEMBER OF THE PUBLIC: Just Councillor Hampshire has referred to an alternative, there is a map of the alternative? Because I do live locally but I am still struggling to --

COUNCILLOR HAMPSHIRE: The basic behind it is that Prestonpans -- it is the whole of that Prestonpans ward which is part of the Preston/Seton/Gosford, remains within East Lothian-- and then there is a bit of -- what has gone into Midlothian South comes back into Midlothian North. So that whole area, it stays almost like it was before.

CARLO GRILLI (EAST LOTHIAN COUNCIL): And we do not have a plan of the alternative for when we were bringing it together.

MR EDWARDS: Yes, basically it moves. Under the proposal Midlothian --

SHERIFF PRINCIPAL ROSS: Under this proposal or your proposal?

MR EDWARDS: Under our proposal, yes. Midlothian North and Musselburgh moves east to include -- Prestonpans moves east and stays within East Lothian. The constituency here moves east so that it is not -- it does not include any Edinburgh City Council area and --It also has to come south.

CARLO GRILLI (EAST LOTHIAN COUNCIL): And takes in part of Dalkeith and part of the south.

MR EDWARDS: Although we are conscious that that impacts on possible other --

SHERIFF PRINCIPAL ROSS: So just to confirm, none of these maps actually shows what you intend?

CARLO GRILLI (EAST LOTHIAN COUNCIL): No, we have not -- we can get one made up if it helps.

COUNCILLOR HAMPSHIRE: We can send that to you.

SHERIFF PRINCIPAL ROSS: Can you do that or --?

MR GRAY: Yes, we will send --

SHERIFF PRINCIPAL ROSS: Yes, well that would be helpful.

MR EDWARDS: Although there will be some wobble at the bottom, at the southern end because we have got to be careful not to intrude another constituency.

SHERIFF PRINCIPAL ROSS: All right, thank you. I would be grateful, thank you. Is there another question?

MEMBER OF THE PUBLIC: I'm just trying to clarify something that -- you were very clear about mentioning 10 per cent as being the frame of (inaudible). Then the advocate gentleman for East Lothian Council made a reference to 10 to 15

per cent. And then specifically said 15 per cent later on in his discussion? Can you clarify which is the figure around which the Boundary Commission works.

MR EDWARDS: The figure seems to be 10 per cent. The (inaudible) for a lawyer is 10 per cent. But the Venice Convention allows up to 15 per cent as an extreme. That is regarded as the absolute possible maximum. But the recommendation is it is 10 or below within the -- as a range.

MEMBER OF THE PUBLIC: Thank you.

MR EDWARDS: But we would say, if I can, we would say that in order to achieve something practical, to avoid an outcome that is very much to be discouraged because of rule 1, that is having three local authority areas within the same Parliamentary constituency, then the 15 per cent would -- it is acceptable to avoid that unreasonable, inconvenient result. If there is a practicable alternative which avoids it, then going to 15 per cent, we say, is tolerable and there are other examples of that. Indeed I pointed to one in Glasgow, which would be -- have a higher population than what it is proposed under the East Lothian Council's alternative proposal.

MEMBER OF THE PUBLIC: Thanks for clarifying.

SHERIFF PRINCIPAL ROSS: All right. Any other questions? No, well thank you very much for your presentation.

COUNCILLOR HAMPSHIRE: Good, thank you.

MR EDWARDS: Thank you.

SHERIFF PRINCIPAL ROSS: Now next is Mr Gray, you are invited to appear next.

MR GRAY: Thank you. My name is Iain Gray and I was the MSP for East Lothian for 14 years, from 2007 to 2021. I am currently chair of East Lothian Constituency Labour Party and I speak today representing them, and in support of their -- our written submission.

This was developed at a special meeting which was held to which the -- around 540 local members of the Labour Party were all invited. So, it reflects the discussion that took place at that meeting.

We wish to object, as others already have, to the proposed boundaries, because they clearly, to our mind, breach three of the four principles which the Commission are charged with applying. And in particular, the proposal to remove Prestonpans from the East Lothian Constituency is a particularly egregious breach of the requirement to protect local ties.

The backbone of the existing East Lothian constituency, as Councillor Hampshire described, is formed by the five towns of Dunbar, Haddington, North Berwick, Tranent and Prestonpans. This is a network of strong and highly interconnected communities of which Prestonpans is, and always has been, a key part.

These towns are connected by geography, by local administration, by local services and indeed the local public transport network. They do not look towards Musselburgh, towards Edinburgh, or to Midlothian, but they see

themselves inextricably as part of East Lothian.

The proposed boundary would also cut Prestonpans off from their even more fundamental relationship with the smaller towns of Cockenzie, Port Seton and Longniddry. For example, as we have heard, in the devolved area of education the catchment of Preston Lodge High School would find itself divided between the constituencies of two constituency MSPs. Health services would similarly be affected as many people from Prestonpans use GP and dentistry services in Cockenzie, Port Seton and vice versa.

The truth is that geographically there is a physical gap between Prestonpans and Musselburgh to the west. But there is no such natural boundary between Prestonpans and Cockenzie/Port Seton to the east. What does lie between Prestonpans and Cockenzie is the site of the former Cockenzie Power Station, which Councillor Hampshire referred to. It is one of the most important strategic, economic development sites, not just in the south-east of Scotland but in Scotland, as recognised in the National Planning Framework. It is critical to the future of all the communities around it. It is now at a key planning and development stage, and it really makes no sense to split political representation and leadership across two different constituencies and two different local MSPs.

The proposal as it stands also threatens to create one of the worst breaches of the Commission's first guiding principle, that of respecting council boundaries. As we have heard not only would the Preston/Seton/Gosford ward be bisected by the new boundary, but Prestonpans would find itself in East Lothian Council, Midlothian North Holyrood constituency, and Lothian East Westminster constituency. And Musselburgh and Midlothian North, which already straddles two councils -- as we heard from Colin Beattie -- would now find itself in three different council areas.

Now I can testify from personal experience as an MSP just how confusing and frustrating people from Musselburgh find it, that they live in East Lothian but not in East Lothian constituency. We spent more time than I care to remember trying to explain to people that although they lived in East Lothian they could not seek help from me as the East Lothian MSP, but they had to go to the Midlothian MSP.

Now, they are already in that position but this proposal would put many more people in that position. Everybody who lives in Prestonpans for instance. While councillors, local groups and community projects would find themselves negotiating a veritable maze of multiple representatives and as for MSPs themselves their staff and even more so council officials in East Lothian, Midlothian and Edinburgh they would face managing a complex kaleidoscope of working relationships to try and represent their constituency. And I said I would give a practical example. We have talked a little bit about schools but health services is another example. There is in Prestonpans a very large dental service which was established there with the support and help and negotiation of not just myself over a number of years but indeed even my predecessor John Hulme-Robertson working with the local dentist to create that facility. It is sited in Prestonpans but a lot, I think the majority of its patients come from right along the Cockenzie, Port Seaton, Longniddry access. There are, we can talk about this, there are difficulties in making representations about a facility in somebody else's constituency and it would have been extremely difficult to engage in that were the boundaries that are

being proposed in place when I was the MSP or John Hulme-Robertson was the MSP and then yet it is a facility which serves people who would be constituents of the East Lothian MSP. So, there are problems with health and education boundaries although they are not actually changed by the proposal. The truth is that each of our three different electoral systems has the same core principle at the heart and that is maintaining a clear relationship between politicians and the constituents who elect them to allow effective representation and accountability, but this proposal drives a coach and horses through that democratic principle for a very large swathe that East Lothian, Midlothian and indeed Edinburgh when you look at Portobello. What is more, although we appreciate that Scottish Parliament regional boundaries are not currently being reviewed with the border between Lothians and South of Scotland currently at the west of Prestonpans the changes proposed here would potentially end up making the situation even worse and even more confusing for all concerned, not least the voters of Prestonpans whose democratic interests are already in danger of being compromised in pursuit of need of electoral numbers. So in summary, we strongly believe this proposal breaches three of the commissions four guiding principles taking consideration only of voter numbers, failing to recognise council boundaries, failing to recognise geographical considerations and failing to recognise local ties and we would respectfully ask the commission to amend their initial proposal in particular by ensuring that the whole of Preston Seton Gosford Council ward and the close knit communities therein remain part of East Lothian constituency.

SHERIFF PRINCIPAL ROSS: Okay, thank you very much. Does anyone have any questions for Mr Gray

MURRAY TOSH: Yes, can I say I respect a lot of what Iain Gray has just said. I've heard him speak many, many times and it is good to hear that he is still in good voice. Can we agree that recognising the point that you have raised about the school catchments any MSP is entitled to raise an issue on behalf of his or her constituent and if that happens to be for a facility where there is a dental practice or a community health centre or a school in someone else's constituency you still, or she is still entitled to raise it on behalf of his or her own constituents and that rule also applies to the eight regional MSPs who have similar rights to be involved should those circumstances arise. I appreciate that there are difficulties at office level for MSPs but the public's right to access their MSPs isn't infringed if a health board area is crossed, if a school catchment area is crossed, if the natural catchment for a dental practice is crossed. Am I correct?

MR GRAY: I think if you, if one has an individual constituent who for example attends that school. So let me give a more extreme example. I think there are difficulties. So, if I were still the MSP for East Lothian and Colin Beattie who was with us earlier was the MSP for Musselburgh and Midlothian North if I had a constituent who for whatever reason an out of catchment placement attended Musselburgh Grammar School and they came to me with an issue at school yes I would be able to represent them, but if an issue developed around Musselburgh Grammar School, say there were a problem with aerated concrete and the school was going to be closed or knocked down it would be

quite difficult for me to involve myself in that issue so, and I think, over the years in the Parliament in the Scottish Parliament those rules have perhaps become a bit tighter as well, a bit stricter because of differences of opinion around issues that do cross boundaries. So maybe I was a bit strong in the way that I described the situation earlier yes, but I think in many cases it would cause significant problems particularly if the two constituency MSPs involved had a different view about what should happen on that issue. It just makes it much more difficult.

MURRAY TOSH: I am happy with that statement. I think we have achieved a score draw there. Can I ask a question about the Cockenzie set up?

MR GRAY: Sure.

MURRAY TOSH: Because I do understand the point that you made about the relationship between Cockenzie and Prestonpans. Does that apply with the same intensity to Longniddry because I understand that to be separated from Cockenzie Port Seaton by a pretty extensive belt of green belt or at least countryside around towns, that is maybe a clearer cut boundary.

MR GRAY: I think that is largely true at the moment. As we speak it is becoming less true because of the development at Blindwells and so in terms of planning those communities are much, physically going to be much closer than they have been in the past but I think in terms of the social and cultural relationships, the social and cultural relationships along that access Prestonpans, Cockenzie, Port Seaton and Longniddry are very very strong indeed and in terms of public transport links that is certainly the case as well.

SHERIFF PRINCIPAL ROSS: I suppose at this stage I should ask the most awkward question, what is your solution to that then?

MR GRAY: What is our solution? I mean I am speaking on behalf of East Lothian Constituency Labour Party. And in the meeting, which may have developed our view on this, we did devote some discussion as to what alternatives there might be and you are probably not surprised to know that we didn't come to an agreement but there were two things I would quite like to say about that. The first is as someone said earlier I ... and the way in which you described at the beginning the process of looking at Midlothian, West Lothian, Edinburgh and East Lothian together our view was that you could only really find an alternative solution by looking at all of that and as East Lothian Labour Party we certainly didn't think we should be suggesting what should happen at the southern edge of Midlothian in communities that to be fair those of us in the meeting don't know, so we felt that really it had to be thrown back to the commission, but I think the second thing I would say is we were absolutely clear that this was about the quality of political representation as well as the quantity and if three of the four guiding principles are about quality and one is about quantity, the one about electoral numbers what we felt was more important to sustain the quality rather than the quantity of the existing constituency is entirely manageable for a member of the Scottish Parliament to represent and I think any MSP would want to, would rather have those extra, you know, five or six thousand electors to represent than spend their time dealing with all of these complexities of

representation across council and constituency boundaries. That would not improve the representation that they provided it would undermine it.

SHERIFF PRINCIPAL ROSS: Yes, thank you. All right, thank you, Mr Gray. You did have a lot of detail there. Would you be prepared to give some notes or submit them electronically afterwards?

MR GRAY: I could do either of those. I did change them slightly as I spoke.

SHERIFF PRINCIPAL ROSS: Okay, just send to the commission your notes, that would be great, thank you very much. All right, next I have down the list is Mr Weddell. Brian Weddell a member of the public. Mr Weddell, good afternoon. Just come and take a seat. You have seen how it works and indeed I will just allow you to have your say.

MR WEDDELL: Thank you very much. Firstly, for conducting this hearing and giving members of the public and organisations a chance to participate. I moved to Prestonpans with my family 14 years ago and quickly discovered that whilst locals regard themselves as planners first, they are also proud of the town's long industrial and community links in East Lothian. Whilst I am here today in a personal capacity, I am chairperson of the Pennypit Community Development Trust which has its base in Prestonpans. The trust was established 30 years ago and has built up strong links with community organisations in Cockenzie, in Port Seaton, Longniddry and the Fa'side Ward around Tranent and to pick up a point the gentleman asked Mr Gray just a minute ago about the gap between, the geographical gap between Port Seaton, Cockenzie and Longniddry. Longniddry Rotary Club are big supporters of the Pennypit Development Trust. They are currently running an angel tree to raise funds for the work the trust does for supporting families and individuals at Christmas time so we have very strong links with the wider PSG Ward and in the Fa'side Ward the trust works very closely with the foodbank there, fundamental foods.

So, we have very close links with the east side of Prestonpans. The proposal to take Prestonpans out of East Lothian would split the council PSG ward in half with the newly proposed constituency covering three local authorities. This would create, as we have already heard, a bureaucratic nightmare for everybody. Residents, public and third sector organisations and the politicians themselves. In the submission from Prestonpans Community Council there is reference to the boundary review guidance which states when making the proposals you are required to follow these four basic principles that you outlined yourself at the start and a number of people have touched on. Taking account of council area boundaries, create constituencies and regions that have broadly the same number of electors, take account of special geographical considerations including in particular size, shape and accessibility of a constituency or region, take account of local ties and other inconveniences caused by changes to constituencies. It seems clear to me that the submission put forward by the boundary commission has only considered one criteria. The number of electors in the ward. I also think it is wrong for the boundary commission not to consider approved new housing developments in the boundary review for the next holyrood election which is over three years in May 2027. From East Lothian Councils housing land audit 697 new houses are due to be constructed

at Dolphinston to the east of Wallyford. This is on top of the 1,450 homes already built or under construction in Wallyford. In the centre of Musselburgh 140 new homes are under construction on the former Wireworks site. In Whitecraig Miller Homes are currently building 250 homes at its Carberry Braes development and last but not least East Lothian Council has given planning permission for 1700 homes on land surrounding Queen Margaret University on the southside of Musselburgh, some of which is currently under construction. In total that is over 4,200 new houses, the majority of which will be completed by the time of the next Holyrood election which will add thousands of additional voters to the electoral roll. Those figures don't include new housing currently being built in Midlothian and considerable number of new houses on the east side of Edinburgh.

In my opinion this would mean that the new constituency once the election comes around in 2027 would have a higher proportion of electors not as intended broadly the same number of electors. In summary, I am of the opinion that the boundary commission need to go back to the drawing board and factor in the new housing developments as well as giving greater consideration to the other three criteria in the guidance. In particular as we have already heard this afternoon there are going to be considerable inconveniences caused by changes to constituencies. I am sure if they do that, they will see the sense of leaving Prestonpans in East Lothian.

SHERIFF PRINCIPAL ROSS: Thank you very much. Does anyone have questions for Mr Weddell? Okay. From the back of my mind, I think the boundaries commission are obliged to take into account the population as at the 1 September 2022. I think that might be an answer to your proposal that took into account future developments, I think they may be constrained but that but I will certainly raise that and that is a valid point.

MR WEDDELL: I was aware you made that in your introduction earlier. I wasn't aware of that before then. I just think with the huge amount of house building that is going on in East Lothian in particular the five years from that September date to the actual election is maybe too big a gap and if there is any flexibility around that it should be looked at.

SHERIFF PRINCIPAL ROSS: Yes, I see your point absolutely. Thank you very much.

MR WEDDELL: Thank you.

SHERIFF PRINCIPAL ROSS: All right the next name I have here is Murray Tosh from the Scottish Conservative and Unionist Party. Mr Tosh here?

MURRAY TOSH, SCOTTISH CONSERVATIVE AND UNIONIST PARTY: I have a prepared statement. I will give you a copy.

SHERIFF PRINCIPAL ROSS: Thank you.

MURRAY TOSH, SCOTTISH CONSERVATIVE AND UNIONIST PARTY: Sheriff Principal thank you for the opportunity to speak to this hearing this afternoon. My name is Murray Tosh. I represent the Scottish Conservative and Unionist Party. I am not an employee or an office holder of the party, merely a member

of a committee which monitors boundary proposals, comments on them and in some circumstances advances alternatives to the proposals brought forward by the boundary commission. I want to make it clear to everybody that I do not live in East Lothian. I live in the Scottish Borders having previously lived in Ayrshire and Edinburgh. I was an MSP for the South of Scotland in the first Scottish Parliament and within my own party group I was allocated constituency and political duties in East Lothian and the Scottish Borders. However, I am not up to date with East Lothian's politics or governance and I don't claim to be any sort of authority on East Lothian. My party offered no counter proposals to Boundaries Scotland's initial proposals for the Lothians other than a minor adjustment in the southwest of Edinburgh and I have no counterproposal to propose today. The four local authorities under discussion here have 711,592 electors and they are entitled to 12 constituencies with an average electorate very close to the overall Scottish average or quota of 59,900. The range of proposed constituencies in this region, the old Lothian region, falls within plus or minus 10 per cent of the quota and this clearly satisfies the overriding objective of the review which is to achieve constituencies as close as it is practicable to the quota. I want to deal with the rest of the debate in two sections. Firstly, dealing with rule 1 as raised by Iain Gray and also by the representatives Councillor Hampshire and the other representatives of East Lothian Council.

My comments today in fact are largely directed at the written submission by East Lothian Council because that was the only basis on which I had to prepare my own contribution. East Lothian's initial response to us appeared to misunderstand several important aspects of this process and to seek outcomes which are contrary to the central purpose of the review. It is clear that the purpose of this review is to create a new set of constituencies. To restore a broad parity among them which was created in the previous review, but which has been eroded in many areas not least in this area by significant changes in population since the earlier 2000s. We disagree with the assertion by East Lothian that Rule 1 has supremacy over the other requirements that drive these changes or that as in a report presented to councillors the initial proposals would be contrary to Rule 1. Rule 1 requires boundary commissions in proposing constituencies to have regard to the boundaries of local authorities.

It does not say that boundaries cannot be crossed or that areas of local authorities cannot be combined. If Rule 1 were to be interpreted as East Lothian Council has argued, Rule 2 which requires boundary commissions to propose constituencies as near as practicable to the electorate quota could not be achieved. In order to remove any doubt about what these reviews are expected to achieve Rule 2 explicitly releases boundary commission from a strict application of Rule 1 where it would lead to excessive disparities between constituencies. In the detailed task of creating constituencies Scottish Boundary Commissions confront a difficult reality that local authorities range enormously in size. Small councils rarely have an electorate which falls neatly within the quota and not even the larger councils can always be subdivided into whole numbers of constituencies. Consequently, every review since the post-war Labour Government first created an independent boundary commission has required the creation in Scotland of constituencies which cross council

boundaries. Every single review. The closest that any boundary commission ever came to avoiding this area, this problem was the third periodic review which came into effect for the 1983 election where all constituencies were contained within the old regions but even then, in that review many district council boundaries and East Lothian was then a district had to be crossed all over Scotland, not all but many of them.

In the fourth period review of Westminster boundaries which created the first constituencies for the Scottish Parliament even regional council boundaries were crossed because the number required it. It was necessary to do so to achieve size constituencies. Since then, a fifth review, a sixth review which was abandoned and a further review in 2018 which wasn't concluded, and the first review of Scottish Parliament constituencies all required local authority boundaries to be crossed in some places. So that is how rule works. Now the boundary commission does have regard to local authority boundaries. They do this, they meet rule 1 as was explained in the beginning by grouping councils and as (inaudible) pointed in this review that meant grouping West Lothian, City of Edinburgh, Midlothian and East Lothian, the old Lothian region, to obtain a total electorate which is entitled to a whole number of constituencies and this entirely consistent with past practice. It is understood and accepted by political parties, by local authorities and by academics, political and constitutional academics who study these things. To my knowledge it is a practice which has never been challenged in court and it is the only way in which Rule 2 which is also in the rules can be achieved. Turning now to the focus of this hearing, I think it is important to clarify, and indeed it has been referred to Iain Gray amongst others mentioned it, there never has been a Scottish Parliament constituency which contains the entire area of East Lothian and that brings us difficulties as we have heard.

The first Scottish Parliament elections were held within the Westminster constituency created on the fourth periodic review. The result of that in that first Parliament the greater part of Musselburgh was contained in Edinburgh East and Musselburgh represented then by Susan Deacon and that linked it with Duddingston, Portobello, Brunston and so on. The first review of the Scottish Parliament Constituencies proposed that all Musselburgh and Wallyford should be contained in the new Midlothian North and Musselburgh constituency with the rest of East Lothian and a constituency which the commission initially proposed should be called Haddington. In its response to that initial review those initial proposals East Lothian Council said then that it would have preferred to have a single constituency covering the whole of East Lothian. Nearly every council said that it is entirely understandable, but it recognised that the electorate would be too large and offered to support those initial proposals back then if the commission changed the name of Haddington back to East Lothian. The commission has agreed to that change and true to its word East Lothian Council in responding to the revised proposals gave them their full support. I should add that I represented the conservative party in three local hearings in that review. They were held in Loanhead, Musselburgh and Peebles. In the course of that I did advance a counter proposal which was that the former constituency Berwickshire and East Lothian which existed from 1960 to 1983 should be recreated. Amongst the purposes of that counterproposal were that

that would allow all of western East Lothian, including Musselburgh and Wallyford to be contained within one constituency.

Your predecessor sir, Sheriff Principal Bowen, did actually agree with me, and recommended to the Boundary Commission a constituency including North Berwick and Dunbar wards with Berwickshire and other Borders wards, but the Commission declined to adopt it, and our decision in this review is that there is no point in our fighting old battles which were lost, and we decided not to pursue that option any further. Turning now to the other rules, I have to say I am reluctant to cross swords with an advocate because I do not have any of that legal expertise that he has, but I do believe that factually, historically, logically and legally rule one does not have primacy, and in grouping councils to achieve constituencies the Boundary Commission have always conformed to rule one, and have had regard. They do not just start at John o' Groats and work their way down to Gretna Green, they group the country into workable units of combined councils. The four rules are not separate rules, they are interlocking, and rule one is important because it provides the basis by which Boundary Commissions can fulfil rule two, the creation of constituencies with broadly equal electorates, and that is subject to the qualifications of rules three and four, which have been outlined today. Now, over the years and many, many hearings like this which I have attended, I have listened to people complain that this is only a numbers game. It is often said in a sort of sneering and hostile way, it has been raised a couple of times today but everybody has been very courteous, I am pleased to say, because it is not a numbers game; Boundaries Scotland anticipated the criticism because they hear it every time. In the press release which announced the review they stressed there are a range of considerations, including numbers but not only numbers, are taken into account in formulating the initial proposals, and it is far from any kind of game, as the range of proposed electorates demonstrates, from around 54,000 to, we have heard, 69,000.

It is the entire point of the exercise that constituency electorates, which grow and decline over the years as populations move, are brought into alignment; that is what this review is for. And campaigns to achieve votes for middle class and working class people which were conducted in this country for over a century, and began in Tranent, contained within them the demand that there should be equal sized constituencies so that every single elector's vote counted for the same, within a certain margin, as everyone else's. And a broad parity across constituencies, a broad parity of the electorates, is one of the foundations of our representative democracy, to make sure that everybody's vote counts equally. Now, in a letter to East Ayrshire Council, and it has been referred to here today, not the letter but the point, the Boundary Commission has explained that it has set out to apply the principles drawn out by the Venice Commission. I do not think that is binding on this country, but I think it is internationally recognised as good practice, to achieve a range of constituencies whose electorates vary by no more than ten percent from the average electorate, the quota, unless there are exceptional circumstances, and that is where the fifteen percent comes in. I think it is difficult for anyone who has a commitment to democracy to argue that there should be wide variations across constituencies, and if ten percent is an internationally valid standard then I can live with that. The Commission followed that principle scrupulously in the first review. Then, back in about 2008-2009, it achieved a variance of around nine percent, with the sole exception of the Western Isles constituency, Na h-Eileanan an Iar, a constituency with a very small electorate, it gave a constituency in its

own right before it was legally protected. It was allowed to do that by applying rule three, which provides for special geographical circumstances in exceptional cases, and I stress again 'exceptional' because that is the context in which you have to read the fifteen percent set out by the Venice Commission.

In the current review, Boundaries Scotland has attempted to apply a similar range of plus or minus ten percent; it no longer has the discretion to preserve Na h-Eileanan an Iar because it is now protected in the legislation. It has proposed one constituency, Inverness and Nairn constituency, which is significantly above the ten percent margin. Now, I do not know because I am not on the Boundary Commission, which is probably in everyone's interests, but it appears to us that the purpose of creating that very large Inverness constituency, way above the normal limit, is to allow it then to concentrate a sufficient number of Highland electors in one relatively condensed constituency, to allow the creation in the northern and western Highlands of two constituencies which are huge in geographical areas and do not have bus services linking very many communities, with a lower electorate which is within the permissible ten percent range. And that is an example of the sort of special circumstances where you can use that fifteen percent principle, and again that is justified by the application of rule three about the shape and accessibility of the constituencies. And, the Venice principles specifically address two categories, they are not exclusive, there may well be other categories, but they say sparsely populated areas can allow a departure, and the representation of minorities can allow a departure. Well, I do not think the minority criterion applies in Scotland, but the sparsely populated areas criterion does. Not, I respectfully suggest, anywhere in the south of Scotland. Now, this is an important point to make, that the Inverness and Nairn constituency appears to us to be an exception under rule two allowed for by rule three, and it is an outlier, it is a special case. It is not a yardstick for other councils to say 'we want a departure as well', when there are no special geographical considerations.

Inverness aside, the other constituencies at the top of the range in this review are actually Airdrie at 66,000 electors, which is marginally above the top limit, which shows that the Commission is not regarding itself as hidebound by ten percent, they have a little bit of flexibility, closely followed by Glasgow Shettleston and Baillieston, which is actually below the ten percent limit, I think it is 9.7 percent to be precise. Both of these are areas of very stable population; they do not have major housebuilding programs for them, and they are likely over the period of the review and the life of the constituency to be created to remain stable, possibly even to lose electors between now and the next review in eight to twelve years' time. That is an entirely different position from East Lothian; East Lothian's development plan, the 2018 plan not the one currently being prepared, noted that the population here began to grow significantly in the late 1980s. It grew by almost 10,000 between the 2001 and 2011 census, and again between 2011 and 2021. The development plan also noted an extraordinarily precise prediction by the National Records of Scotland, their population projection which anticipated by 2025, that is roughly the time that this review will exist for, East Lothian's population will increase by an estimated 33 percent, to around 129,000 by the end of that time. Now that is guesswork, and obviously it could be a bit more, it could be a bit less, but it is an indication of what is happening in East Lothian. It's population rate of growth is the highest in Scotland, and not only that, only around 30 percent of the increase here, of the housebuilding programme, is due to local household formation; 70

percent of it, that population growth, comes from immigration.

That is not quite unique, but it is way, way exceptional in Scottish terms. Boundaries Scotland has made it clear that the gentleman who spoke earlier about the housebuilding programme was absolutely spot on, there is a huge building programme here, but Boundaries Scotland has made it clear that it does not in its proposals take into account forward projections of housebuilding. And nor, really, should they, because forward housebuilding programmes, estimating how many will be built, where they will be built, how quickly they will be built, how many people will live in them, how many voters will live in them, is at best informed guesswork. And all the proposed constituencies must have electorates which fall within the range of allowable variation around the quota which existed in September 2022, which is the electoral role which is the basis for this exercise. However, when Boundaries Scotland looked at the current East Lothian constituency, as our legal colleague said with over 67,000 electors, it cannot have been unaware of the steady growth in its electorate, or of the projected continuing growth in population and electorate. Somebody mentioned earlier the 1600-house development at Blindwells which has now started, and planning is at an advanced stage for the further phases of Blindwells, effectively a new town being created in East Lothian. And it is quite clear that if the constituency is unchanged, a constituency which is already above the limit, probably even by the time of the first elections to be held here it will be significantly out of line with neighbouring constituencies, and by the end of this period even in the most pessimistic assumptions it will be by some margin the largest constituency in Scotland.

Now, the rules do not require boundary commissions to take long term population trends into account, I do not know if it even allows them to do that, but it appears to us to be reasonable for commissions to take trends into account when it is considering options within the review, because imbalances between constituencies inevitably have to be addressed in subsequent reviews after they have emerged. But we suggest that it is not good practice to create constituencies which will be significantly out of line with their neighbours even by the time of the first elections to be held under the boundaries of the new constituencies. So, we think that the initial proposals for this grouping of councils recognises that the current East Lothian constituency is already too large, and it appears to us that it is the starkest example of the changes in population which are the entire rationale for this review taking place. It appears also that East Lothian Council understands that; in the second last paragraph of the Council's written submission to Boundaries Scotland its author wrote, 'Given the population changes and the electoral quota, it is appreciated that there may be a requirement for some change.' However, at the point where I prepared this submission, again this afternoon, I am not aware of any change which East Lothian council is prepared to countenance in the boundary of the existing constituency.

And the written response accused Boundaries Scotland of 'drawing an arbitrary line down the middle of the county', and that is far from true. The change proposed to the current constituency boundary is in, as has been said, the Preston, Seton and Gosford ward, and the proposed boundary follows the ward boundary, the existing ward boundary, along its western and southern-southeastern edges, then it turns northwards to divide the ward between

Prestonpans and Cockenzie along the built edge of Cockenzie. I will come back to that in a moment, but I want then to just say that the reference to 'drawing an arbitrary line down the middle of the county' appears to refer to the existing boundary east of Wallyford, and we are aware now that current and projected housebuilding in Wallyford spills eastward across the existing constituency boundary. Our boundary committee's default position is that we are reluctant ever to divide small communities, and I am confident in saying, although I was not told to say this, that The Scottish Conservatives would want the commissioners to respond positively to those objectors who have called for the boundary around Wallyford to be redrawn to ensure that the whole planned settlement is contained within one constituency; nobody is going to benefit from dividing Wallyford between two constituencies. I have no brief to propose any substantive changes but I would observe, now that I have been able to read East Lothian Council's submissions, that the element in the initial proposals which I think should give the commissioners most concern under rule four, which requires them to consider the impact of breaking existing ties, relates to Cockenzie and Port Seton.

Iain Gray, in particular, referred to that I think quite forcefully; I understand what was being said there. Prestonpans is quite a distinct town to Tranent and Musselburgh, although of course there are lots of cross-community ties and interchanges, but I am less clear... well, I am clearer now than I was when I came here this afternoon, about the relationship between Prestonpans and Cockenzie and Port Seton, and I think that is something that has to be considered. Trying to understand therefore, where really East Lothian Council is coming from, I do wonder if its principal concern is that very boundary between Cockenzie, Port Seton and Prestonpans, and they feel that the overriding issue is that they should be within the same constituency because of the importance of the regeneration project. I do not know enough about either community or the emerging master plan to be able to give my judgment, but I have heard what other people have said here today, and I would make the observation in passing that the electorates of the constituencies under discussion would allow the transfer to Midlothian North and Musselburgh also of Cockenzie-Port Seton. It would reduce the East Lothian electorate further but would leave it within range, it would increase the electorate of Midlothian North and Musselburgh but would leave it within range, and that is maybe something that should be looked at.

Alternatively, it could be proposed that the whole of the ward could be retained in East Lothian, as some of the written representations have argued; nobody has said that today, but it was in the written representations. I think the consequence then is that Boundaries Scotland would have to look at transferring Tranent and Elphinstone instead, into an East Lothian, Midlothian constituency. I think something has to give, and it is not my job to say which one it should be, but looking at it as dispassionately as I can I think that there has to be some change to the existing boundaries. If that were done, the Tranent and Elphinstone transfer made, that would in itself immediately address the Wallyford issue, where there is new housing which crosses the existing boundary. Either of those approaches would create a smaller East Lothian but still within quota, one which might be capable of absorbing the long term growth of Blindwells and not make it hugely out of line at the next review, possibly therefore keeping East Lothian within quota up to the next review, and perhaps the Commission has been too cautious in the changes that it has proposed this time. As I said already, I do not make this as a counterproposal,

it is simply an observation which the Commission can look at with all the other comments which have been made. I want to make three final points. The first is that it seems to me however this is done, if you move Prestonpans or if you move Tranent, you draw a constituency boundary between Prestonpans and Tranent. They are two distinct towns, I know there are all sorts of connections but they are distinct towns, they are physically separated by a major transport corridor which includes the A1 trunk road and the East Coast Main Line railway.

The 2018 East Lothian Development Plan set out to differentiate the two towns further by creating green belt and countryside around town designations between them. None of that need reflect on how people live their daily lives. The countryside around towns area between Prestonpans and Tranent contains leisure facilities and open space which is accessible to people on both sides of the ward boundaries. East Lothian Council delivers services to both towns, and these services are not going to be affected if a Scottish Parliamentary boundary is drawn along an existing ward boundary. I explained earlier that I was informally a South of Scotland MSP for most of East Lothian, and I know that the constituency boundary then ran through Musselburgh, but life went on every day. People crossed that boundary without ever giving it a thought: school pupils, shoppers, commuters, walkers, theatregoers, council workers, tradesmen, possibly even sheriffs. A relocated boundary between Tranent and Prestonpans will not affect how people live their lives, any more than the old boundary through Musselburgh did. Some of the hostile comments in the written representations focused on the fact that East Lothian will have two constituency and sixteen regional MSPs. Well, since the inception of the Scottish Parliament East Lothian has always had two constituency and sixteen regional MSPs, and in that respect nothing has changed or will change. And I do not know how much confusion there will be among the electorate; I have heard from Iain Gray today that people often approach the wrong MSP and I can understand that, that is going to happen in many, many areas of Scotland, because people do not know where detailed ward boundaries are in Glasgow or Edinburgh, and MSPs will know how to transfer caseload from one to the other. It is more difficult when there are different political parties, but people have to be represented however the politicians themselves manage it. When I was a Member for the South of Scotland, and way back in the beginning of the Scottish Parliament, we were deluged with correspondence on all sorts of issues, emails and letters, mostly, and people came to see you at surgeries and so on.

I thought then that electors were uncannily expert in identifying who they should write to and who they should email, and I know that people do not generally go through life thinking about who their elected representatives are, and in my experience when people want to approach one they find it pretty easy to identify who the relevant MSP is. And if they do approach the wrong MSP then they can be redirected relatively easily to the next one; an MSP's offices, which sit cheek by jowl on four floors of the Scottish Parliament, render it practical for casework to be passed from one office, one staff, one member, to another. I am not saying it is always easy, but that is part of the job now, it will not change, it will still be part of the job after the reviews. There is no evidence, ever, that changing electoral boundaries has confused people to the extent that it depresses turnout in elections, and there are no administrative problems for valuation authorities, registration authorities, local authorities conducting elections, arising from changes which cannot be overcome by careful planning. Can I say as an outsider, because I do not live here, that I think that this review -

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SHERIFF PRINCIPAL ROSS: You may need to wind up shortly, we are slightly running out of time. Thank you.

MURRAY TOSH, SCOTTISH CONSERVATIVE AND UNIONIST PARTY: As you say sir, I am almost finished. The review is a recognition of what a success story East Lothian is: a place where thousands of people who had no previous contact with it were, and will continue to be, happy to come and live. It is the fastest growing council in Scotland, and regional planning which allocates so much of the Edinburgh housing areas' development lands to East Lothian, not just on the significant new town being developed at Blindwells, the fast growing young populated which will generate its own household formation in the coming decades, imply ongoing population growth. That means that ward and Scottish Parliament boundaries must be redrawn now and again in future reviews, just as the boundary of the Westminster constituency has had to be amended in that recently completed review. I think East Lothian is forward-looking and has formulated ambitious plans for its ongoing growth, and I do not think it should be holding its hand up in horror against changes in electoral boundaries; it should embrace the change that it has worked so hard to create, and try to build the best constituencies that it can within the range of electors which is currently appropriate. Admittedly, in a more compact East Lothian constituency, but also a Midlothian North and Musselburgh constituency in which the people of East Lothian and their elected representatives will have a very large and growing influence. Thank you, sir.

SHERIFF PRINCIPAL ROSS: Thank you. We are getting a little close to four o'clock, there is one more speaker who is identified, so I wonder if I might ask them to speak now, and can take some questions afterwards for both. The next speaker is Sarah Souness. Is she here.

SARAH SOUNESS: Oh, it could be me, Sarah Souness?

SHERIFF PRINCIPAL ROSS: Seymour it says here, but it is Souness? Yes, that is alright.

SARAH SOUNESS: Well, I do not know I phoned earlier today...

SHERIFF PRINCIPAL ROSS: It must be you, so do you want to speak? Yes.

SARAH SOUNESS: Well basically, I was wanting to clarify if Prestonpans was coming in, and about if signage --

SHERIFF PRINCIPAL ROSS: You have raised that before, yes.

SARAH SOUNESS: -- will they be changed. The cost implications, basically --

SHERIFF PRINCIPAL ROSS: Yes.

MURRAY TOSH: There should be no consequences for any public service, any local government service. There may in the initial stages be some uncertainty about who people should go to, councillors might find that they are working with different MSPs, the council itself might have to take on different people,

but the public, at the end of the day, should not be affected by any of these changes. This is only for voting.

SARAH SOUNESS: Alright.

SHERIFF PRINCIPAL ROSS: Happy with that?

SARAH SOUNESS: So, yes it was just when Musselburgh changed, Musselburgh used to be obvious on the road and the signage was changed.

SHERIFF PRINCIPAL ROSS: Yes.

SARAH SOUNESS: The road signs were changed.

MURRAY TOSH: Yes, but this is not changing council boundaries. Prestonpans will not become part of Midlothian, it will be in Midlothian constituency, or North Midlothian constituency --

SARAH SOUNESS: Right.

MURRAY TOSH, SCOTTISH CONSERVATIVE AND UNIONIST PARTY: along with Musselburgh and Wallyford, but it will not be in Midlothian Council, and you do not need to worry about Midlothian Council coming along and changing any of the provision of service in this area, it will not happen.

SHERIFF PRINCIPAL ROSS: Okay? So, are there any wider questions for Mr Tosh? Yes.

NORMAN HAMPSHIRE: Obviously you gave quite a long presentation there, but not once within your presentation did you raise the issue of school catchment areas, which is a really serious issue for communities. East Lothian Council, as in our presentation, we are not against part of East Lothian going into another constituency, we have agreed that Musselburgh Wallyford can go into Midlothian North, but that is because these are distinct communities; the whole community is going. What is proposed in the proposal just now is a community is going to be split; Prestonpans Port Seton and Cockenzie are going to be split, and there are huge links between these two communities. The secondary school that serves Prestonpans caters for the children from Port Seton and Cockenzie, so there is a definite issue there. Now, if we could create something that allows the whole of Edinburgh to remain, all the MSPs to remain within their Edinburgh boundary, Midlothian North keeps communities together, and East Lothian's proposal keeps East Lothian communities together, is that not a reasonable request to put forward?

MURRAY TOSH: Can I say, I think that is a very fair point. I am going to have to disagree with you in school catchment areas, because there are school catchment areas all over the country which have to be crossed by ward boundaries and so on, but I quite see why you want to keep the school catchment area together in the area that you have specified. If you want to make that the priority, then the option is there to separate the Tranent school catchment from Prestonpans school catchment, you could move a different area. You do not have to divide the catchment area in the Prestonpans area, that is something you can advance in a further presentation. As I say, we do not have

any obj--

NORMAN HAMPSHIRE: Have you ever tried to alter the catchment area of a secondary school?

SHERIFF PRINCIPAL ROSS: We are not going to have a discussion about the school catchment area, because we cannot do anything about that here. But the point is made.

MURRAY TOSH: But can I say that I did recognise the point that was made about Cockenzie Port Seton and Prestonpans, and I do think that that is the area that the commission needs to look at most closely, because I could see immediately... I mean, I do not know these areas very well but I recognise similar areas in other parts of Scotland that I do know, and I can see that those parts sit cheek by jowl, and I lots of people in both communities must have worked at the power station and all the places round about, and I know that the people of both towns will be looking for employment opportunities in the regeneration programmes that come forward, and I can see that there is a desire to keep those together, so I am not unsympathetic to what you are saying. As far as Edinburgh is concerned, again I understand your point --

SHERIFF PRINCIPAL ROSS: Again, we are not going into Edinburgh here.

MURRAY TOSH: I am not going to discuss Edinburgh, but what --

SHERIFF PRINCIPAL ROSS: Okay.

MURRAY TOSH: -- point I would make about that. Now, I do not know if the commission can do this, but if you look at the total electorate of East Lothian and Midlothian there are enough electors there to form three constituencies without anybody coming from Edinburgh. They would be at the low end of the range, they be on an average of just below 55,000. That is allowable, and if the commission were prepared to look at that they could create three constituencies without bringing in Edinburgh. It would require them to do a lot of work in moving people across Edinburgh to the smaller constituencies on the west side of Edinburgh, but they have such considerable expertise and past practice that I do not think that task would be beyond them. I think it would be more helpful to them, though, if the council made precisely such a proposal. I do not think you would have to detail what you wanted done in Edinburgh, commission staff could do that, but I think if that is the way to go then at least you would be posing a question which the commission would have to consider. I cannot tell whether you whether it would agree to do that, but it would I think be allowable within the rules.

DENIS EDWARDS: Could I just clarify something, if I may. Just looking at this question of the ten to fifteen percent. If we look at paragraph twenty of Boundaries Scotland's paper 24, we see that there is quote from the Venice Commission's code of practice, and I just wanted to emphasise that, and it says that electoral areas, 'should not be more than 10%, and should certainly not exceed 15% except in special circumstances'. So, the natural reading of that is that the norm should be not more than ten percent, but when it exceeds - exceeds - fifteen percent, then special circumstances have to be invoked to justify that, but there is a tolerable excess between ten and fifteen percent. So

we should not say that ten percent is some default rule, it is a norm, but it is exceeding fifteen percent that the issue of special circumstances arises. It is tolerable between ten and fifteen percent, and just to be clear the council's proposal to keep Prestonpans within East Lothian would be something like eleven percent.

MURRAY TOSH: I apologise, I do not have the commission's document in front of me. What I did do was look up what the Venice Commission said, and my reading of it was that it saw ten percent as the standard to be applied, but in allowing for the representation of minorities, of which there are many across Europe, and allowing for the representation of sparsely populated areas, it would be possible to go to fifteen percent in those exceptional circumstances, but that it saw fifteen percent as the absolute maximum, and only for these two examples, which were not exclusive, but you would have to come up with some comparable justification for representing small minorities and representing sparse areas --

SHERIFF PRINCIPAL ROSS: Can I --

MURRAY TOSH: -- to justify a further departure...

SHERIFF PRINCIPAL ROSS: -- bring matters to an end, there. Not only have we run until four o'clock but we seem to have changed from a public inquiry into a legal debate, which was not really the idea today. I am sure Boundaries Scotland are well aware of the rules and it is for them to decide, at least in the first instance, what of these criteria apply, you can thereafter look at them once that is done. But thank you for your contribution.

MURRAY TOSH: And thank you for your patience.

SHERIFF PRINCIPAL ROSS: I hope I have not missed anybody out today, we are bang up against four o'clock. As I say, my role now is to collate everything that has been said and present it in a neutral way to the commission, and they can thereafter take it and run with it, and do as they see fit. But can I just thank you all for coming along, and for the very eloquent speeches that we have had, and the questions, and I think I can wind up matters at that stage. So, thank you very much.

(16.02)

(end of Afternoon Session)

(18.00)

EVENING SESSION

SHERIFF PRINCIPAL ROSS: All right, it's now six o'clock so I will start this evening's session. Good evening to both of you. Just to give you an outline of who I am and what is going to happen, my name is Nigel Ross. I am the Sheriff Principal for Lothian Borders. I am here as an Assistant Commissioner. I am not part of the Commission. I am only engaged for the purposes of taking evidence, preparing it and writing a neutral report to Boundaries Scotland. Therefore, I am strictly impartial in all of this. To explain briefly, I read out many pages of an explanation to the earlier session and it is probably unnecessary to do so again unless you wish me to go into any particular points,

but in brief summary, this local inquiry is one of six being held throughout the nation. They are held in recognition of a statutory duty to do that every eight to 12 years in terms of the Scotland Act, and that is for the purposes of reflecting changes in the population and movements leading to imbalances in the amount of electors in any given constituency.

There are rules in schedule 1 of the Scotland Act 1998 that are summarised as follows. There are 73 constituencies. Three of these are protected, so they are not reviewed. These are Orkney Islands, Shetlands and the Western Isles. Otherwise, the remaining 70 constituencies must meet a set of requirements. There are four rules. The first is that so far as is practicable, regard must be had to the boundaries of local authority areas. Rule two in summary is that the electorate in each constituency is to be as near the electoral quota as practicable. The electoral quota mathematically – that is the dividing of the electorate of Scotland by 70, which is the number of constituencies – comes to a figure of just short of 60,000 people. That is a 59,902 electorate per constituency and the review suggests that an electorate with plus or minus 10 per cent of that electoral quota is acceptable. Any more than that and it needs to be reviewed.

The Commission may depart from rule 1 if it thinks that is desirable to avoid an excessive disparity between the electorate of a constituency and electoral quota or between that and those in a neighbouring constituency. Rule 3 says the Commission may depart from a strict application of the preceding rules on certain geographical considerations and rule 4, the Commission must take into account, as far as it reasonably can, inconveniences attending on the quota in constituencies. These rules, of course, can conflict.

So, these proceedings relate only to boundaries of the Scottish Parliament, not the local authority boundaries. It does not affect the structure of alignment of local government areas or the services they provide. Parliamentary boundaries do not affect the provision of council service. They do not affect the provision of health services or council tax and they do not seek or desire to change any other boundaries such as school catchments and the like.

The Commission also wishes to emphasise that it takes no cognisance of the political landscape or the possible political consequences of changing the number of electorates within the constituency.

The Commission developed its current proposals by grouping council areas. It decided that the combined grouping of West Lothian, the City of Edinburgh, Midlothian and East Lothian should be represented by 12 constituencies. They are presently represented by 11 constituencies.

Please do come in. Are you here for the inquiry?

MS RITCHIE: Yes.

SHERIFF PRINCIPAL ROSS: Please have a seat. I am just explaining the background to this inquiry.

So, that reflects the movement of the population within Scotland and the higher electorate that has resulted within those four areas. The Commission when

examining East Lothian constituencies noted that the existing East Lothian and Midlothian north of Musselburgh constituencies both had electorates with variations of electoral quota in excess of plus 10 per cent. At the time of the last review, the electorate of East Lothian Council was 72,960. It has now grown to 88,539 in 2022. Accordingly, some change to constituency boundaries was rendered necessary. The Commission therefore proposed that East Lothian constituency, which is similar to current arrangements, contained those parts of East Lothian Council outside the towns of Musselburgh and Prestonpans. It also proposed that Midlothian North and Musselburgh constituency contained the community of Prestonpans and Musselburgh, Dalkeith and Portobello for the council areas of East Lothian, Midlothian and City of Edinburgh respectively.

While the Commission was aware that this proposed constituency straddled three council areas, it agreed that this proposal was worth putting out to consultation to seek public opinion. There were 70 responses during one month of public consultation. East Lothian Council objected to the proposals. Therefore, under statute, the current inquiry had to take place. More than 50 responses specifically opposed placing Prestonpans in the proposed Midlothian North and Musselburgh constituency because of several things: first it broke local ties between Prestonpans and neighbouring towns, villages and communities. Secondly, it is difficult for elected members to represent a constituency containing parts of three council areas, and thirdly it was suggested that this was effectively removing Prestonpans from East Lothian. The Commission welcomes all comments, alternative suggestions and that is why we are here today.

So, anybody who wishes to make a submission can do that. Dr Johnston-Smith, that is you?

DR JOHNSTON-SMITH: Yes.

SHERIFF PRINCIPAL ROSS: You can come and sit here, if you wish, and talk to everybody else. You can sit there, if you like, since there is only three of you. I do not mind.

DR JOHNSTON-SMITH: Sure. Well, I'll do it from here then.

SHERIFF PRINCIPAL ROSS: All right.

DR JOHNSTON-SMITH: I have brought along - you've read part of our submission. I represent Prestonpans Community Council. We are long-established and are basically one of the busier community councils in the county. The town itself is a tight-knit community. It has strong community ties within its ward and this proposal seeks to cleave the ward asunder where we will have our neighbouring communities of Port Seton, Cockenzie, Longniddry, and the developing new town of Blindwells which will amount to several - it is already 140 odd houses. It aims over the next 10 years to grow dramatically. All of those will be a separate constituency. We had a long chat about this at the community council over a couple of meetings and on WhatsApp and we took the difficult decision to object.

So, we wanted to look, and you listed them just there, which has somewhat taken the wind out of my sails, at a discussion of the four rules to take account

of the council area boundaries. The sentence, “so far as is practical” is doing a lot of lifting, heavy lifting there: “Create constituencies in regions that have broadly the same number of electors; take account of special geographical considerations and taking account of local ties.”

So, to our view it appears that the Commission have only followed the second of these rules and given little thought to the other three. Residents of the constituency will now be dealing with three local authorities. The council ward, as I said, will be cleaved aside and the part that the Commission – you produced a Frequently Asked Questions, which was useful, if a little patronising at times. I don’t know anyone that misunderstands that there is going to be a change to school boundaries or any other matter. It’s the practical trying to get to speak with your representative. We will now find ourselves trying to deal with a constituency MSP who is working across three constituencies. Do you go to your South of Scotland representative? Do you go to the Lothians list representative because we are not moving geographically, obviously, but where do you go now? None of that is at all clear.

You just have to spend 10 minutes on any local Facebook page in Scotland and you find the difficulty people have of trying to connect with their MP, MSP, list MSP, constituency MSP. The sheer slate of potential representatives that this is now going to put in front of people in order for them to find representation is enormously problematic, particularly in a town such as Prestonpans which has a high area of multiple deprivation and a lot of need for its citizens to be able to access democracy easily, quickly, speedily and not have barriers placed in front of them.

The second rule seems to be of interest here. The simple electoral arithmetic demanded that this happen. So, we are now lumping together – you listed some of the settlements that we are listing together, but we have Prestonpans, Wallyford; Whitecraig; Macmerry; Musselburgh, Dalkeith; Danderhall, Monktonhall, Newcraighall and Portobello, all very distinct small communities across three local authorities, each with their own local regional identity, each one served by historic geographic considerations, none of which have been recognised in this decision.

It just seems like no research whatsoever has been carried out to look at the accessibility to an MSP’s office. Where would that MSP’s office for that constituency sit? Would it be in Portobello, so somebody from Prestonpans has to get on a bus and head in that direction, or do they go to Dalkeith? Or do they try to work out – none of that seems to have had any consideration. Our county is set up to head towards Haddington, for example. That’s where a constituency MSP, whether it be for Westminster or Holyrood, may be. Suddenly, all of that has to change and if you are speaking to your neighbour at the community centre and the only community centre that might be open is at Port Seton in your neighbouring community, and you tell an elderly person, “Oh, yes, you should go and see an MSP in Haddington”, and then they go to Haddington and find they now have to get to Dalkeith instead, it’s an appalling direction to be heading into.

It is clear that this has all been about getting to that magic number and that is just not good enough. There has to be a recognition of place attachment. There has to be a recognition. There are plenty of academic studies that understand how important place attachment and identity is. It is enormously

important to community cohesion, wellbeing, prosperity and much more and that is missing in this proposal. Place attachment is vital, particularly in areas of multiple deprivation where it is so important to the wellbeing and prosperity of the town and this mechanism being placed on it from above does nothing to recognise that. It is entirely intended for electoral arithmetic with no thought at all to its impacts on those that it is intended to serve.

We were asked, and you mentioned it in your preamble, to provide alternatives. The Community Council does not believe that we are – it is the Commission that is making this proposal to change. It is the Commission that is doing that so it is not incumbent on a community council to come up with an alternative. We believe it is up to the Commission to present its alternatives and then if you are changing the status quo, that is a decision that the Commission is making; it is not one for the community council to deal with but we do believe that you need to look at it again and come back with an alternative edition that actually meets all of those four rules or even the majority of those four rules. One of those rules just is not good enough, I am afraid.

SHERIFF PRINCIPAL ROSS: At this point if anybody else wants to ask a question of Dr Johnston-Smith, do feel free. You are absolutely right to say it is not the job of a community council to come up with alternatives, but it would really help if people did because this is an exercise in, as you say, trying to identify numbers and get roughly the right numbers into these constituencies. It is a practical exercise, I would say, and all I would do is invite you, if the spirits move you, to suggest possible ways around that because that is really what this seems to be about. It is about solving a practical problem where we have these competing difficulties.

DR JOHNSTON-SMITH: You are looking at East Lothian here which has grown – it is one of the fastest growing counties over the last 25 years and that is what has provoked this change. Again, though, it is not the job of an amenity association. When a developer puts in a proposal for change, we respond to that. In this case it is the Boundary Commission that is the developer putting in a proposal for change here.

SHERIFF PRINCIPAL ROSS: No, no. I have got the point. Just if there is some good idea that you have, it would just help, that's all.

DR JOHNSTON-SMITH: Look again at the geographic boundaries and get as close as you can to maintaining the historic – The particular comment we have is that the Commission are supposed to look at identities, a part of it. There was not even an effort to change the name of this constituency that Prestonpans is being hived out of East Lothian and being put into Midlothian. I have the numbers, which I am sure you have in front of you, but there will be 26,000 voters who do not live in Midlothian or Musselburgh. 26,604 registered voters live in Prestonpans, Wallyford, Macmerry, Whitecraig and Portobello. The rest live in – but you have chosen to call it Musselburgh and Midlothian North. So, roughly 55 per cent of the voters live in those two communities and 45 per cent live outside. So, even the name does not reflect the communities that you are forcing, trying to create an artificial constituency. All constituencies are artificial but I am a historian and history dictates in this case and this artificial Frankenstein moved to create a body part and try to stitch it all together just does not work.

SHERIFF PRINCIPAL ROSS: All right. Thank you very much. That is very helpful. Is there anyone else who wants to – do either of you two wish to make a submission at all or ask questions or add anything?

MS RITCHIE: I am happy to speak.

SHERIFF PRINCIPAL ROSS: Well, only if you want to.

MS RITCHIE: Yes. No, I wasn't initially going to but I've since learned I'm the only ward councillor here.

SHERIFF PRINCIPAL ROSS: In which case, it is being recorded, so I would ask you to come up and speak. Thank you. So, what is your name?

MS RITCHIE: I am Brooke Ritchie. I am one of the local councillors for the Preston Seton and Gosford ward.

SHERIFF PRINCIPAL ROSS: Local councillor for which ward, sorry?

MS RITCHIE: Preston, Seton, Gosford Ward. So, Prestonpans, Port Seton, Cockenzie, Longniddry.

SHERIFF PRINCIPAL ROSS: All right. What do you want to say?

MS RITCHIE: I am just going to add to what I think you have already heard today. I know Iain Gray spoke as previous LSP on behalf of the constituency Labour Party for East Lothian as well, and that Norman Hampshire spoke on behalf of the council and so it is council lawyers. So, I do not have any particularly new, I think, to bring, but I think that a local voice is important and I do not think again there is much I can add to what DJ has put – Dr Johnston-Smith has put so eloquently. I will use his formal name today.

But I think it is just really important to take a step back and look at the communities that it impacts, their historical, industrial ties between Prestonpans and Tranent and Port Seton and Cockenzie, the fishing, the mining, the Wagon Way. These are all historical ties that will continue to be there no matter what boundary changes happen now or in the future, and a boundary change is not going to impact that but these towns are not just historical; they are present as well. The bus you get, you go through Tranent or goes through Seton Sands and these towns are intrinsically linked and really practical things like area partnerships and funding – and one thing that I think has been mentioned earlier on today but not yet this evening is the Preston links and former Cockenzie power station site that sits right in the middle of that community.

The fact that it has two names goes to show the kind of two community sides of that and that actually both communities being Prestonpans and Cockenzie and Port Seton either side of that site both having a need to have a say in what happens there and a need to get the positive outcomes from development at that site, and again that will happen regardless, but the added complications of a constituency boundary going through the middle of that site of again having so many different constituencies, regional, all sorts of MSPs to speak to on that – you would have 14 regional MSPs dealing with one development site that is a key development site for Scotland and that, in of itself, seems ridiculous.

Also, you mentioned SIMD, or multiple deprivation. We took Musselburgh out of East Lothian because the population growth has happened previously. To then take Prestonpans out as well – these areas, East Lothian is a very varied county and its deprivation and its wealth and its opportunities – some areas are very densely populated, some areas are very rural. A lot of communities have this issue. Musselburgh, Prestonpans, Tranent, Wallyford, these are all the most impoverished places in East Lothian, alongside many of the old industrial towns that were mentioned that are going to be in Midlothian – you have all these places that have new development, yes, but they are old industrial towns that have suffered as a result of that and are areas that have high levels of poverty, are all being pushed together into one constituency and leaving – and on average wealthier and more rural East Lothian, and creating that divide I do not think is right either.

I think it is good to keep variety in all of our constituencies and that is not to say that there are not places that are in this proposed remaining East Lothian that do not have needs, of course, but I think that is something that needs to be considered, the distribution of resources and all of that stuff as well.

As someone who not just represents the area but grew up in Prestonpans, Prestonpans, Cockenzie, Port Seton are one community. They are not so distinct that they are separate. Yes, they are different towns and they have different industries and different histories but most if not all our friends from High School lived in Port Seton and to be able to go and talk to them even now – many of them still live there; that is the kind of place it is – and have that community all in East Lothian is really important.

I did have one final thing to say, and DJ mentioned this as well, which is around the accessibility to democracy. I think it is something that is so important. It's something I am really passionate about for young people, and to add in a complication to the young people that all go to the same high school in Preston Lodge – we are trying to teach them about how they can be involved in democracy, how they can reach out to their representatives and vote for their representatives, and those lessons and those conversations become so much more complicated. And just teaching people how to reach out when you need help. I know this is not something that is unique just to this particular boundary; this is something that you will come across in every single boundary review, but – yes, the “tight-knitness” of these communities.

SHERIFF PRINCIPAL ROSS: How do you say, then, that these proposals will damage that? What is the downside? What is happening here?

MS RITCHIE: So, it is having different representatives as part of that, having different places to go to discuss local issues. I do not know if this is something that will have been considered and it is maybe not and maybe it should not be, but the way I know that at least Labour does their politics is they do it in Scottish constituencies and am I right in thinking other parties do the same kind of thing, they'll group by Scottish constituencies because that is what makes sense, so to be discussing an issue like Cockenzie Power Station site, Johnnie Copes Road, other local issues that come up that are really important to communities – people would be excluded from those conversations in the everyday functions of a party's political democracy because those complications happen within constituencies not in council boundaries.

So, obviously the council boundary remains – the historical county boundary remains – and beyond that I do not think one single action can completely separate two historically connected communities, three, four, historically connected communities. I like to think our community is stronger than that and I know for a fact that it is but it is small actions like this – you can already see that Musselburgh feels much less like East Lothian than it did. Musselburgh has always been a weird one, though. It's kind of always has been but I think there is a gradual thing that happens. It is not a sudden thing that as soon as the boundaries are agreed, "Oh, you're not in East Lothian any more" – it is a gradual thing. It's a distribution of resources shift as the elected representatives shift and the conversations shift that will start to break over time and people will not talk to each other in the same way about the same things as easily, and that is really important. Does that answer your question?

SHERIFF PRINCIPAL ROSS: Well, yes, yes.

MS RITCHIE: So, I referred to the suggestions made by the council and its local representation as well.

SHERIFF PRINCIPAL ROSS: Thank you.

DR JOHNSTON-SMITH: I have a question. As a community councillor, we spend a lot of time trying to direct people to their appropriate representation, so a ward councillor is a part-time job. How do you imagine we are going to be able to manage it when there are 14 list MSPs, two constituency MSPs, two constituency MPs all of whom are in this tiny little finger that you have working here at the edge of the map? How will you be able to resource that as an individual councillor?

MS RITCHIE: That is a very good question. I think the difference between Prestonpans and Musselburgh is that Musselburgh went as a whole, and that is a ward, and that moved, but with the splitting of the ward, and I know that that happened in Tranent, Wallyford and Macmerry ward as well, it is already very difficult to know who it is best to refer someone to and who someone wants to be referred to. That is part of the AMS system, that there is choice in who you go to with your issues and having, I think, too many options will be difficult. I have people that come to my surgery in Port Seton that live in Prestonpans, that come to my surgery in Longniddry that live in Prestonpans about their issues because it's on that week, and we have resources with us at those surgeries with MSP contact details, and it is something that of course could be done but it certainly adds a level of complication and extra time management as well as stress for our constituents, that I do not feel is necessary.

DR JOHNSTON-SMITH: I have a secondary question, as you raise it now. I am going to get into trouble but I have a lad in the fifth year at Preston Lodge High School. In his modern studies class they are trying to make them young citizens. He has just turned 16 so he will have suffrage very soon for this Parliament but in his class people may be split but they will be taught about East Lothian for now for now and there isn't the resources to teach them. Will you be able to go in? Who is going to be able to go in and explain that within that class all the different choices that one modern studies class is going to have in a high school because the boundary has shifted for that?

MS RITCHIE: Because of the way resources are stretched just now, it is so often the case that you have a national four and national five and sometimes higher class all sat in the one classroom studying modern studies. To add on top of that you are learning about two completely different sets of people or places to vote, I think yes, definitely. And knowing the modern studies teachers at Preston Lodge, I am sure they would live up to the challenge but it would certainly be difficult, I think, and I think it would cause – it is already a place that has a lot of tribalism amongst young people and I think to add an element of, “Well, you’re not an East Lothian, so dah, dah, dah”, as trivial as that sounds, will be a genuine issue for young people in Preston Loge, I think.

SHERIFF PRINCIPAL ROSS: Okay. I have the same question for you as for Dr Johnston-Smith. Do you have a solution to this? Is there any obvious boundary that you can identify that would be more appropriate in your view?

MS RITCHIE: As I said earlier on, I refer you to the suggestions made by the council. We worked together on that proposal.

SHERIFF PRINCIPAL ROSS: East Lothian Council?

MS RITCHIE: Yes, East Lothian Council, yes.

SHERIFF PRINCIPAL ROSS: Right, so you would adopt them?

MS RITCHIE: Yes. That was a joint discussion and all-party discussion around what was best to do.

AUDIENCE MEMBER: Can I ask a question? You referenced somewhere about the strong community ties at Prestonpans, Port Seton and Cockenzie. I am just wondering, does Longniddry reflect that industrial heritage and community as much or would you say it’s a bit more separate and split east-west?

MS RITCHIE: I guess not so much historically but currently it is a very important connection and I guess there is an extent to which I will refer you to my earlier point around separating communities with wealth and those without, and that is not to say there are people amongst you that struggle but yes, I think that would be a separation that I think has been contentious in the past when Longniddry moved school boundaries where they used to go to North Berwick High School and then they got put into Preston Lodge and that has been a kind of ongoing project to bring these communities together as part of the Preston Lodge community, as part of PSG. It has been a genuine concerted effort to bring those communities together and I think that this would do damage to that and all the hard work that has gone into doing that, and it is an important link even though it may not be as historical within the strip, the land of Gosford Estate, and the land there and the relationship that the schools have together and the kids kind of going back and forth and all that stuff.

AUDIENCE MEMBER: So, between the two, Cockenzie, Port Seton, Prestonpans, would you say they look more towards Tranent or Longniddry?

MS RITCHIE: I think the same in different ways.

AUDIENCE MEMBER: Right, okay.

MS RITCHIE: That is the most helpful answer I can give. I think more for Longniddry, sorry, yes. There are historically more ties to Tranent - because of industry. You may have different thoughts on that. But I think currently there is much more distinction between them, partly because there is a big road that runs through the middle, but they are now very distinct places that have their own sets of --

AUDIENCE MEMBER: And like Tranent?

MS RITCHIE: Yes, Tranent, yes.

DR JOHNSTON-SMITH: But Blindwells is going to bind Longniddry to Prestonpans and Port Seton. The Blindwells development will join all these communities together over the next 10 years. So this proposal has not future-proofed that at all because you have a growing community there of up to 5,000 homes over the next 10 years.

MS RITCHIE: Yes, I agree that, yes, the Blindwells development is a key part of this and I am sure will complicate things more with more population growth, but yes, I just wanted to clarify that is not to say that I do not think the connections between Prestonpans and Tranent are not still important.

SHERIFF PRINCIPAL ROSS: Right, fine. Thank you very much. Do you wish to say anything? No. In which case we will just pause for a while. We would normally go on to eight o'clock. I doubt if anyone else is going to arrive but we will sit on for a while. You need not stay if you do not want to. We might wait until seven, possibly, and then draw stumps then. Okay.
Thank you for your contributions.
(Adjourned for a short time)

SHERIFF PRINCIPAL ROSS: Okay, in which case we have concluded the evidence of all those who have turned up tonight. We have waited for a period and there is no sign of anybody else, so therefore I am satisfied that this public inquiry has no further evidence to hear, and we will bring the proceedings to an end.
(18.34)
(The hearing adjourned)