

**SCOTLAND ACT 1998 as amended by**

**SCOTTISH PARLIAMENT (CONSTITUENCIES) ACT 2004**

**REPORT**

**by**

**Sheriff Principal S F Murphy KC**

**In respect of a Local Inquiry into the provisional recommendations of Boundaries Scotland relating to the proposed Scottish Parliament Constituencies of Bearsden, Milngavie & Clydebank North and Dumbarton & Helensburgh**

## **Background**

1. Boundaries Scotland is a statutory commission which is obliged under Schedule 1 of the Scotland Act 1998, as amended, to review the boundaries of mainland electoral constituencies for the Scottish Parliament and to report to the Scottish Parliament at intervals of between eight and twelve years. The present review requires that a report be submitted to the Scottish Parliament by 1 May 2025. It relates only to the boundaries for Scottish Parliament elections and does not alter the boundaries of local government areas, school catchment or community council areas, nor does it affect the arrangements for local council or health services or for council tax.
2. Schedule 1 of the Scotland Act 1998 established the following rules for conducting reviews of Scottish Parliamentary Boundaries:  
  
Rule 1 – So far as is practical, regard must be had to the boundaries of local government areas;  
  
Rule 2 – (1) The electorate of a constituency must be as near the electoral quota as is practical, having regard to Rule 1; and

(2) Boundaries Scotland may depart from the strict application of Rule 1 if it thinks that it is desirable to do so to avoid an excessive disparity between the electorate of a constituency and the electoral quota or between the electorate of a constituency and that of neighbouring constituencies;

Rule 3 – Boundaries Scotland may depart from the strict application of Rules 1 and 2 if it thinks that special geographical considerations (including in particular the size, shape and accessibility of a constituency) render it desirable to do so; and

Rule 4 – Boundaries Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but must take account (so far as it reasonably can)

(a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of Rule 1; and

(b) of any local ties which would be broken by such alterations.

3. The electoral quota is determined by dividing the total number of local government electors on the September 2022 electoral registers by 70, being the number of mainland constituencies in Scotland. For the current review the electoral quota 59,902 electors per constituency. It is generally considered that a variation of 10% from the electoral quota is acceptable.
4. The Commission may exercise its discretion in deciding the appropriate weight to be attached to each of the above rules in the circumstances of a particular constituency. It does not take account of the results of previous elections nor does it speculate on any effect which its recommendations may have on future voting patterns or on the political composition of the Scottish Parliament. The main concern for the Boundaries Commission arises as a result of the need to take account of the movement of electors within Scotland.
5. Proposals are published during the review and members of the public are encouraged to respond. A Local Inquiry must be held if representations objecting to the

Commission's proposals are received from a local authority for an area within a constituency or region or from 100 or more electors for a constituency or 500 for a region. The Commission may also hold a discretionary Local Inquiry if it needs further information regarding a constituency or region. The purposes of a Local Inquiry are: to get to know local opinion; to hear criticism of, or support for, the published proposals; to receive counter proposals; and to enable everyone who wishes to do so to comment on the Commission's proposals and any counter proposals. In the present instance objections were received from more than 100 electors. Accordingly a Local Inquiry was set down for 13 December 2023 at the Clydebank Leisure Centre, Queens Quay, Aurora Avenue, Clydebank, to be held over two sessions, one in the afternoon and another in the evening. By letter dated 6 December 2023 I was appointed to chair that Local Inquiry.

### **Summary of the Proposals – Clydebank Local Inquiry**

6. In its provisional proposals the Commission decided that the council area groupings of Argyll and Bute, East Dunbartonshire, West Dunbartonshire and North Lanarkshire should be represented by eight Scottish Parliament constituencies where formerly there had been nine, although one had partly included an area of South Lanarkshire, on account of changes to the electoral roll in the area concerned. All pre-existing constituencies were below the electoral quota, except one – Strathkelvin and Bearsden. The provisional proposals sought to minimise the number of towns split between local constituencies, while taking account of local ties as far as possible, and ensuring that all eight constituencies had a variation from the electoral quota within 10%. The provisional proposals divide Clydebank between two constituencies in order to achieve these aims which will have an impact on local ties. Additionally, Lomond North ward electors traditionally linked to Helensburgh and Dumbarton would be transferred into Argyll and Bute where numbers were very low and the existing constituency was 17.3% below the electoral quota.

### **Submissions made at the Local Inquiry**

7. George Hawthorn, the Manager of Democratic and Registration Services at West Dunbartonshire Council and Deputy Returning Officer for the West Dunbartonshire Constituency, spoke on behalf of the Council and its Returning Officer who were of the view that the two existing constituencies of Dumbarton and Clydebank and Milngavie should remain, but with an adjustment being made. The boundaries of the Dumbarton ward and Clydebank Waterfront ward were adjusted in a review of local government ward boundaries in 2017. Making a similar adjustment to the Parliamentary boundaries would result in two constituencies which were within acceptable parameters in relation to the electoral quota. The maintenance of local ties was important to a decision over which MSP would best serve a particular community. Splitting Clydebank Waterfront ward from the rest of Clydebank would not do so, would split local ties and would confuse voters. The electors of Lomond North ward see their local administrative centre as Helensburgh, not Lochgilphead and their primary schools feed to secondary schools in Helensburgh and Dumbarton. Some pupils from Luss attend schools in West Dunbartonshire. He called upon Boundaries Scotland to preserve the findings of the First Review in 2010 which had decided that no constituency should span the River Clyde and divide the central part of Clydebank from the remainder of it; that wards 9-11 of Argyll and Bute Council area should not be separated from each other; and that the existing constituencies of Argyll and Bute, Dumbarton and Clydebank and Milngavie should remain, with only the Bearsden North ward being transferred into Clydebank and Milngavie. In short, he advocated maintaining the status quo subject to a re-drawing of ward boundaries as had occurred in the recent local adjustment.
8. Jackie Baillie, MSP for Dumbarton, spoke next. Her constituency had hardly changed since 1999 and Dumbarton, the Vale of Leven and Helensburgh and Lomond had been part of the same administrative unit since the 12th century. Helensburgh and Lomond presently comprised one area committee within Argyll and Bute Council. These areas had connections in terms of everyday living, health, education, employment and transport. Health services for the Lomond area were integrated with the rest of the constituency. The hub for primary care services provided by Argyll and Bute Social

Care Partnership was provided at Helensburgh. NHS Greater Glasgow and Clyde provided secondary care for patients in Helensburgh and Lomond in terms of a service level agreement which had subsisted since the abolition of the former Argyll and Clyde Health Board. Hospital treatment for the residents of these areas was provided in Glasgow or the Vale of Leven Hospital or in Paisley. The community mental health team operated across Dumbarton, Alexandria, Helensburgh and Lomond and used hospital facilities in Glasgow. Helensburgh and Lomond was served by a GP out of hours service based in the Vale of Leven Hospital. Inchruin Medical Centre in Alexandria served patients in Luss, Arrochar and Tarbet. She confirmed the education arrangements which had been described by the previous speaker and added that many young people from the area studied at Clydebank College, Anniesland College and the universities located in Glasgow. The Royal Navy's base at Faslane currently employed around 11,000 people and was to rise by a further 3,000 with the reorganisation of the UK submarine fleet. Many Faslane employees lived in Balloch, Alexandria and Dumbarton and many of their spouses and partners worked in West Dunbartonshire. Their community would be split by the Commission's proposals. People travel to work from Lomond North and Helensburgh through West Dunbartonshire towards Glasgow and many local residents commute into the city. Road and public transport routes flow from Lomond North towards Dumbarton and Glasgow. Rail services from Helensburgh run through Dunbartonshire towards Glasgow as do those from Arrochar, Tarbet and Garelochhead. Bus and coach services are integrated within the area. Local police are part of the Helensburgh and Lomond policing team within L Division. Recently in addition to their own local activities they have collaborated with the Ministry of Defence Police, the Loch Lomond and the Trossachs National Park Authority on joint initiatives covering Balloch, Gartocharn, Luss, Tarbet, Arrochar and Helensburgh.

9. Clydebank had a strong local identity. People in Clydebank access local services and do not see themselves to be part of Dumbarton and Helensburgh. Dividing the area would be strongly resisted by local people. Clydebank Waterfront and Clydebank

Central are closely linked. They have common polling stations and a community hub at Dalmuir Barclay church which straddles both areas. Clydebank Town Hall, a strong part of this local identity, is located within the Waterfront ward, part of which would be transferred into the constituency of Dumbarton and Helensburgh constituency under the provisional proposals.

10. The proposal to divide the Clydebank Waterfront ward so that parts of Mountblow and Dalmuir would transfer into a Dumbarton and Helensburgh constituency and Whitecrook would be incorporated into a Bearsden, Milngavie and Clydebank North constituency would damage natural community ties. Splitting a ward was less than ideal. Argyll and Bute has the third sparsest population of all 32 local authorities in Scotland at 12 people per square kilometre compared to a national average of 70 per hectare [i.e. approximately 700 per square kilometre]. It has the second largest land mass after Highland Council and contains 23 inhabited islands. This presented a huge geographical challenge for its representation. It was respectfully suggested that Argyll and Bute had special geographical circumstances which would justify it having a smaller electorate than elsewhere [Rule 3]. Ms Baillie also commended the recommendations of the previous review in 2011 that Clydebank should not be divided and that the wards of Lomond North, Helensburgh Central and Helensburgh and Lomond South should remain together in the same constituency.
11. George Freeman, the Chairman of the Garelochhead Residents' Association and the former independent Councillor for the Lomond North ward of Argyll and Bute Council, stated that there were virtually no links between Lomond North and the rest of Argyll and Bute. No local children travelled into Argyll and Bute for their education. Most people from the Lomond North and Helensburgh and Lomond areas worked locally or commuted towards Dumbarton or Glasgow. Very few travelled into Argyll and Bute to work. Services were accessed locally or by travelling east to Helensburgh, Dumbarton or Glasgow rather than west to Argyll and Bute. Contact with an MSP through local surgeries was simple at present but would be much more difficult with an Argyll and Bute MSP. The last three Argyll and Bute representatives had all lived at

least an hour and a half's journey from Lomond North and the current MSP lived approximately four hours' away. Westward travel to Argyll and Bute was not a normal or natural route for services, work or education for those who lived in the Lomond North or Helensburgh and Lomond wards. Lomond North should remain with the rest of the Helensburgh and Lomond area, linked to Dumbarton.

12. Marie McNair, MSP for Clydebank and Milngavie and a former member of West Dunbartonshire Council, indicated that there was widespread opposition to the proposals put forward by Boundaries Scotland for the Clydebank and Milngavie constituency. Clydebank's history, community and identity would be significantly eroded. There had been a significant lack of engagement with local communities during the development of the proposals. Half the town would be transferred to Dumbarton: most of the Clydebank Waterfront, along with Old Kilpatrick and Dalmuir West; while Dalmuir East, Drumry and Whitecrook would remain in Bearsden, Milngavie and Clydebank North. The shape of the new constituency resembles a tadpole and one which illustrates how one part of the community has been added on to make up the numbers in another constituency. The existing electoral figures for the two neighbouring constituencies were presently within acceptable parameters in relation to the electoral quota. It would be unacceptable to divide the distinct community of Clydebank. The Connecting Clydebank Project was working to regenerate the town. It focussed on the links between the town and the key regeneration site of Queens Quay where efforts to rebuild industries along the River Clyde were sited. Its work would be completely undermined by the proposals which cut through the links where the Project was working to establish strong economic connections with the wider town area. She explained that the council was driving this development in association with the Malin Group on a site in Old Kilpatrick. Ms McNair felt insulted by the proposal to transfer part of the town to the Dumbarton constituency and local people felt very strongly that Clydebank should stay as it was.
13. A member of the public, Florence Boyle, was sympathetic to Ms McNair's argument but questioned whether she should have referred to Old Kilpatrick and other villages in the

way that she had done. Later she commented that service delivery by small local councils sitting on the edge of Glasgow may be more of an issue than the linkages to local services. As the population was declining in the area, she questioned whether we were not just postponing the inevitable even if the arguments made against transferring some wards were accepted.

14. Jean Cook, the Secretary of the Rhu and Shandon Community Council, spoke next. Local residents in Rhu objected to the proposals. They did not respect Rule 1 as they did not take account of local authority boundaries in relation to Helensburgh or Lomond North. Rule 2 should mean that each elector would have equal access to their MSP which would be impossible if Lomond North transferred into Argyll and Bute since an MSP living there would be unlikely to hold regular surgeries in their area and it would be difficult to visit their offices. The current local MSP's office in Dumbarton was readily accessible. The geography and size of Argyll and Bute suggested that it should be treated as a special case like the Northern and Western Isles. No special geographical considerations existed in terms of Rule 3 to make the proposals reasonable; they would make it even more difficult for an MSP to represent all constituents. A field separated Helensburgh from Rhu which should stay together with the rest of Lomond North and with Dumbarton. No consideration had been given to maintaining local ties in terms of Rule 4. Ms Cook also referred to the local school arrangements and to the location of GP surgeries in Helensburgh. Lobbying for improvements would be more successful if carried out by someone who lived locally. Residents of Lomond North looked to Helensburgh as the main town and did not work in Argyll and Bute. The proposals would effectively disenfranchise the residents of Rhu and Shandon and the rest of Lomond North.
15. Greg Cook was an adviser to the Scottish Labour Party for the present review. He wished to adopt the evidence already given in relation to community ties. While the Scottish Labour Party generally welcomed Boundary Scotland's proposals, in relation to the areas under consideration in the present Local Inquiry a counter-proposal was to be advanced. North Lanarkshire had a theoretical entitlement to 4.42 constituencies and

it made sense for it to be linked with East Dunbartonshire. Argyll and Bute was 17.3% below the electoral quota whereas the existing constituencies of Dumbarton, Clydebank and Milngavie and Strathkelvin and Bearsden were all currently within 8% of the quota. The inclusion of the Kilsyth ward of North Lanarkshire Council in the seat of Kilsyth and Kirkintilloch and the transfer of the Bearsden South ward into the Clydebank and Milngavie constituency were accepted. However, the transfer of Lomond North ward into the Argyll and Bute constituency and its replacement in the Dumbarton constituency with part of the Clydebank Waterfront ward were opposed. Both Helensburgh and Lomond North had been within the Westminster constituency of Argyll and Bute since 2005 but part of the Scottish Parliament constituency of Dumbarton since 1999 but they had always been in the same constituency as each other since 1950. Lomond North ward contained Rhu which adjoined Helensburgh. Transport links from Lomond North ran towards Helensburgh, Dumbarton and Clydebank. Helensburgh was the centre for local public services. The division of Clydebank was artificial and would break local ties. The two Clydebank wards shared facilities and public services. The alternative proposal was that the Dumbarton constituency should be unchanged and that the low electorate of Argyll and Bute constituency be allowed under reference to Rule 3 which allowed departure from the general guidance about the electoral quota where special geographical considerations, including the size, shape and accessibility of a constituency, made it desirable to do so. This Rule had been applied in relation to the constituencies in the Northern and Western Isles and to the Isle of Wight in relation to Westminster elections. It had also previously been applied in North Wales and the Scottish Highlands. When the Westminster constituency of Argyll and Bute had been created in 1983, its electorate was 10,000 smaller than that of the Dumbarton constituency. The Argyll and Bute constituency had a unique geographical make up which was exactly the sort of circumstance which the Rules envisaged by giving Boundaries Scotland the discretion to vary electorates so that constituencies did not become unwieldy. The current electorate of Argyll and Bute, 49,535, was not so low as to be a serious distortion, being approximately 17% below the electoral quota. The smallest proposed electorate in the current review was 54,058 in Glasgow Cardonald and Pollok and the largest was Inverness and Nairn which was

15.4% above the electoral quota. Treating Argyll and Bute in this way would allow Lomond North and all of Clydebank Waterfront to remain in their existing constituencies, minimising the breaking of local ties and inconveniences. The counterproposal would give electorates of 49,535 in Argyll and Bute, 56,129 in Dumbarton and Helensburgh and 66,154 in the third seat which might be called Bearsden, Clydebank and Milngavie.

16. Davy McCafferty, a member of the public, commented that it would be unfortunate if the central part of Clydebank which had formed the original and historic part of the town was to be transferred. It would be absurd to take the heart of the town away.
17. The afternoon session then concluded.
18. During the evening session, Polly Jones presented the views of the Helensburgh Community Council in a short talk accompanied by slides. She emphasised the close links between Helensburgh and Rhu, Shandon and Garelochhead, and with the Kilcreggan and Cove peninsula. She also mentioned that the base at Faslane, the area's largest employment site, would be separated from the areas where most employees lived by the Commission's proposals. She referred to the local arrangements for schooling, transport and medical facilities which would see ties and links disrupted by the proposals as would library and postal services, all of which would operate across a Parliamentary boundary from their main users. Helensburgh was the hub for the areas from which it would be separated. Local people might be confused as to who to speak to if their MSP was not based in their area as before, adding to existing confusion between constituency and regional list MSPs. More than one MSP might have to become involved over a local issue over which they might disagree and where one might have no first-hand experience of the area or did not represent the place where local services for the constituents concerned were centred. The Community Council was really keen that all local ties were maintained among Helensburgh, Rhu, Shandon,

Garelochhead and the Cove peninsula. The proposed boundary would cut right through the geographical area and economic and social unit in which it operated.

19. In answer to a question from the floor, Ms Jones declined to comment on whether the communities around Helensburgh would prefer to move as a block to Argyll and Bute or remain with Dumbarton because the Community Council had not specifically considered that question. The legislation aimed for a balanced electorate in each constituency but the geographical characteristics and pattern of settlement within Argyll and Bute did not lend itself to a regular pattern of electoral unit sizes.
20. Ronald McDonald felt that communities were more important than the numbers. Rural areas should be allowed much smaller numbers of constituents because they had to travel further. It was silly in his view to hold urban and rural areas to the same numbers of electors. Some areas had a far lower percentage of registered voters than others. Community ties were more important than numbers and this had been plain when the Faifley estate in Clydebank had been divided in the past: local people had preferred to be represented by the same councillor and were not impressed by having two representatives. His statement concluded the evening session.
21. Boundaries Scotland also received a number of written submissions from various interested parties during the earlier consultation stage, including some of those who were represented at the hearing. However, this report is concerned solely with the discussion which took place at the Local Inquiry itself.

### **Summary of the Issues**

22. The decline in the size of the area electorate since the First Review is the key issue. In particular the fact that the Argyll and Bute constituency presently has an electorate which is approximately 17% below the electoral quota is a matter which needs to be

addressed by Boundaries Scotland. The provisional proposal to transfer part of the electorate in the Lomond North ward into Argyll and Bute to rebalance the situation in part aroused considerable local opposition. Most speakers drew attention to the local ties which would be broken by this arrangement as the communities immediately to the north and west of Helensburgh clearly identify with Helensburgh and Dumbarton more than they do with Argyll and Bute which is readily understandable by reason of their history and local geography. While a number of factors relating to local administration, social services and employment patterns were advanced to demonstrate existing ties, the fact that all children resident in the area will attend secondary schools in Helensburgh and Dumbarton may be seen as a particularly significant factor.

23. Several speakers raised the suggestion that these transfers would not be necessary if Argyll and Bute were to remain as it is by reference to Rule 3 which allows Boundaries Scotland to depart from a strict application of Rules 1 and 2 if it thinks that special geographical considerations apply. It is certainly a very large area with a very low population density. It was said to have limited transport links with the communities to its south and east and little in the way of administrative ties or shared services or employment links. Special geographical considerations have previously been applied on the mainland in relation to parts of the Highlands. Alongside these factors Boundaries Scotland has to weigh the constituency's very large discrepancy from the electoral quota. This is very much a matter for its discretion.
24. The issue of making and maintaining contact with a representative who lived at a considerable distance in such a large constituency was raised. Modern electronic communications such as email, text and WhatsApp or Instagram and Facebook

messaging services might be expected to make this less of a problem than it could have been in the past, although a number of electors, perhaps especially those who are elderly, may not have access to such services. It might reasonably be expected that a conscientious MSP would make him or herself available to all constituents, perhaps by arranging regular surgeries in all parts of the constituency. This issue is already faced by Regional List MSPs.

25. In Clydebank the focus was clearly on the proposal to divide the town between two constituencies which aroused strong feelings locally, particularly as the electors residing in part of the traditional historical centre of the town would be separated from the rest of it. The town's community was said to have a strong identity which would be damaged by the proposed changes which could in itself lead to increased voter apathy which is obviously undesirable. The question of the development of the waterfront area which is currently underway might render it undesirable for that area to have separate representation from the centre of the town at an important time in its economic regeneration. The representations made by the various speakers who opposed the proposed transfer of parts of the waterfront area of Clydebank have to be assessed against the desirability of achieving a better balance in size for the constituencies in the wider area in relation to the electoral quota.

26. I do not consider that it would be appropriate for me to make recommendations to the Commission on the basis of the statements made at the Clydebank Local Inquiry hearings because the issues raised are very much matters which fall within the discretion of Boundaries Scotland. I commend each of the proposals, counter-proposals and comments summarised above to Boundaries Scotland for their consideration and

the points raised within paragraphs 22 to 25 above are presented with the intention of offering assistance to the Commission as it seeks to exercise its statutory discretion to determine a practical solution in accordance with Rules 1-4.

Reported by

SF Murphy KC

31 January 2024

## Appendix

List of those who gave evidence at the Local Inquiry hearings (in order of presentation)

Afternoon Session:

George Hawthorn, Manager of Democratic and Registration Services at West Dunbartonshire Council and Deputy Returning Officer for the West Dunbartonshire Constituency

Jackie Baillie, MSP for Dumbarton

George Freeman, Chairman of the Garelochhead Residents' Association

Marie McNair, MSP for Clydebank and Milngavie

Florence Boyle, a member of the public

Jean Cook, Secretary of the Rhu and Shandon Community Council

Greg Cook, an adviser to the Scottish Labour Party

Davy McCafferty, a member of the public

Evening Session:

Polly Jones, Helensburgh Community Council

Ronald McDonald, a member of the public