

## **Report**

**By**

**Sheriff Principal N.A Ross**

### **On an Inquiry into the provisional recommendations of Boundaries Scotland relating to Scottish Parliament Constituency of Edinburgh Forth and Linlithgow**

**23 January 2023**

1. On 1 September 2022 Boundaries Scotland (the “Commission”) commenced the Second Review of the constituencies and regions of the Scottish Parliament, in accordance with its obligations under Schedule 1 of the Scotland Act 1998. The Commission published their provisional proposals, which can be found at [www.boundaries.scot](http://www.boundaries.scot). Responses were invited from the public. All representations were considered. The Second Review relates only to boundaries for Scottish Parliament elections, and does not alter the boundaries of local government areas, or affect present arrangements such as council services, health services, council tax, school catchments or community councils
2. Following responses to the proposed boundary changes of the constituency of Edinburgh Forth and Linlithgow, the Commission arranged for a public inquiry to be held. By letter dated 6 December 2023 I was appointed in terms of Schedule 4, paragraph 4 of the Local Government (Scotland) Act 1973 to act as Assistant Commissioner for the purposes of hearing submissions at that inquiry.
3. The local inquiry was held at the Village Hotel, Crewe Road South, Edinburgh on 9 January 2024. Members of the public and representatives of interested bodies

attended and made submissions. A full list of those who made submissions is contained in the Appendix to this report. The evidence at the Inquiry was recorded by shorthand writers. The transcript of the evidence has been made available to me for the purposes of preparing this report.

4. This report is prepared in terms of section 21(2) of the Local Government (Scotland) Act 1973.

### **Provisional Recommendations for Edinburgh Forth and Linlithgow**

5. In its statement read out at the start of the Inquiry, the Commission noted that it developed its provisional proposals by grouping council areas so that each grouping was entitled to a whole number of parliamentary constituencies. It identified that the combined grouping of West Lothian, City of Edinburgh, Midlothian and East Lothian council areas should be represented by 12 constituencies, due to an increase in the number of electors. There are currently 11 constituencies which cover these areas although one constituency includes part of the Scottish Borders.
6. There are considerable challenges in redesigning constituencies for this grouping. The exercise requires to change the number of electors per constituency to improve consistency of numbers amongst all the constituencies. At the same time the exercise requires to respect existing local government areas, and to take account of local ties. Half of the existing constituencies in this grouping have a variation from the electoral quota in excess of 10% of the electoral quota for this review
7. The Commission proposed 12 new constituencies for this grouping, all within 10% variation from the electoral quota. Due to the growth in the number of electors in

Edinburgh it was no longer possible to have six constituencies wholly within the Edinburgh council area boundary.

### **Responses to initial consultation**

8. During the one-month public consultation, held between May and June 2023, the Commission received nearly 200 responses regarding the provisional proposals in the Edinburgh area, with most comments relating to the proposed Edinburgh Forth and Linlithgow constituency. The respondents opposed this constituency mainly due to a lack of ties between Muirhouse or Pilton and West Lothian.

### **Statutory Framework**

9. The Commission has a statutory duty to apply the provisions of the Scotland Act 1998, Schedule 1, as amended. Schedule 1, paragraph 3(2) sets out four rules for conducting the present review. These rules can be paraphrased as follows:-

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 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.

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.

10. These rules will inevitably sometimes conflict. The Commission must exercise its discretion in deciding the appropriate weight of each rule in any given constituency. The approach of the Commission has been to seek a balance between these rules, and to apply the same, so far as practicable, in a consistent way.

#### **Submissions made at the public inquiry**

11. Mr Halliday spoke for the Community Renewal Trust, based on Pennywell Road, which is the constituency boundary which divides Pilton and Muirhouse. He drew attention to the fact that the residents of these two areas felt they had a great deal in common, particularly in relation to the needs of the community. Many residents live in deprivation, but they share a sense of pride in their community. They share community activism and social activism. The communities collaborate, and there are 40 other voluntary sector organisations working between the two. Mr Halliday had hoped that this review would allow rectification of a long-standing and artificial division between these two communities. That meant that they had to deal with two separate sets of elected officials over the divide, which meant more meetings and double the work. Muirhouse had little in common with communities such as Linlithgow, while sharing the same urban deprivation as Pilton and the same needs. There was considerable connection between the two. He recognised the difficulties facing the Commission, but felt that this boundary badly affected the work of both communities.

12. Councillor Hyslop represents Drum Brae and Gyle. He submitted that the proposed ward was very diverse, from Queensferry to Muirhouse and taking in all of rural west Edinburgh. Muirhouse was distinct from the rest of the ward. Other communities, such as Queensferry and Kirkliston, felt themselves to be West Lothian, not Edinburgh. There was an element of disconnect, and the communities had different needs and limited connections. He would endorse the submission by the Linlithgow Constituency Association SNP, that the best boundary would be the River Almond. That might be possible by taking out the Cramond community, who regarded themselves as part of Edinburgh. The catchment area of Royal High School reflected a natural community of West and North West Edinburgh. Muirhouse was very much part of North Edinburgh, along with Pilton and Granton, and may find itself poorly represented in the new ward. He recognised that the electoral quota limited discretion in setting boundaries. He accepted also that the westernmost part of the Muirhouse area may consider itself part of West Edinburgh, but it was difficult to draw a line. It was currently a four-member ward which felt vast, and gave difficulties in representing the interests of the different communities within it.
13. Mr Tatton spoke for the Linlithgow Constituency Association SNP. He recognised that Linlithgow had the highest electorate in Scotland, so that boundary change was necessary. It was within a single council area and had good transport ties. That contrasted with the proposed constituency which was much longer and did not give the same recognition to local ties. The Linlithgow constituency would in effect be split in two. They had put forward proposals for different allocation of communities, and gave figures to illustrate. Broadly, it was suggested that Ratho be transferred from Edinburgh Pentlands, together with part of the West Lothian ward. Davidsons

Mains and Silverknowes could be transferred to Edinburgh Western, and Muirhouse East and West to Edinburgh North and Leith. These transfers would involve further movement from neighbouring constituencies, but the numbers could be kept within an appropriate variation of the electoral quota of 59,902. The detailed figures and proposals were set out in their written submission. It was recognised that, although there is considerable housing development within the area, future electorate figures could not be taken into account. The old Linlithgowshire boundary reflected the communities with historic links.

14. Ben Macpherson MSP welcomed the review process, as Edinburgh Northern and Leith has over 70,000 electors. While supporting the need for change, he proposed that there was a strong case for including Muirhouse in that constituency, rather than in Edinburgh Forth and Linlithgow. Although the neighbouring MSPs managed to work together over the dividing line of Pennywell Road, that boundary does not reflect the attitude or needs of the communities. They both identified as part of North Edinburgh, and he had concerns that the residents of Muirhouse would not feel properly represented in the new constituency. While recognising the challenge of the electoral quota, they belonged properly in North Edinburgh, as they were allied with neighbouring communities in their nature and needs. Previous boundaries had grouped them together with Pilton and Granton, so there was a precedent. This could be accommodated by delegating electors in the East Leith and Restalrig areas to the constituency of Edinburgh East and Musselburgh. This would also accommodate anticipated population increases in Granton. He agreed that there was a commonality of casework on both sides of Pennywell Road, such as medical and

educational services, social injustice, youth work and voluntary services, which would not be shared with Linlithgow and elsewhere.

15. Fiona Hyslop MSP represented the Linlithgow constituency, currently the largest in Scotland and which faces being split under the new proposals. One-third of the current area would be included with new areas including Muirhouse. She had previously represented the whole of Lothian as a regional MSP so was familiar with the nature of the various communities. Muirhouse and Linlithgow had distinctive community characters and issues. The new constituency would incorporate a number of distinct and different communities. She proposed that, taking into account how the various communities saw their own identity, that the River Almond and the former City of Edinburgh boundaries would form natural boundaries. She recognised the challenge in meeting the electoral quota. She endorsed the Linlithgow Constituency Association SNP proposals, which had taken time to identify how the proposed boundaries might be altered to more closely reflect community ties, while remaining within the limits around the electoral quota. Practical issues included transport, where West Lothian had an interest in new railway connections, but Edinburgh Western would focus on tram services. It was important that West Lothian was not treated as peripheral to Edinburgh, as it has a population greater than that of Dundee, and is growing. That meant recognising the distinct and unique requirements of the population. A practical solution involved moving the boundary around Ratho, Torphichen/Westfield and Blackridge, and transferring Muirhouse East and West to North Edinburgh and Leith. Although she recognised that future electorates could not influence boundaries, it was relevant that communities such as Queensferry were growing strongly. In effect, the proposals involved moving

community boundaries clockwise around Edinburgh. It might be acceptable, as reflecting current practice, to allow temporary variations from the electoral quota. Bo'ness should also be included in West Lothian. Separately, the name of the new constituency should be reconsidered, to reflect its nature. She suggested West Lothian and Forth, or West Lothian and West Edinburgh, or West Lothian and Almond Valley. She agreed with a Cammo resident that the proposals cut across communities, and that Cammo and the north-west of Edinburgh may be separated from the rest of Edinburgh under the current proposals. There is a tension between communities and quota which was a challenge to resolve.

16. Fred Mackintosh represented the Scottish Liberal Democrats. He spoke to his party's proposals to reduce the number of wards divided between constituencies. They proposed to leave the Livingston and West Lothian constituencies unaltered, and split only 6 of the wards across Lothian and Edinburgh, rather than 12 as proposed. While he recognised the challenge faced, he noticed that the Linlithgow Constituency Association SNP proposals for Edinburgh North and Leith, and Edinburgh West, would both exceed the electoral quota by around 6.2%. He would encourage a solution which minimised the splitting of wards. His party's proposals had been submitted and were available for consideration. The issue of constituency names could await any revised changes.
17. Councillor Kevin Lang is one of four councillors for the Almond ward, of which 90 per cent will go into the proposed constituency. He favoured a solution which incorporated the remaining 10 per cent, as otherwise the villages of Ratho Station and Newbridge would be split. They have strong ties. He suggested this was a small adjustment which could be easily made. The connections included a neighbourhood



network, a community safety forum, and funding panels. They shared common issues, including Greenbelt development and the airport, as well as local services. He understood the difficulties of this exercise, but suggested that the changes would make things worse. Muirhouse was part of the Almond ward, and would remain so. He recognised that Pennywell Road was a boundary between two communities, but pointed out that it was treated as an area boundary for separate purposes of school catchment, policing and community council. Muirhouse was allocated to a West Edinburgh constituency for Westminster elections. His interest was in keeping the Almond ward under single representation. He accepted that the constituency would have a diverse make-up and interests, but his view was that diversity was healthy in a democracy.

18. Councillor Sally Pattle is a Liberal Democrat councillor for the Linlithgow ward. She supported the Scottish Liberal Democrat proposals, which broadly supported the original boundary changes but with small alterations. Local ties closely mirrored the former Linlithgowshire county, rather than looking to western communities such as Bathgate. There was a commonality of opportunities and challenges. At present, they all face the challenge of rapid housing development, and share close transport ties. Representation by a single MSP would be to the advantage of these communities.
19. Kenneth Anderson represented the Linlithgow Constituency Association SNP. He endorsed Ms Hyslop's submission, and was pleased that their paper had stimulated debate. There was a local, not party political, position. He also agreed with Ms Pattle's position that there were close ties around the Linlithgow area.

## **Overview of Issues**

20. The single most consistent topic in submissions was the allocation of the Muirhouse area, from Pennywell Road westward, to the proposed Edinburgh Forth and Linlithgow constituency. Muirhouse was seen as not only very different in character to the remainder of the new constituency, but also very similar to the Pennywell area which adjoins it to the east. Both Muirhouse and Pennywell are urban in nature and have natural links with the City of Edinburgh rather than West Lothian. They and neighbouring wards have profound needs arising from deprivation, which has given rise to a shared sense of pride in the community and significant amount of voluntary social activism. These features serve to differentiate Muirhouse from the remainder of the proposed constituency, which is large and largely rural. The needs of Muirhouse would not be seen by the electors to have much in common with the remainder of Edinburgh Forth and Linlithgow. It was recognised that the present constituency of North Edinburgh and Leith could not be expanded to accommodate Muirhouse, however natural a fit that might otherwise be, because it has the second-highest electorate in Scotland.
21. From the perspective of the West Lothian wards, areas such as South Queensferry and Kirkliston would naturally feel their ties and roots to be within West Lothian rather than Edinburgh. More than one contributor suggested that a natural boundary would be the River Almond, which had featured as a boundary for the former Linlithgowshire. There was a community there which would look towards Linlithgow for its community ties, but would not feel itself connected to wards further west, such as Bathgate. Overall, a major disparity with Muirhouse is that the communities of West Lothian anticipate rapid expansion, particularly around Winchburgh. That will give rise to shared interests such as transport and schooling,

which Muirhouse will not share to the same extent. All recognised, however, that the distribution of the electorate did not easily lend itself to this geographical boundary.

22. It was not disputed by any speaker that the present Linlithgow constituency requires to be sub-divided. It has the highest electorate in Scotland, and exceeds the electoral quota by a considerable margin. Maintaining the status quo is therefore not an option. All of the speakers recognised that there is a considerable disparity between the West Lothian wards and the Muirhouse ward, in terms of the nature of the wards. Transport ties are generally limited, and the individual transport needs are different. Any single MSP would find it difficult to represent all areas of the constituency.
23. Other contributors focused on smaller groupings of wards, such as Ratho and Newbridge, Queensferry and Kirkliston, and between West and North Edinburgh. None of these groupings were, however, easily fitted into any alternative model which would allow the electoral quota to be reflected within the parliamentary constituencies.
24. There is no clear solution which suggests itself. One submission, presented in detail, suggested that in effect re-allocation of electors might occur in a largely clockwise arrangement around Edinburgh, with Muirhouse allocated to North Edinburgh and Leith, and the easternmost part of that constituency in turn being allocated to Midlothian North and Musselburgh, elements of the latter being moved to East Lothian, and so on. No doubt such allocations are feasible, but they do not consider the consequential effect on how the principles of the four rules would affect those communities. It is not possible, therefore, to recommend that solution, because it is not self-evidently a solution. It is likely to move exactly the same issues into different

constituencies, all of which have their own strong ties, geographical considerations and varied electorates. The Commission, of course, is limited to considering numbers of electors as identified at September 2022, and may not take future numbers into account.

25. One submission pointed out that diversity of the electorate within a constituency was healthy in a democracy. It may be, therefore, that this is to some extent a counterbalance to the division between wards based on differing needs.
26. I have considered whether to make recommendations, but I also do not see any clear method of meeting these conflicting aims of grouping wards together on the basis of historic ties and shared interests, and keeping the electoral quota within a tolerable range of the 59,902 figure for Scottish constituencies. It is ultimately for the Commission to exercise their statutory discretion to identify a practical solution.
27. There was some discussion of the possible name of the new constituency. It was submitted that the large majority of the new constituency felt themselves to be part of West Lothian, not Edinburgh, and that the proposed name would not make them feel included in effective parliamentary representation. One submission recommended the names “West Lothian and Forth”, or “West Lothian and West Edinburgh”, or “West Lothian and Almond Valley”. The map of the constituency would tend to support this submission, as only a very small area lies within Edinburgh. If the name is to reflect the overall location of the constituency, then “West Lothian” might be the focus of any name. It may be that West Lothian and Forth is sufficient to allow the residents of Muirhouse to feel included. Another submission considered that naming the constituency should await the outcome of any redrawn boundaries.

REPORTED BY

N.A. Ross

## **Appendix**

List of those giving evidence at the Inquiry (in order of presentation)

John Halliday, Community Renewal Trust

Councillor Euan Hyslop, City of Edinburgh Council, Drum Brae and Gyle ward

Mr Allistair Tatton, Linlithgow Constituency Association SNP

Ben Macpherson MSP, Edinburgh Northern and Leith constituency

Fiona Hyslop MSP, Linlithgow constituency

Fred Mackintosh, Scottish Liberal Democrats

Councillor Kevin Lang, City of Edinburgh Council, Almond ward

Councillor Sally Pattle, West Lothian Council, Linlithgow ward

Kenneth Anderson, Linlithgow Constituency Association SNP