

Report

By

Sheriff Principal N.A Ross

On an Inquiry into the provisional recommendations of Boundaries Scotland relating to Scottish Parliament Constituency of Clyde Valley and Tweeddale

26 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. 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 Clyde Valley and Tweeddale, the Commission arranged for a Local 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 Peebles Hydro, Innerleithen Road, Peebles on 11 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 Clyde Valley and Tweeddale

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. It included a group of six constituencies wholly within South Lanarkshire and Scottish Borders Council areas. This would be a new grouping of council areas for constituency design as the current constituencies sit within a grouping of North Lanarkshire and South Lanarkshire council areas as well as a grouping of East Lothian (partly), Midlothian and Scottish Borders council areas.
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.
7. The Commission considered a number of options for this grouping and made provisional proposals which propose six constituencies, with a variation from the electoral quota within 10 per cent. This retained one of the existing constituency boundaries, namely Ettrick, Roxburgh and Berwickshire, and minimised change to

two other existing constituencies, namely Rutherglen and East Kilbride. The proposals also split a single local authority ward.

Responses to initial consultation

8. During the one-month public consultation, held between May and June 2023, Scottish Borders Council objected to the proposed Clyde Valley and Tweeddale constituency. Under the terms of the legislation, if a council objects to a proposed constituency within its area, then a local inquiry must be held. Other responses to the consultation opposed that constituency, with residents from both the Scottish Borders and South Lanarkshire Council areas identifying that communities within the proposed constituency have few shared interests.

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 local inquiry

11. Councillor Fay Sinclair is a councillor for Galashiels and District ward. She opposed the proposed new constituency as it did not take communities into account. She identified that there are no links between her own ward of Galashiels and District and the Clyde Valley area. By contrast, there are well-established historical and geographical links between Galashiels, Tweeddale and the south of Midlothian. Accessibility and connectivity would be a big issue. There are well-established links along the main road routes which join Midlothian with the Borders, and the Borders Railway. Linking across the new constituency would take several different buses and a long journey. It demonstrated the nature of existing social, cultural and business ties. The area was oriented towards Edinburgh, not towards South Lanarkshire. These links included NHS services, community councils and school services, as well as community gala days. The new area would be much larger and make political

representation much harder. The local community councils strongly objected to the proposals, and this crossed political parties. Cllr Sinclair suggested an alternative would be to move part of a council ward to the existing Ettrick, Roxburgh and Berwickshire constituency, which would reduce the quota in Midlothian South, Tweeddale and Lauderdale. That would recognise existing ties. She accepted that communities close to the existing boundaries did access services across the boundaries, but this was not the majority of cases.

12. Councillor Euan Jardine is leader of Scottish Borders Council and a Galashiels and District councillor. He clarified that the council objection was only for the purposes of allowing public debate, and the council did not object to the principle of the proposals. It was necessary to think strategically across the area. He described existing links with South Lanarkshire, including a £22.8 million levelling-up project and the funding of transport links. The council works across the existing boundaries. Residents in Tweeddale West and South Lanarkshire routinely cross the boundary to access services. There is a £24.7 million capital project which involves four local authorities: South Lanarkshire, Dumfries and Galloway, Scottish Borders Council and Northumberland County Council. There are further large capital projects which span the existing boundaries. He believed that the new constituency would create a great chance of creating a rural voice, which would naturally connect the neighbouring constituencies. There are many difficulties in rural areas, and the kinship offered by this would enhance the ability to work collaboratively. The Council suggested a better name would be Lanark, Tweeddale, Galashiels and Lauderdale, which would emphasise the strong ties across the area.

13. Councillor Marshall Douglas represented Tweeddale East ward and Scottish Borders Council. The latter had felt the current Inquiry necessary to allow debate. His view was that the proposed constituency did not account for any local communities, and connected those who had few previous ties. People in the Borders tended to look towards Midlothian, not across to Biggar and Lanark. This was demonstrated by the lack of public transport links, albeit there were some local links between communities near the boundaries. It was nonsense to see connection between people in Lanark and Lauder. The links east to west were poor, and the proposed constituency was not justified by any natural community or natural links. He proposed a more appropriate name, for instance Clyde Valley, Tweeddale and Lauderdale.
14. Councillor Ian McAllan is a councillor who represents the Clydesdale East ward. He objected to the breaking up of the existing constituency. While accepting the need for review, the proposals were unworkable and illogical. The existing Clydesdale constituency was coterminous with the South Lanarkshire Council area, and any split would have serious implications for efficiency and communication, and would cause confusion. Transport links currently worked well, but in the new constituency it would be difficult to travel to the MSP surgery as transport links are poor. There are virtually no existing cultural ties between Clydesdale and the Borders, and likely tensions between the interests of the two main towns of Lanark and Galashiels. While a single MSP representing both areas might advocate for better links, it would be hugely disruptive. At the moment only car travel was feasible.
15. Craig Hoy, MSP, represented the South of Scotland region. He reflected on the impact of the proposals on neighbouring constituencies. He proposed retaining the

proposed constituency, but creating three neighbouring constituencies of: East Lothian; Midlothian North, Musselburgh and Fa'side; and Midlothian South. He commented on points made at an earlier Inquiry held in Musselburgh on 7 December 2023. He referred to a written submission which made detailed proposals, covering City of Edinburgh, Midlothian, East Lothian and West Lothian, and discussed some detail of those constituencies. These are beyond the geographical range of the present Inquiry, but the transcript is available online. The purpose of this discussion was to represent that adjustments could be made elsewhere, to allow the proposed creation of the Clyde Valley and Tweeddale constituency, which he supported. A written submission of this suggestion was made available to me following the Inquiry.

16. Councillor Julie Pirone is a councillor for the Tweeddale ward. She believed there was a strong connection between Tweeddale and Clydesdale or South Lanarkshire. The councils had worked together successfully. The area was a rural one, and locals relished being linked by market towns such as Biggar, Lanark, Galashiels, Peebles and into Lauderdale. Their interests were similar. There were strong social links, including the Common Ridings. There was a huge farming community, and strong economic links. This would help to bring in growth money, and the council were already engaged in subsidising transport links. While existing transport links were poor, they should focus on future possibilities. She suggested that the name for the new constituency should include reference to the main towns of Lanark and Galashiels.
17. Murray Tosh represented the Scottish Conservative and Unionist Party. He endorsed the submission of Craig Hoy MSP, and the consequential changes to neighbouring constituencies which would allow the present proposed constituency to be sustained.

He described carrying out a careful analytical exercise of community ties and electorate throughout the Lothians. He believed that those constituencies could stand on their own. He referred to a written paper in which the detail proposals for changes were set out, and which has been submitted. Change was rendered necessary as the electorate within the Lothians has risen by 100,000 persons. The Borders electorate had diminished, which meant a link up with South Lanarkshire was proposed. They had looked at South Lanarkshire also, which also required to change due to population increase. He discussed the detail of that, beyond the geographical scope of the current Inquiry. These are available in the transcript, which is online. Overall, the written paper demonstrated a workable result, if certain consequential adjustments were made to neighbouring constituencies. He illustrated the difficulties facing the Commission in attempting to give priority to community links, in the face of population changes. The proposals here depended upon separating the two groups of councils in the Lothians. These challenges mirrored those found elsewhere in Scotland. There was a commonality of nature of the Clydesdale wards and the adjacent Borders wards.

18. Councillor Alex Allison represented the Clydesdale East ward. He considered the proposed constituency would be beneficial. There were strong existing community links across the area which were unaffected by such boundaries. The communities were similar rural communities with an agricultural basis. Schooling, sports and local clubs thrived without regard to where the constituency boundary lay. The proposals meant that the local communities would have their particular interests represented without compromise created by the interests of different types of

community. They had the same challenges and opportunities, whatever their political views.

19. Shona Haslam is a former councillor who has experience of representing Tweeddale, the wider Borders, and part of the new constituency. The communities within the area had diverse characters and histories, from mining to mills to agriculture, but there were strong links amongst them. The Scottish Borders Council was very good at working with neighbouring authorities to gain a stronger position. The pandemic had illustrated the effectiveness of local links. Social, sporting and leisure activities were shared across the area according to preference. There was sense in linking these areas, which avoided past challenges created by linking urban and rural areas. The existing arrangements appeared to place undue emphasis on Galashiels as a centre. She supported the proposed changes. She proposed that the name should retain Lauderdale as part of the name. She suggested Clydesdale, Tweeddale and Lauderdale.
20. David Mundell MP represents the Westminster constituency of Dumfriesshire, Clydesdale and Tweeddale. He was previously MSP for the South of Scotland region. He referred to historic findings in a 2004 inquiry which confirmed local ties between Clydesdale and Tweeddale, forming a constituency which had been in place for 19 years. The rationale then and now was to bring together small towns and villages which would not feel overwhelmed by being linked to larger and different communities. It was an essentially rural constituency which did not centre round a single dominant community, and a high historic voter turnout illustrated that people felt engaged with it. The location of a constituency office was not a significant factor, as any MSP or MP would expect to travel to the electors rather than the other way

round. It was also possible to have remote meetings by video link. There was no change to schooling, medical services or other community services. His own experience was that working across local authority boundaries might pose a challenge for the representative, but did not affect public services. The proposals would not affect existing social and other community ties.

21. Keith Cockburn attended as a member of the public. He resides in Tweeddale and is very much in favour of the proposals. He is a former councillor and had travelled around the area. Biggar was an important hub for residents of Tweeddale, and there were significant sporting and social connections. The proposals were a good fit for the people of the area. It was better for a single MSP to represent the whole area.

22. Councillor Richard Elliot Lockhart represented Clydesdale North ward. He endorsed the views of previous speakers that there are strong links between communities within the proposed constituency. It boiled down to urban interests against rural interests. The communities were linked by their rural nature and related sports and pastimes. They fitted together and should be represented together. Small towns and villages find it hard to be represented, as they can be swamped by nearby urban areas.

Overview of issues

23. Of those appearing at the Inquiry, the large majority were in favour of the proposed new constituency boundaries.

24. There was a consistent view that the proposed new constituency would have the benefit of linking areas with shared needs. It would create a large rural constituency, which would naturally connect with neighbouring constituencies. The difficulties

faced by rural communities would lead to collaborative working, and there would be benefit in a rural focus in its representation.

25. Reference was made to the existing capital projects and development of transport links between Scottish Borders and neighbouring communities, as an illustration of how the Borders area was already outward-looking in nature. It had shown it could collaborate with diverse communities for the purposes of development. The Scottish Borders Council would think strategically and work with others. Accordingly, any perceived difference between communities in the Borders and in South Lanarkshire would not prove to be an obstacle to growth and prosperity.
26. Some participants had carried out a careful analytical exercise of the electorate in the wider constituencies within southern Scotland. This was in order to address any difficulty with the proposed new constituency meeting the electoral quota. They identified that any boundary changes would require consequential changes in adjoining constituencies, and the written exercise analysed in detail what those might be. It mainly considered constituencies within and around Edinburgh and the Lothians. The written submission is available to be read for its detail. The purpose of this exercise was to show that the new proposed Clyde Valley and Tweeddale constituency could meet the electoral quota. These submissions were strongly in support of the new constituency.
27. Those in favour of the proposals cited strong local links, albeit accepting that those links were not always reflected in existing transport links. They submitted that the whole area of the proposed constituency was similar in character, namely rural and centred on market towns. These towns included Biggar, Lanark, Galashiels and Peebles, which have similar interests, historic and cultural links, and challenges.

Agriculture was an important linking factor. Schooling, sports and local clubs did not have regard to existing parliamentary boundaries, and would not be affected. It was acknowledged that the individual small towns and villages had diverse characters and histories, but they nonetheless had strong community links and shared interests.

28. The effect of creating this new constituency would be that all of these small towns and villages would be brought together without being overshadowed by the populations of larger towns and cities. That would allow their particular interests to be represented without facing competing demands from urban communities. One speaker characterised this as essentially being a tension between urban interests and rural interests, which the new constituency would avoid.
29. It was submitted that transport links were not a decisive factor. This was, in part, due to the fact that MPs and MSPs all expect as part of their duties to travel to meet their constituents, and did so. They travelled considerable distances across constituencies, and met electors individually. They also offered meetings by video conferencing. Constituents would not be disadvantaged by any lack of transport links.
30. Those who opposed the change cited the diverse range of communities and lack of ties between the Borders and Clyde Valley areas. Transport was one focus of the objections. It was said that there are very limited transport links between those areas, except for communities which are adjacent to the boundary. The Borders has good transport links with the Lothians but not with South Lanarkshire. Access and connectivity were identified as central issues, as travel across the enlarged constituency would be complicated and slow. It would be difficult for most

constituents to travel to meet their MSP. These transport issues showed the limited nature of existing community ties, for the purposes of the new boundaries.

31. Similarly, medical services, community councils and school links are not aligned across the proposed new constituency. People in the Borders did not look towards Biggar and Lanark, but to Midlothian. Links east to west are poor. The existing Clydesdale constituency has the benefit of being coterminous with South Lanarkshire Council area, and any split would cause inefficiency and confusion. There are virtually no cultural ties with the Borders. Alternative proposals included moving part of a council ward from the Lothians into the Borders.
32. Overall, there was a difference in opinion about the existence and strength of community ties across the area of the proposed Clyde Valley and Tweeddale constituency. It is not easy to resolve the differing opinions about how strong these community links might be, except to note that experiences seem to differ. There was no dispute, however, that the whole area shares a considerable identity of interests, which arises from the agricultural and rural nature of the area, and the absence of large urban conurbations. There was considerable enthusiasm for a clear focus on the particular challenges faced by rural communities. It is difficult to make a clear recommendation in the light of the contradictory submissions as to community ties, but there appears to be merit in a constituency which brings together communities of a similar economic and social nature.
33. There was less enthusiasm for the proposed new name. This was because it was regarded as not adequately reflecting the nature of the proposed new constituency. Alternative proposals included: Lanark, Tweeddale, Galashiels and Lauderdale, which would emphasise the strong ties across the area; Clyde Valley, Tweeddale and

Lauderdale; and a name which includes the main town names of Lanark and Galashiels. No doubt the Commission can make a final proposal once they have considered any proposed alterations to the existing proposed constituency boundaries.

REPORTED BY

N.A. Ross

Appendix

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

Councillor Fay Sinclair, Scottish Borders Council, Galashiels and District ward

Councillor Euan Jardine, Scottish Borders Council, Galashiels and District ward

Councillor Marshall Douglas, Scottish Borders Council, Tweeddale East ward

Councillor Ian McAllan, South Lanarkshire Council, Clydesdale East ward

Craig Hoy, MSP, South of Scotland Region

Councillor Julie Pirone, Scottish Borders Council, Tweeddale East ward

Murray Tosh, Scottish Conservative and Unionist Party

Councillor Alex Allison, South Lanarkshire Council, Clydesdale East ward.

Shona Haslam, former councillor

David Mundell MP, Dumfriesshire, Clydesdale and Tweeddale.

Keith Cockburn, former councillor

Councillor Richard Elliot Lockhart, South Lanarkshire Council, Clydesdale North ward