

## **Report**

**By**

**Sheriff Principal Gillian A. Wade KC**

**On an Inquiry into the Revised Proposals of Boundaries Scotland relating to Scottish Parliament Constituencies of Cumbernauld and Kilsyth ; Falkirk North and Linlithgow; and Falkirk South.**

**03 September 2024**

### **Introduction and Background to the Revised Proposals**

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. The Commission consulted on Provisional Proposals for constituencies in 2023. At the Provisional Proposal Stage, the two constituencies of Falkirk East and Falkirk West were unchanged. No further inquiry was deemed necessary at that stage and no opposition or comment was received in relation to the intentions for these constituencies.
3. However, there was strong opposition to some of the other proposed boundaries, especially in Clydebank, where a boundary divided Clydebank between two constituencies, and in the west of Edinburgh where concerns were raised about the lack

of local ties between communities in West Lothian, such as Linlithgow and the west of Edinburgh. The Commission held local inquiries on its Provisional Proposals in Clydebank and Edinburgh as well as four other locations.

4. Following feedback from that Provisional Proposal consultation period, the local inquiries and the Assistant Commissioners' Reports the Commission developed new groupings of constituencies. It included a grouping of 17 constituencies within Argyll and Bute, East Dunbartonshire, Falkirk, North Lanarkshire, South Lanarkshire, West Dunbartonshire and West Lothian Council areas. This new grouping aimed to address the concerns raised at the Edinburgh and Clydebank local inquiries, and to provide an alternative solution to the higher than average electorate growth in West Lothian and lower than average electorate in the existing Cumbernauld and Kilsyth constituency. As a consequence the boundaries within the existing Cumbernauld and Kilsyth constituency and the constituencies within Falkirk and West Lothian Council areas were amended at the Revised Proposal Stage. Contrary to views and concerns expressed at the Falkirk inquiry itself these Revised Proposals were made available for consultation on 15 April 2024. They were publicised in local and national newspaper articles, social media and notices were placed in local libraries.
5. During the one-month public consultation, held between April and May 2024 on the Revised Proposals, Falkirk Council objected to the Revised Proposals for: Cumbernauld and Kilsyth; Falkirk North; and Linlithgow and Falkirk South constituencies and requested a local inquiry.
6. Under the terms of the legislation, if a council objects to a proposed constituency within its area then a local inquiry must be held.

7. The Commission arranged for a public inquiry to be held. By letter dated 16 August 2024 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. The local inquiry was held at Falkirk Stadium, 4 Stadium Way, Falkirk FK2 9EE on 22 August 2024. Members of the public and representatives of interested bodies made submissions. A full list of those who made submissions is contained in Appendix I 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.
8. This report is prepared in terms of section 21(2) of the Local Government (Scotland) Act 1973.

### **Revised Proposals for Cumbernauld and Kilsyth, Falkirk North and Linlithgow and Falkirk South**

9. Before the Revised Proposals the Falkirk Council area currently comprises Falkirk East and Falkirk West constituencies in full. These have electorates of 61, 529 and 63,861 as at September 2022. Both are above the target electoral quota of 59,902 electors although within the 10% acceptable margins around that figure.
10. The Revised Proposal is detailed on the Map to be found at Appendix II to this report. In summary it proposes:  
  
**Falkirk North constituency** - to contain an electorate of around 62,222. This will divide the existing Ward 3 of Denny and Banknock and will incorporate Wards 4-7 of Falkirk Council.

**Linlithgow and Falkirk South constituency-** to contain an electorate of 65,523 and will include some Falkirk Council Wards but will stretch eastwards to incorporate areas previously within West Lothian Council.

**Cumbernauld and Kilsyth constituency-** to contain an electorate of 64,767 and will bring in part of Falkirk Council's existing Ward 3 of Denny and Banknock. The majority of this constituency would be served by North Lanarkshire Council.

### **Response to the public consultation on the Revised Proposals**

11. During the one-month public consultation, held between April and May 2024 on the Revised Proposals, Falkirk Council objected to the Revised Proposals for: Cumbernauld and Kilsyth; Falkirk North; and Linlithgow and Falkirk South constituencies and requested a local inquiry because:

- The Provisional Proposals retained the existing Falkirk East and Falkirk West constituencies and the Revised Proposals are the result of objections received elsewhere.
- The Revised Proposals divide Falkirk Council area across three constituencies while the two current constituencies sit within the area and are close to the electoral quota.
- The Revised Proposals break local ties with Denny.
- The proposed Falkirk North and Linlithgow and Falkirk South constituencies include the names of current Falkirk Council Wards which will be confusing to the electorate.
- It will be challenging to administer cross council area constituencies for elections and confusing for the local electorate.

12. There were over 40 other responses which mainly opposed the Revised Proposals

because:

- Local ties were broken between the communities of Banknock and Haggis/Longcroft as well as at Denny.
- The proposals do not consider the council area boundaries.
- Denny looks towards Falkirk rather than Cumbernauld.

13. However a number of responses supported a Cumbernauld and Kilsyth constituency because it kept those towns with close links in the same constituency. There were also suggestions to include Denny in the Cumbernauld and Kilsyth constituency name.

### **Statutory Framework**

14. 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.

15. 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.

**Written submissions in advance of the public inquiry.**

*Falkirk Council*

16. It is appropriate to commence by considering the terms of the written objection from Falkirk Council which triggered the requirement for this inquiry. Under cover of a letter to the Commission dated 15 May 2024 six heads of objection were enumerated which can be summarised thus:

- (i) The Revised Proposals are in stark contrast to the Provisional Proposals which proposed no change to the boundaries in the three affected constituencies in the Falkirk Council area. This leads to the conclusion that the Revised Proposals are as a consequence of feedback from other local authorities around and across the country rather than being driven by local needs.
- (ii) The Revised Proposal would see the Falkirk Council area divided across three constituencies without any apparent justification for the change. The current constituencies of Falkirk East and Falkirk West have a long history as Westminster constituencies and are well understood by the electorate, given Falkirk's size and rich political history.

- (iii) The proposed new Cumbernauld and Kilsyth constituency raises issues in relation to severance of local ties by splitting the existing Ward 3 (Denny and Banknock) and introducing a new cross boundary arrangement with another local authority. There is no obvious community link between Denny and North Lanarkshire nor is there any clear rationale for splitting Ward 3 other than following the line of the motorway. Existing polling districts will be split adding to the complexity of a fragmented democratic structure.
- (iv) Both the proposed Falkirk North and Linlithgow & Falkirk South constituencies include the names of current Falkirk Council Wards and therefore increase the risk of voter confusion.
- (v) North Lanarkshire Council has responsibility for the Central Scotland Regional aspects of Scottish Parliamentary election delivery, including the Falkirk Council area, but has had no role vis a vis the constituencies in the Falkirk area.
- (vi) Splitting the constituencies across three Council areas poses risks to the operation of elections, particularly as the proposed constituencies differ from those in place for Westminster. The Electoral Registration Officer is accustomed to working with Lothian VJB in relation to the existing cross border constituency with West Lothian Council but to date there has been minimal working with North Lanarkshire VJB. There are concerns around arrangements for electoral registration, issue of polling cards and postal voting from an operational perspective. The practical difficulties of Falkirk Council comprising one complete constituency and two shared constituencies will significantly increase risks for electoral delivery and voter confusion.

17. The primary position of the Council is that the existing constituencies of Falkirk East and Falkirk West should remain to reflect the recognised rules.
18. If, however, the Revised Proposals were adopted then the names should be reconsidered. It is proposed that Cumbernauld, Denny and Kilsyth would better reflect the scope of the new constituency incorporating Denny. Falkirk West and Linlithgow and Falkirk East would better reflect the geographical alignment of the population centres for the other two constituencies and would avoid confusion with the names of existing Falkirk Council Wards. It was stressed that this was very much a fall-back position. The primary position remains one of outright opposition.
19. In a further, substantive, written objection on behalf of Falkirk Council it was emphasised that Falkirk Council area has a population that splits neatly into two constituencies. The original proposal maintained that position which had prevailed since the Scottish Government was established. The thrust of the objections advanced by Falkirk Council were:
- (i) Two of the three seats straddle council boundaries, health board areas and Police Scotland organisational boundaries;
  - (ii) The political “geography” of the Falkirk and surrounding areas will be confusing and incoherent when considered in relation to the Westminster boundaries;
  - (iii) All three seats have a higher electorate than the average 59,902;
  - (iv) The proposed new boundaries make no sense in terms of geography, ties and a sense of community;
  - (v) It is likely that following the proposed changes there will be further changes to the regional boundaries, causing additional confusion for voters with the possible effect of encouraging voter apathy.



20. Falkirk Council were also concerned that by addressing perceived concerns around Edinburgh the Commission have simply created significantly more impracticable boundaries for Falkirk and communities across central Scotland.
21. The submission went on to explain that a situation will arise in Banknock where in one polling station serving one community there will be two ballot boxes with some voters voting in Cumbernauld and Kilsyth and some voting in Falkirk North with potential for voter confusion.
22. This would be compounded by the names of the proposed constituencies. Voters in Falkirk South will vote for an MSP in Falkirk North, an MP in Falkirk and a councillor in Falkirk South. Voters in Bo'ness, Blackness, Grangemouth, Lower and Upper Braes will all vote in a constituency named Linlithgow and Falkirk South and voters in Denny and Banknock will be voting in a constituency named Cumbernauld and Kilsyth. It was submitted that those names did not reflect the areas that are included in the constituencies and will lead to voter confusion.
23. The job of a constituency MSP will be made more difficult because the three constituencies are larger than necessary, straddle council, health board and police operational boundaries requiring engagement with multiple bodies and officials.

*Falkirk East Constituency Labour party ("FECLP")*

24. A lengthy objection was articulated by Falkirk East Constituency Labour Party ("FECLP"). The principal point advanced was that the Provisional Proposals in the original form made no changes to the two Falkirk constituencies. Their objections reflected those of Falkirk Council regarding the lack of regard for council boundaries, health board areas and Police Scotland organisational boundaries, the potential for voter

confusion, the higher than average electorate which would be a feature in all three seats, the severing of local ties and the sense of community and the perception that the revised proposals had been generated as a result of objections in relation to proposed boundary changes in Edinburgh and did not take sufficient cognisance of the practical consequences associated with the revised boundary changes.

25. FECLP observed that as currently constituted both of the Falkirk constituencies are within Falkirk Council boundaries with a longstanding recognised geography, transport and employment linkages and community identity. The current electorate of both seats is close to the ideal average of 59,902 and at least within the 10% tolerance. This is manageable for any MSP as the current organisational structure is overwhelmingly based in either Falkirk Council or Forth Valley.
26. With regard to the proposed new constituency of Linlithgow and Falkirk South FECLP observed that it does not meet the guidance rules. The constituency straddles two boundaries, two health boards and two police operational areas. There is no functional link between Grangemouth and the Braes communities and Linlithgow which has far closer geographical and functional links with Edinburgh and the wider surrounding Lothian region.
27. FECLP highlighted the geographical anomalies of including Grangemouth within this constituency when it is situated two kilometres from Falkirk town centre. Further observation was made that Falkirk South and Falkirk North are the names of Falkirk Council Wards further adding to confusion.
28. The new arrangements would mean that less than half of the current Falkirk Council area electorate will be in a constituency that does not straddle boundaries. Finally in relation to the proposed boundaries for the new constituency of Cumbernauld and

Kilsyth it was observed that Denny and Banknock will be included in this constituency notwithstanding the fact that they look towards Falkirk not Cumbernauld or Kilsyth.

This constituency will also straddle two council areas, two health boards and two Police Scotland operational divisions. Once again this will confuse local people and create operational difficulties for MSPs.

29. FECLP submitted that while the proposals may be driven by demographic changes those arise within Lothian region and should not be exported to Falkirk where the current boundaries are compliant with the existing guidance and are longstanding in nature. FECLP also proposed that the names Falkirk East and Falkirk West be retained.

*Councillor Alan Masterton of Cumbernauld North Ward 2 (Scottish National Party)*

30. Councillor Alan Masterton of Cumbernauld North Ward 2 (Scottish National Party) submitted a comment which was largely supportive of the proposed changes to Cumbernauld and Kilsyth constituency but suggested that perhaps Denny could be added to the constituency name.

*Kilsyth and Villages Branch of the SNP*

31. Kilsyth and Villages Branch of the SNP were also largely supportive of the retention of the close links between Cumbernauld and Kilsyth although considered that ideally retaining the constituency as it exists would be preferable.

*Cumbernauld Branch of the SNP*

32. The Cumbernauld Branch of the SNP also expressed support for the proposal as an alternative to previous proposals which may have resulted in splitting Cumbernauld

and Kilsyth. However it remained their view that keeping the constituency in its current form would be the best outcome.

*Kilsyth Branch of the SNP*

33. The Kilsyth Branch of the SNP were also broadly supportive of the proposal on the basis that it retained Cumbernauld and Kilsyth as a unit however they were less enthusiastic about the add-on of the Denny area. On balance the majority of the submission from the SNP branches in the Cumbernauld and Kilsyth area supported retention of the status quo.

*Scottish Conservative & Unionist Party*

34. The Scottish Conservative and Unionist Party expressed surprise about the radical redrawing of the Provisional Proposals to create a new grouping around Falkirk, North Lanarkshire, South Lanarkshire and West Lothian. The proposals to take Denny from Falkirk and include it in an essentially North Lanarkshire constituency was innovative and a departure from the more prescriptive application of Rule 1. While welcoming this flexibility they acknowledged that this was a departure from the Provisional Proposals but voiced no objections. In short, they acknowledged that the challenges posed by the population exchange in the Lothians necessitated a more flexible approach to the drawing of the boundaries and were content that the Revised Proposals created a large grouping from West Lothian, Falkirk, North Lanarkshire and South Lanarkshire which would be sufficiently flexible to contain the boundary changes which shifting populations will drive in central Scotland in successive reviews.

*Linlithgow Constituency Association Scottish National Party.*

35. A submission was received from Linlithgow Constituency Association Scottish National Party. While largely supportive of the Revised Proposals they suggested that the change of name from Linlithgow and Falkirk South to Linlithgow and Falkirk East would be geographically more accurate.

*Additional written and online submissions*

36. The Commission received a response from the Scottish Liberal Democrats which did not impact significantly on the Revised Proposals for the three constituencies under discussion.

37. Online objections and comments were received from a number of private individuals. Many objected to the severance of local ties. Many focussed on issues associated with aligning Linlithgow and Falkirk. The majority voiced opposition to the boundary changes proposed for Banknock, Haggs, Longcroft and Denny on the grounds that they should be included within a Falkirk centred cluster rather than a grouping including North Lanarkshire. There was strong opposition to splitting of the communities of Banknock and Haggs both of which remain in the Falkirk Council area.

**Submissions made to the public inquiry**

*Alf Kelly, Falkirk Councillor for Denny and Banknock (Labour)*

38. Councillor Kelly opposed the Revised Proposals on the basis that the communities of Banknock, Haggs and Longcroft, long referred to as BHL, will be divided into different Scottish Parliamentary constituencies. The communities share bus routes, and the same community centre. The community hall operates as a polling place for

elections. Denny and Banknock have been embedded within Falkirk and the Forth Valley for many years. The Royal Infirmary and other NHS facilities used by the Ward are within the Forth Valley. The Police Scotland commander is based in Falkirk and the local community police are based in Larbert and Falkirk. He articulated the acute impact which the proposals would have on the people of Banknock, which as a constituent part of Ward 3 of Falkirk Council, is integrated historically with Haggs and Longcroft. He highlighted the issues around polling which did not appear to have been taken into account. The village hall serving these communities is located conveniently to the east of the village of Banknock and is also easily accessed by those in Haggs and Longcroft. The hall is the only polling station for the polling district FW325 under the 2024 polling scheme as approved by Falkirk Council. In 2021 Scottish Parliamentary elections the hall was responsible for 2,591 eligible electors.

39. He submitted that the division of Banknock community from Bonnybridge community, which would fall within the Falkirk North constituency, would be difficult, confusing and acutely impactful on the people of Banknock. For example the GP clinic is a satellite of the Bonnybridge clinic with multiple issues in accessing local health services currently reported by constituents. This creates a concerning overlap of accountability for elected members of the council. The local primary school is located in Banknock under the auspices of Falkirk Council. It takes in the children of Longcroft and Haggs. The main shopping for the community is a local Scotmid shop and Post Office in Haggs, further demonstrating that Banknock services are integrated within the areas of the proposed Falkirk North constituency, not the Cumbernauld and Kilsyth constituency.

40. The 35 bus is the only bus service for Banknock which runs between Kilsyth and

Falkirk. The current Cumbernauld MSP has his office in Cumbernauld, which would require Banknock residents to get two buses to visit his office. Additional offices would be costly to the public purse. The MSP for Falkirk West at present has his office in Falkirk and Banknock is served by an hourly bus service to Falkirk, which would make it a lot easier for constituents to meet with their representative. In addition to the logistical difficulties in travelling to Cumbernauld, this would cause confusion in the minds of many constituents as their councillor is in Falkirk Council, their MP is in Falkirk West and their MSP is in Cumbernauld and Kilsyth. This would exacerbate the existing disconnect from politics demonstrated by recent low electoral turnout.

41. He felt that the current proposals dismantled rather than supported the communities he represented.

*Colin Moodie, Chief Governance Officer, Falkirk Council*

42. In his role as Chief Governance Officer in Falkirk Council Mr Moodie was also the Deputy Returning Officer in Falkirk Council. He adopted the formal objection of 15 May 2024 which had been submitted to the inquiry. He endorsed the submission of Councillor Kelly in relation to the issue of local ties and emphasised that the Council's position is that the existing constituencies should be maintained principally because the two existing constituencies fit very well with the electoral quota and can be accommodated within the local authority boundaries. They are long established constituencies, having been in place since 1983. Falkirk East and Falkirk West are well understood. In contrast the Revised Proposals, do not reflect well understood boundaries on the part of the electorate. That is particularly striking in relation to the addition of parts of Denny and Banknock Ward to Cumbernauld and Kilsyth. Any

connection between Denny and Kilsyth and Stirlingshire is historic, local services having all been provided by Falkirk or Forth Valley Council for many years. Likewise there are few obvious ties between the eastern part of the Falkirk Council area and Linlithgow, save some historic county connections in that the Bo'ness ward was part of the same county as Linlithgow and there is some geographical proximity between Bo'ness and Linlithgow. However there is not a close connection between the Falkirk East area and West Lothian/Edinburgh.

43. He acknowledged the rules under which the Commission requires to operate and the difficult balancing exercise being undertaken between ensuring equality of votes between seats so far as possible and maintaining local ties and the local authority boundaries. However paragraph 12 to schedule 1 of the Scotland Act states that the first rule to which regard has to be had is that of local authority boundaries. Departure from that strict rule is justified in terms of subparagraph (2) of rule 2 if it is desirable to avoid excessive disparity in numbers. The starting point which is clear from the structure of the legislation is that the local authority boundaries have a key importance in the way in which the rules are drafted.
44. The operational risks of running an election across three different local authority areas are significant. In terms of the Revised Proposal three local authorities would be involved in electoral provision in the Falkirk Council area. Although there are common rules across all of the constituencies with which all returning officers comply, there are also local arrangements which emerge in the way in which each local authority operates its election and those give rise to the potential for confusion in the way that they are operated across the local authority boundaries.
45. An example was the concern and controversy which arose in relation to the



availability of postal votes in advance of the recent UK general election. Postal votes had not arrived in time for some people who were leaving to go on holiday. There was only limited opportunity very late in the day for returning officers to issue a replacement postal pack to these voters. Some local authorities, which included Falkirk, opened on a Saturday to issue postal votes. Other offices such as West Lothian and Clackmannanshire did not. Unsurprisingly, many voters attended at the Falkirk office although they were not in a constituency wholly within the Falkirk council area. Many of them were in the Alloa and Grangemouth constituency, (where the returning officer is from Clackmannanshire Council) but lived within the Falkirk council area. On attending at the Falkirk Council office they were concerned to discover that they could not be issued with a postal vote. That was but one example of how confusion can arise in cross-boundary constituencies.

46. The Revised Proposal is driven by a lack of local ties between West Lothian and West Edinburgh. However there are certainly more organisational connections between West Lothian and Edinburgh than there are between West Lothian and Falkirk. West Lothian and Edinburgh for instance are former authorities within the Lothian region, they share the same health board and electoral registration officer, as a significant factor in electoral organisation.

47. While maintaining the Council's objection in its entirety he submitted that in the event of a different outcome, the Council has some concerns about the naming of the revised proposed constituencies. Cumbernauld and Kilsyth is particularly problematic as few if any of the residents within Denny and Banknock would anticipate that they would live in a constituency called Cumbernauld and Kilsyth. Some change would need to be made to reflect that change to the constituency

boundary. Whether that was to add a reference to Falkirk West or to Denny and Banknock is really a matter for Commission. The Falkirk South and Falkirk North references within the other two proposed constituencies are identical to the names of existing Falkirk council wards for the north part of Falkirk town and the south part of Falkirk town so there is considerable scope for voter confusion in those. If one looks at the population centres within the proposed constituencies they do not necessarily align on a north and south axis and may be more easily be seen in an east and a west axis.

*Cecil Meiklejohn, Falkirk Council leader (SNP) Falkirk North Ward.*

48. Councillor Meiklejohn endorsed the position of Falkirk Council, which was unanimous in its opposition to the Revised Proposal. She reiterated that there had been a departure from the original proposals and highlighted the significance of what was now proposed particularly with a lack of acknowledgement of the community links and the boundaries, and no proper application of the rules. Falkirk Council, due to its size and geography, worked well as two discrete units of Falkirk East and Falkirk West. These constituencies have been well established, with voters clearly knowing with which constituency and MSP they are able to identify.
49. The use of the motorway as a boundary splitting the council ward 3 (Denny and Banknock) was again highlighted as a source of concern with voters already thinking that services will change as a result. A significant amount of work will be required to give them reassurance that they will still be able to access the services they have obtained from Falkirk Council. The identity of the community is lost. Denny and Banknock is not reflected in the name of the constituency and voters will feel very

much on the periphery and very much marginalised.

50. So far as the changes in Linlithgow and Falkirk South were concerned there are a number of organisational challenges with Falkirk Council having to deal with two local authorities and two other joint valuation boards, not to mention the elected representatives having to deal with more than one council, councillors from other local authorities, more than one health board, increased workload and the likely staffing implications for MSPs and implications for the public purse. She was not aware of any other local authority in a similar position to Falkirk.

51. Finally she reiterated concerns over the names of the proposed new constituencies and asked the Commission to give further consideration to leaving Falkirk within the existing two constituencies of Falkirk East and Falkirk West, which, unusually had the unanimous support all councillors on Falkirk Council.

*Anne Benton*

52. The inquiry next heard from Anne Benton who felt there had been inadequate consultation on the proposals and that the rules appeared to conflict. She called for further debate and sought assurances that services would not be affected locally. She called for further explanation of the proposals and felt that she had not been made fully aware of the implications involved before attending the inquiry. She reiterated concern regarding the severing of local ties and the loss to the identity of the community of Banknock.

53. As Chair, I took the opportunity of explaining again my role and the purpose of the inquiry which was to listen to the views of those present and to provide an evidence base for this report. In response to her concerns about costs it was explained that the

Commission was fulfilling a statutory duty to ensure electoral equality.

*Euan Stainbank MP for Falkirk (Labour)*

54. The inquiry then heard from Euan Stainbank, Member of Parliament for Falkirk who was a councillor for the Falkirk South ward from May 2022 to August 2024, which was the primary capacity in which he was contributing to the consultation. In principle he was in agreement with the objections lodged by Falkirk Council and endorsed the positions articulated by the council leader and the Chief Governance Officer. He also endorsed the additional objections added by Councillor Kelly which took account the acute impact this will have on Banknock, Haggs and Longcroft.
55. In his view these were reactive changes following concerns elsewhere and which came at the organisational, logistical and democratic detriment to the people of Falkirk.
56. In relation to national population shifts he observed the growth of population is higher in West Lothian and lower in North Lanarkshire but is substantial further east towards boundaries with the authorities of Edinburgh, Midlothian and East Lothian raising questions as to why Falkirk is being subdivided and to what extent the census results had been considered.
57. He echoed the concerns raised around the proposed constituency names and severance of local ties.
58. Turning to the inconvenience of this alteration, he said there had been a lack of cognisance of the recent UK boundary change across the Falkirk area. There is already substantial voter and constituent confusion as was articulated by Councillor Meiklejohn and Mr Moodie but there has also been subsequent voter confusion,

especially from the Larbert and Stenhousemuir areas, leaving voters unsure of who is representing them and that turns to the point about accountability and accessibility. Overall there has been inadequate regard for local circumstances and there is a lack of a sufficient rationale for this to be accepted by the representatives of the people of Falkirk.

*Helen Hancock*

59. The inquiry then heard from Helen Hancock , who again voiced strong opposition to the Revised Proposal insofar as it affected Banknock, Haggs, Longcroft. In her opinion this was a community which ought not to be divided. She expressed concern that there had been a lack of publicity about the proposals and felt that the meeting would have had more attendees if they had known about the proposals.

*Michael Matheson MSP Falkirk West (SNP)*

60. Michael Matheson MSP has served the constituency since 2007. He served first as a regional MSP before becoming the MSP for Falkirk West.

61. In his view the initial proposals were correct for both Falkirk West and Falkirk East. On behalf of his own constituents he submitted that the Falkirk West constituency meets the quota set out by the Commission and also it meets the criteria for establishing constituencies. It was clear that the Commission had met with challenges in the west of Edinburgh and also in the Clydebank area and in order to try and resolve those have sought to make changes to Falkirk West and Falkirk East in a way which is unacceptable.

62. It is becoming increasingly complex for the electorate to navigate the various

politicians representing their communities in different settings. Proportional representation for local government results in multi-member wards. There are Scottish Parliament constituency MSPs and regional MSPs and MPs at Westminster. Over the course of the last 25 years as an elected member from constituents it is clear that at times voters are confused over who exactly represents what on a particular issue. It is important that we try to simplify the process of electoral representation in order to ensure that the electorate feel that they have accountability over the elected members. The Revised Proposals that have been brought forward for the Falkirk West constituency have the danger of making it even more complex for constituents in the Banknock, Haggs, Longcroft and the Denny and Dunipace areas.

63. The Revised Proposals take very little account of the historical links within the areas of Denny, Dunipace, Haggs and Banknock. Many of the organisations that will provide statutory services within these areas such as the health board, the local authority or the police are all organisations which are, by and large, Falkirk based or Falkirk facing organisations and for many in these areas, they will be dependent upon these organisations to meet their needs as and when they require them. Sometimes when these organisations don't get it right and when people feel that their needs are not being met, they will approach their elected representatives in order to make representation to them. A key part of doing an MSP's job and serving constituents well is having good connections to organisations such as the local authority, the health board and other bodies such as the police in order to engage directly with them. If the changes in Banknock were to go ahead, an MSP who is predominantly dealing with North Lanarkshire Council and Lanarkshire Health Board, will probably have strong links there but it becomes more difficult to have the same links with

Falkirk based organisations when they only cover a very small part of the constituency. Historical links in these areas go beyond that of the statutory agencies and the complexity that goes with some of that as was set out by Colin Moodie. Many of the voluntary and community based organisations in areas such as Banknock, Haggs, Denny and Dunipace will have natural links to organisations and communities within their area but it is not unusual for community based organisations in the Denny and Dunipace areas to have very strong links to Bonnybridge and out to Longcroft and to Haggs and to Banknock. Likewise, it is not unusual for community based organisations in Banknock, Haggs and Longcroft and Denny and Dunipace to have very strong links into Falkirk. It becomes increasingly difficult to explain to community based organisations in these areas why they would then be forced into a Parliamentary constituency that was titled to Cumbernauld and Kilsyth. Even by adding the name Denny and Dunipace onto the constituency name will make no sense to those who work and support the community in these areas.

64. The division which has been created by the Commission is based upon, by and large, the motorway cutting through Denny and Banknock. Communities are not defined by physical boundaries such as motorways. He supported a return to the original proposals as set out by the Commission in retaining the existing boundary of Falkirk West and Falkirk East. Challenges because of population changes in other parts of the country, should not be imported to Falkirk.

65. In response to a question from the Chair regarding delivery of equal treatment of all constituents across different health, local authority and police operational areas and the practical challenges attendant upon that, the MSP explained that a common issue was in relation to health care. NHS Forth Valley operate a regular briefing session for

MSPs and MPs who represent their area, briefing on financial, service, and service change issues, in order that they have advance notice of it. Very often those meetings present an opportunity to question the health board, to challenge them, to then ensure that the representative understands the circumstances properly to enable the MSP to inform concerned constituents. The challenge inherent in putting Banknock and Denny and Dunipace into a bigger constituency is that the bigger constituency is dominated by NHS Lanarkshire and North Lanarkshire Council and the reality is that the MSP will spend less time engaging with the parts of the constituency, comprising a smaller part of the population because the demand from that area is less. Given time constraints the MSP's predominant involvement will be with the Council responsible for delivering services to the majority of the constituents. In reality the MSP will probably spend most of their time going to the Lanarkshire Health Board meetings rather than the Forth Valley Health Board meetings because the majority of the case work they will get will come from Lanarkshire Health Board area. The MSP will become much better informed and make much better representations in Parliament about what NHS Lanarkshire is doing than about what is happening within NHS Forth Valley.

66. Currently he was in a position where regular reviews with NHS Forth Valley provided good insight and a good understanding on exactly what the challenges are and what their plans are going forward. In turn this facilitated good relationships between constituency office staff and staff in areas such as patient relations in trying to get matters resolved for constituents. He added, "Sometimes it's not about a formal letter. Sometimes in my office it's a case of picking up the phone and speaking to someone within the Health Board at a decision making level to get an issue resolved.



But if the bulk of your constituents by a significant amount come from a different Health Board area you will not have the same relationship and you will not have the time and opportunity to build up the relations that are necessary in order to try to represent your constituents as well as you can.”

67. The same issue would prevail in relation to the Council when some constituents would be served by Falkirk Council but the majority by North Lanarkshire Council. The likelihood is that the MSP is not going to be able to build up those relationships in the same way which will allow representations to be made for the constituents as quickly and as readily as they currently are.
68. In summary the proposals will result in a dilution of the effectiveness of the MSP if they have to spread their time between different responsible authorities and bodies. This will become quite marked in the Banknock and the Denny and Dunipace area because it will be a small part of a much greater constituency where the vast majority of the population will be in the Cumbernauld and Kilsyth areas and, as a result, it will dominate the case work of the constituency office for the elected representative for that constituency if the proposed boundary changes go ahead.

*Anne Hannah Falkirk Councillor for the Lower Braes Ward and Leader of the Labour Group*

69. As the councillor for the Lower Braes ward and the leader of the Labour group on Falkirk Council Anne Hannah adopted the written report to the Boundary Commission on the views from the Labour group. She stressed the importance of communities and expressed her concern about trying to explain why changes were being proposed at this stage when none were originally contemplated. While

recognising the difficult job that the Commission has to do in terms of fulfilling the remit it has, she submitted that in this particular case, the way in which it has gone about it is entirely wrong and failed to pay due regard to Rule 1. With regard to Rule 2 Falkirk East and Falkirk West came close to matching the quotas for the numbers of constituents and, therefore, did not need to be interfered with. People understand council boundaries and the associated services provided. However the same could not be said of constituency boundaries. Alluding to problems during the 2024 general election, people in Stenhousemuir could not understand why they got leaflets for Alloa and Grangemouth when they considered themselves part of Falkirk and people in Bo'ness didn't understand why they were getting leaflets from Linlithgow and Bathgate. Voter engagement is going to be damaged by what is proposed.

70. It has been identified that there is a lack of ties between Linlithgow and Edinburgh. However the ties between Linlithgow and Edinburgh are far stronger than the ties between Linlithgow and Falkirk. She invited the Commission to reconsider, and to go back to the original proposal rather than disadvantage the people of Falkirk, to deal with issues elsewhere.

*Margaret Grant*

71. The final contribution in the afternoon session came from Margaret Grant, a resident of Banknock who spoke on behalf of neighbours and friends who are from Banknock, Haggs, Dunipace and Denny. She expressed concern that the residents had only recently discovered about the proposals and this had engendered a degree of panic on the basis that it was understood that services would now be delivered from North Lanarkshire rather than Forth Valley. Having been reassured that services would not

be impacted she made the point that travelling to vote would be expensive if not impossible and that people from Denny look more to Falkirk than they do to Cumbernauld.

72. There was a short adjournment before the evening session which was attended predominantly by local people.

*Maureen and John Yeats*

73. The inquiry heard from Maureen and John Yeats who had attended in order to gain a better understanding of what was proposed. They were residents of the Banknock area. Their main concern was that the village would lose its identity given the absence of any alignment with Cumbernauld.

*Patricia Walker and Derek Walker*

74. The inquiry heard from Patricia and Derek Walker who were from Higgs and had attended with similar concerns. Their primary objection was based on the belief that health and local authority services would be impacted by the proposals. Ms Walker underlined the importance of community and her wish to remain in Falkirk Council. It was explained that the boundary changes related solely to representation within the Scottish Parliament but were nevertheless important to the local areas affected. It was clear that, in common with other private individuals who had attended the afternoon session, there had been limited understanding amongst local people who had for one reason or another only recently become aware of the proposals and had not fully understood the implications for them. This is not a matter for my report but no doubt one which will be taken on board.

75. In a very helpful submission Dale Robb explained that there had been extensive communication but that there had clearly been some breaks in the chain. She was of considerable assistance in explaining to the meeting that the proposals would not affect the Council boundaries but would mean that some constituencies would be covered by more than one Council area.

### **Overview of Issues**

76. If the Revised Proposals achieve one thing that is complete unanimity in Falkirk Council. There was no dissent from any councillor to the forceful opposition advanced to the Revised Proposals. The significance of this cannot be overlooked in the context of the strength of local feeling and the sense of community which prevails in the Falkirk area across all three affected constituencies.

77. From the evidence gathered in the written and oral submissions to the inquiry there were a number of persistently emerging themes which were all related to concerns about the breaking of long established ties and the perceived failure to adhere to Rule 1, which required significant weight to be attached to existing council boundaries. The Councillors, officials and in particular the MSP, Michael Matheson were able to articulate the acute, practical difficulties which the Revised Proposals would occasion. Of paramount importance is the near certainty of dilution of representation for the electorate which is precisely the opposite of what the Commission is setting out to achieve.

78. The key issues embedded within the submissions were: -

- **Deviation from the Provisional Proposals and the perception that the motivation behind the Revised Proposals was to accommodate objections elsewhere.**

A consistent theme emerged to the effect that Falkirk should not be disadvantaged in order to resolve problems elsewhere. It was clearly the view of many that the purpose of the Revisals was to address concerns in Clydebank and the west of Edinburgh rather than to deal with any substantive issues in the three constituencies which were the subject of the inquiry. The fact that the original proposals made no changes served to underline the fact that the electoral numbers were broadly acceptable although the existing Cumbernauld and Kilsyth consistency was under populated. This led to questions regarding the motivations for the change which seemed to significantly impact communities who already saw themselves as marginalised and disadvantaged. What is proposed now is quite radical. It was questioned why such fundamental changes were being proposed at this juncture when no change had been thought necessary at the time of the original proposals.

- **Lack of adherence to Council Boundaries and the application of Rule 1**

The Revised Proposals divide Falkirk Council area across three constituencies while the two current constituencies sit within the area and are close to the electoral quota. The Commission was reminded of the pre-eminence of Rule 1 to the effect that regard must be had to the boundaries of local government areas. The issue is most starkly demonstrated in the proposed Cumbernauld and Kilsyth constituency where a small minority of the electorate will be served by Falkirk Council with the remainder being dealt with by North Lanarkshire Council. Similarly, the proposed changes to the Linlithgow and Falkirk South constituency will involve cross border cooperation between councils and will present challenges for MSPs.

- **Effect on local ties**

The Revised Proposals break local ties with Denny and have caused particular concern to the residents of Banknock, Haggs and Longcroft. Almost all of the submissions from individuals focussed on the consequences of severing long standing community ties. The villages of Banknock, Haggs and Longcroft consider themselves to be one community served by many of the same facilities. They do not align themselves with Cumbernauld and highlighted the very practical problems of even getting there. Similarly Denny has employment, commercial and social links with Falkirk. It does not look to Cumbernauld. Aligning Denny with this constituency overlooks not only the geographical but also the practical realities. The perception that the boundary has been fixed with regard to the motorway underlined concerns about awareness of the strength of the sense of community in these areas and the common interests which they share. Similar concerns were expressed in the online responses in relation to the lack of local ties between Falkirk and Linlithgow which looks towards Edinburgh and West Lothian.

- **The proposed names of the new constituencies are not representative and cause confusion.**

The proposed Falkirk North and Linlithgow and Falkirk South constituencies include the names of current Falkirk Council Wards which will be confusing to the electorate. While it was felt by some that adding the name of Denny to the Cumbernauld and Kilsyth constituency might assist, the general feeling was that this would not address any feelings of loss of identity. The existing names better represented the geographical characterisation of the constituencies.

- **Dilution of MSP representation as articulated by Michael Matheson MSP**

In a strong and persuasive submission the reality for the MSP chosen to represent the cross boundary constituencies was explained. This is a fundamental issue as it goes to the core of the Commission's aims to secure fair representation for all in the Scottish Parliament. The requirement to forge the necessary links with officials in two local authority areas, two police organisational areas and two health authority areas will result in MSPs spreading themselves too thinly to the detriment of the electorate whom they are there to represent.

- **Challenges of administering elections and electoral confusion**

These were clearly articulated by Colin Moodie. Voters in Falkirk South will vote for an MSP in Falkirk North, an MP in Falkirk and a councillor in Falkirk South. Voters in Bo'ness, Blackness, Grangemouth, Lower and Upper Braes will all vote in a constituency named Linlithgow and Falkirk South and voters in Denny and Banknock will be voting in a constituency named Cumbernauld and Kilsyth. Those names do not reflect the areas that are included in the constituencies and will lead to voter confusion. A further example of the potential problem arises in Banknock where in one polling station serving one community there will be two ballot boxes with some voters voting in Cumbernauld and Kilsyth and some voting in Falkirk North. Administrative challenges would inevitably result in voter apathy and a lack of accountability by elected representatives.

79. Apart from retaining the status quo there is no clear solution which suggests itself. I have considered whether to make recommendations, but I do not see any clear method of meeting the conflicting aims of maintaining local authority boundaries, historic ties, communities and shared interests, and keeping the electoral quota within a tolerable

range of the 59,902 figure, especially in Cumbernauld and Kilsyth. No viable counter proposal was advanced apart from retaining the current constituencies as envisaged in the Provisional Proposal. The strength of feeling around community ties, the demonstrable practical disadvantages for the MSP, the potential for voter confusion and the artificial geographical divisions which manifested themselves in the course of the inquiry would seem to favour the status quo.

80. Ultimately the decision is one for the Commission in the exercise of its statutory discretion but the overwhelming message delivered suggests that this might well be a situation where Rule 4 could be legitimately invoked and the present arrangements maintained in the interests of the communities affected and the electorate in these three constituencies as a whole.

REPORTED BY

G. A. Wade KC





## **Appendix I**

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

Alf Kelly, Falkirk Councillor for Denny and Banknock (Labour)

Colin Moodie, Falkirk Council – Chief Governance Officer

Cecil Meiklejohn, Falkirk Council Leader – Falkirk North Ward (SNP)

Anne Benton

Euan Stainbank - MP for Falkirk (Labour)

Helen Hancock

Michael Matheson - MSP Falkirk West (SNP)

Anne Hannah - Falkirk Councillor for Lower Braes Ward (Labour)

Margaret Grant

Maureen and John Yeats

Patricia Walker and Derek Walker

Dale Robb - Elections Manager Falkirk Council

## Appendix II

