

# Boundary Commission for Scotland



## Annual Report 2011-12

[www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk)



## Deputy Chairman's foreword

This year, the Commission has been fully engaged on its Sixth Review of UK Parliament Constituencies. This review is the first to take place after the substantial revisions to the governing legislation which were made by the Parliamentary Voting System and Constituencies Act 2011. At the start of the review, our Secretariat liaised closely with the other parliamentary Boundary Commissions to confirm the allocation of constituencies between the different parts of the United Kingdom arising from the legislation and the specified electorate data.

During 2011, we developed our Initial Proposals for constituencies across all of Scotland, and having done so exposed them to public scrutiny during public consultation periods and Public Hearings. At the time of writing, we are now embarking on our examination of all of the evidence which has emerged from that public consultation, and deciding on any resulting revisions to our proposed constituencies.

During this review, we took the step of publishing the minutes of our meetings and our discussion papers at the same time as we published our Initial Proposals. We did so in the belief that it will contribute to understanding of and engagement with the review, and from comments made by others, we feel vindicated in that belief.

We look forward to completing the remaining stages of this review, and submitting our recommendations for constituencies to the Secretary of State for Scotland for implementation by Parliament.



The Hon Lord Woolman  
Deputy Chairman, Boundary Commission for Scotland  
April 2012



# Boundary Commission for Scotland

## Annual Report 2011-12

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This report covers the period 1 April 2011 to 31 March 2012. Copies are available from our website [www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk), or by request from our Secretariat.



# 1 The Commission

## Background

The Boundary Commission for Scotland was established in its current form by the Parliamentary Constituencies Act 1986.

Our duties and powers are detailed in the 1986 Act and in Schedule 1 to the Scotland Act 1998. We are responsible for reviews of:

- constituencies in Scotland for the United Kingdom Parliament
- constituencies and regions for the Scottish Parliament

We are an advisory Non-departmental Public Body (NDPB) sponsored and wholly funded by the Scotland Office. We are an independent and non-political body.

### 1.1 Membership

The 1986 Act specifies that our membership comprises a Chairman, Deputy Chairman and two further Commissioners. In addition, the Act specifies that our officers shall include two ex-officio Assessors.

#### 1.1.1 Chairman

The ex-officio Chairman of all four of the parliamentary Boundary Commissions in the United Kingdom is the Speaker of the House of Commons, as specified by the 1986 Act. In practice, the Chairman takes no active part in the business of any of the Commissions.

#### 1.1.2 Deputy Chairman

The Deputy Chairman is a judge of the Court of Session, appointed by the Lord President of the Court of Session, as specified by the 1986 Act. The Deputy Chairman is currently the Honourable Lord Woolman who was appointed on 1 January 2009 for a 4 year term ending on 31 December 2012.

#### 1.1.3 Commissioners

The Commissioners other than the Chairman and Deputy Chairman are appointed on a term basis through open competition using the procedures laid down by the Office of the Commissioner for Public Appointments. Appointments are made by the Secretary of State for Scotland.

The current Commissioners are:

- Kenneth McDonald, re-appointed until 6 June 2015, having originally been appointed on 7 June 2007 for a 4 year term;
- Mrs Paula Sharp, appointed until 31 December 2014, having been appointed for a 4 year term starting on 1 January 2011.

Mr McDonald and Mrs Sharp are also members of the Local Government Boundary Commission for Scotland, and we find that having members in common with that Commission is very helpful.

#### 1.1.4 Assessors

Our two ex-officio Assessors are the Registrar General for Scotland and the Director General of Ordnance Survey. The Registrar General, George Mackenzie, attends our

meetings in person having taken up his post on the retirement of Duncan Macniven in August 2011. We are very grateful to Mr Macniven for all of his contributions as an Assessor since 2003. The Director General of Ordnance Survey has appointed Graham Little to attend on her behalf.

## 1.2 Meetings

We met on 10 occasions in 2011-12. Minutes of meetings are placed on our website.

We also were represented at the annual meeting of the UK Boundary Commissions in Belfast on 14 and 15 December 2011. The meeting provided an excellent chance for the Commissions to learn from each other's experience.

## 1.3 Code of Practice

We have a Commissioners' Code of Practice which we agreed in August 2008, and most recently revised in July 2011. The Code of Practice is available on our website, or a copy can be provided on request.

## 1.4 Register of Commissioners' Interests

We maintain a Register of Interests of Commissioners, in accordance with the Commissioners' Code of Practice. The Register of Interests is available on our website, or a copy can be provided on request.

## 2 Secretariat

We are supported by a small Secretariat. Schedule 1 to the Parliamentary Constituencies Act 1986 provides that the Secretary of State shall appoint a Secretary to the Commission. The Secretary, who is the Secretariat's senior officer, is normally a civil servant assigned from the Scottish Government, and the Secretary of State is invited to approve the appointment following a recommendation by Scotland Office senior management.

The work of the Secretariat includes:

- facilitating boundary reviews;
- dealing with the everyday administrative matters relating to our business, such as finance, purchasing and accommodation;
- liaising with other UK Commissions and government departments with an interest in boundary matters;
- responding to general and other correspondence concerning boundary issues.

The Secretariat is headed by the Secretary, Dr Hugh Buchanan, who has been in post since October 2007.

Staff of the Secretariat are assigned from the Scottish Government. The number of staff assigned is dependent on the volume of review activity and the need to develop, maintain and update information systems and respond to enquiries etc. During the year 2011-12, the assignment of Secretariat staff to support this Commission was as follows:

Post	Full-time equivalent
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Secretary	0.50
Casework Managers	1.58
Casework Officers	1.80
IT Manager	0.50
General Office Manager	0.50
<b>Total</b>	<b>4.88</b>

Staff members are employed on a full-time basis, with their time allocated between support for us and for the Local Government Boundary Commission for Scotland, which is responsible for reviewing electoral ward and local authority areas in Scotland. The Secretariat is funded separately by the Scottish Government for its work supporting the Local Government Boundary Commission for Scotland.

## 3 Governance

### 3.1 Legislation – UK Parliament reviews

Our reviews of UK Parliament constituencies are governed by the Parliamentary Constituencies Act 1986 which has been amended several times since its passage, most recently by the Parliamentary Voting System and Constituencies Act 2011. The current text of the legislation, incorporating current amendments, is available from our website, or a copy can be provided on request.

The Act specifies that the number of UK Parliament constituencies shall be 600, and specifies how the number of constituencies in each of Scotland, England, Northern Ireland and Wales shall be calculated, based on the numbers of electors in each part of the United Kingdom.

The rules require that the electorate of each constituency shall be within 5% of the average electorate of mainland constituencies in the United Kingdom. In Scotland, exceptions are made for the Orkney and Shetland islands and Na h-Eileanan an Iar (the Western Isles), and for any constituency larger than 12,000 square kilometres. In addition, no constituency can be larger than 13,000 square kilometres. So long as a constituency satisfies these numerical requirements, we are also able to take into account:

- special geographical considerations, including the size, shape and accessibility of a constituency;
- local government boundaries;
- boundaries of existing constituencies;
- local ties that would be broken by changes to constituencies

The main steps of a review of UK Parliament constituencies are as follows:

- we develop our Initial Proposals;
- we publish those Initial Proposals for 12 weeks of initial public consultation;
- we hold Public Hearings between weeks 5 and 10 of the consultation period;
- we publish responses received during the initial public consultation, and transcripts of the Public Hearings, for public comment for a secondary consultation period of 4 weeks;
- we consider all evidence received during the initial and secondary consultation periods, and produce Revised Proposals as necessary;
- we publish any Revised Proposals for 8 weeks of public consultation;
- we consider any further responses made and amend our recommendations as necessary; and

- we submit our report to the Secretary of State for Scotland.

The legislation specifies that we have to report on this review of UK Parliament constituencies by 1 October 2013 and that future reviews are to be carried out every 5 years.

### **3.2 Legislation – Scottish Parliament reviews**

Our reviews of Scottish Parliament boundaries are governed by Schedule 1 to the Scotland Act 1998. The current text of the legislation, incorporating current amendments, is available from our website, or a copy can be provided on request.

The Scotland Bill is currently being considered by the UK Parliament, and is expected to receive Royal Assent in May 2012. The Bill primarily deals with other matters, but proposes a number of technical amendments to Schedule 1 to the Scotland Act 1998. These amendments are minor, and will make no practical difference to our reviews of Scottish Parliament boundaries.

The 1998 Act specifies that there shall be 73 Scottish Parliament constituencies and 8 Scottish Parliament regions. 2 constituencies are specified as being the Orkney Islands and the Shetland Islands.

For the rest of the constituencies, there are a series of rules which require that:

- regard must be had to local government boundaries;
- the electorate of each constituency must be as close to the average as is practicable;
- we may depart from the preceding rules if special geographical considerations, including the size, shape and accessibility of a constituency make that desirable;
- we must take into account inconveniences attendant on alterations to constituencies and local ties that would be broken by changes to constituencies.

The main steps of a review of Scottish Parliament boundaries are as follows:

- we develop our Provisional Proposals;
- we publish our Provisional Proposals for 1 month of public consultation;
- we hold Local Inquiries where necessary;
- we consider all responses received during the consultation and the reports from any Local Inquiries and produce Revised Recommendations as necessary;
- we publish any Revised Recommendations for 1 month of public consultation;
- we consider any further responses received during the consultation and produce Further Recommendations as necessary;
- we publish any Further Recommendations for 1 month of public consultation; and
- we submit our report to the Secretary of State for Scotland.

The legislation specifies that Scottish Parliament reviews are to be carried out every 8 to 12 years. We completed our most recent such review in 2010 and the boundary changes took effect for the Scottish Parliament election in May 2011.

### **3.3 Financial Memorandum**

We operate within a Financial Memorandum issued by the Scotland Office, most recently updated in July 2011. It is available on our website, or a copy can be provided on request.

### **3.4 Data protection**

Our handling of personal information under the Data Protection Acts is covered by the Ministry of Justice's registration with the Information Commissioner's Office, through the Scotland Office.

We have a Privacy Policy for handling any personal information contained in representations made during public consultations on our proposals.

### **3.5 Equality issues**

We have an Equality Statement which sets out our approach to equality and diversity issues. The Statement is available on our website, or a copy can be provided on request.

## **4 Enquiries and public information**

We use our website to inform the public about our work. In addition, the Secretariat responds to requests for information made by email, letter or phone.

### **4.1 Enquiries**

We have a Freedom of Information policy which incorporates the Information Commissioner's Office model publication scheme for public bodies under the Freedom of Information Act 2000. Our Freedom of Information policy and the model publication scheme are available on our website, or a copy can be provided on request.

During 2011-12, the Secretariat received and responded to 49 enquiries relating to us and our work. Of these, 6 stated that they were being made under the Freedom of Information Act. No requests for review or appeals to the Information Commissioner's Office were made regarding our handling of information requests. Enquiries are reviewed to assess whether they indicate possible improvements or additions to our website.

### **4.2 Website**

Our website remains a primary means for us to make information available. We update the website with all material which we publish.

### **4.3 Information Papers**

We made one addition to our set of Information Papers during the year by adding a paper summarising the 3 sets of European constituencies which the Commission was responsible for designing between 1979 and 1999. The Information Papers are available on our website, or a copy can be provided on request.

### **4.4 Review information**

During a review, we publish information on our proposals at display points which we agree with local authorities, typically libraries and council offices.

We publish the minutes and meeting papers of our meetings on a staged basis during a review. Thus, we publish the minutes and meeting papers relating to our decision-making on our Initial Proposals for constituencies after those Initial Proposals have been published for consultation, and publish the final set of minutes and meeting papers relating to a review when we submit our report to the Secretary of State for Scotland.

## 5 Review activity

### 5.1 UK Parliament constituencies

During the year, our main activity has been our *Sixth Review of UK Parliament Constituencies* the start of which we announced on 4 March 2011 at the same time as the other UK Boundary Commissions. This is the first review to be conducted under the amended legislation passed by Parliament in 2011. We have published a *Policies and Procedures* booklet which explains our approach to the review.

The number of constituencies in the United Kingdom to result from that review is 600. The number of constituencies in Scotland, and in each of the other home countries, is calculated in proportion to each country's parliamentary electorate on 1 December 2010. As a result of that calculation, there will be 52 constituencies in Scotland resulting from the review, and the legislation specifies that 1 constituency will cover the Orkney and Shetland islands, and another constituency will cover Na h-Eileanan an Iar (the Western Isles). The remaining 50 constituencies in Scotland will result from our deliberations and recommendations.

At the start of 2011-12, the legislation governing the review had recently been finalised, and the electorate data for the review published. We decided that one of our objectives in the review was to minimise the number of constituencies which comprise parts of more than one council area. To assist with this objective, we started our work by considering how we could group council areas across all of Scotland for the purpose of constituency design in such a way that a whole number of constituencies could be designed to exactly cover the combined extent of the council areas. Having done so, we then considered constituency design for each group of council areas in turn, bearing in mind that constituency design might demonstrate that we needed to alter our groupings of council areas.

It was clear to us that since electoral wards in Scotland have an average electorate of around 10,000 it was likely that a number of wards would have to be divided between constituencies. To do so while ensuring that we followed the legislative requirements on electorate meant that we needed an accurate means of counting electors within wards. We achieved this by using the postcode recorded against each elector in the electoral register, together with mapping provided to us by the National Records of Scotland showing the extent of each postcode.

At our monthly meetings, we considered each area of Scotland in turn, and finalised our Initial Proposals at our meeting in September 2011. We published these Initial Proposals for public consultation between 13 October 2011 and 4 January 2012. At the same time as we published our Initial Proposals, we also published all of our meeting papers and the minutes of our meetings up to that point in the review.

We wished to ensure that our Initial Proposals were as widely available as practicable. To assist with this, we commissioned a web-based consultation website

to allow users to view our proposals against an interactive map background. The website also allowed users to submit their comments on our proposals.

As part of the initial consultation process, we held 5 Public Hearings in Edinburgh, Glasgow, Lanark, Inverness and Dundee during November 2011. These Public Hearings were chaired on our behalf by Sheriffs Principal who are senior Scottish judges. Each of those Public Hearings could have lasted up to 2 days, but we were able to ensure that everyone who wished to speak could be heard during the first day of each Hearing.

During the initial consultation period, we received around 500 comments on our Initial Proposals. This was substantially fewer than we expected: at our most recent previous review, we received some 5,000 responses. As a result, the staff resources required to handle and analyse these responses is lower than anticipated.

The legislation requires that we publish all of the responses received during the initial consultation, along with records of the Public Hearings, for a secondary consultation period of 4 weeks. That secondary consultation period took place from 1 to 28 March 2012.

At the end of the year covered by this Annual Report, we are about to start our consideration of all of the evidence received which will allow us to decide what changes may be required to our Initial Proposals in order to form our Revised Proposals.

## **5.2 Scottish Parliament boundaries**

Our most recent review of Scottish Parliament boundaries was our *First Periodic Review of Scottish Parliament Boundaries* whose recommendations were enacted in full by the Scottish Parliament (Constituencies and Regions) Order 2010 (SI 2010/2691). The resulting constituencies and regions were used in Scottish Parliament election which took place on 5 May 2011, and we were pleased to note that there were no significant difficulties in implementing the new boundaries.

We note the implementation on 1 April 2011 of the recommendations of a review by the Local Government Boundary Commission for Scotland of the boundary between East Dunbartonshire and Glasgow City council areas at Princes Gate and Greenacres by Robroyston. As a result, the Scottish Parliament constituency boundary resulting from our First Periodic Review of Scottish Parliament Boundaries no longer aligns with the council area boundary in that vicinity. We will decide whether to conduct an interim review of the boundary in that area in time for the next Scottish Parliament elections which are expected in 2016.

## **6 Other activities**

### **6.1 Accommodation**

The Secretariat is accommodated in Thistle House, near Haymarket, Edinburgh. Thistle House is a Scottish Government building, but the Secretariat continues to ensure that our political independence remains clear.

### **6.2 Risk Management**

We have developed a Risk Management policy covering our work and the work of the Local Government Boundary Commission for Scotland.

### **6.3 Staffing and training**

During the year, the Secretariat has recruited permanent staff to a number of posts which were vacant. Training has continued to meet staff and review requirements.

### **6.4 Liaison with others**

#### **6.4.1 Scotland Office**

We continue to have regular contact and dialogue with the Scotland Office as our sponsoring department.

#### **6.4.2 Ordnance Survey**

The Secretariat continues to work with Ordnance Survey to ensure that we have access to the optimum set of mapping data products to support our work, and that we receive technical advice on the deployment of those products. The Secretariat and Ordnance Survey continue to work together to ensure the smooth flow of accurate information about our decisions, so that they can be included in Ordnance Survey's products. The licensing of Ordnance Survey data to Scottish public bodies is covered by an agreement, known as the One Scotland Mapping Agreement, and the Secretariat has participated actively in the management and implementation of that agreement.

#### **6.4.3 National Records of Scotland**

The Secretariat liaises regularly with staff of the National Records of Scotland (formerly the General Register Office for Scotland) on shared interests concerning geographic information and electoral statistics.

#### **6.4.4 Office for National Statistics**

The Secretariat continues to liaise with the Office for National Statistics (ONS).

#### **6.4.5 Other organisations**

The Secretariat maintains and develops contacts with the Association of Electoral Administrators, the Scottish Assessors' Association Electoral Registration Committee, the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), the Society of Local Authority Chief Executives (SOLACE), the Electoral Commission and other UK Boundary Commissions. This has been through attendance at meetings of the Scottish and Northern Ireland Branch of the Association of Electoral Administrators, the Electoral Commission's Political Parties Panel in Scotland, liaison meetings with other UK Boundary Commissions and email correspondence.

## 7 Expenditure

Our expenditure for the year 2011-12 is set out under broad headings in the table below. After agreeing the initial budget with the Scotland Office, the Secretariat re-forecasts expenditure during the year, and keeps the Scotland Office informed of the likely expenditure for the year. Any required resources have to be approved by Parliament.

<b>Financial Performance April 2011 - March 2012</b>		
	<b>Budget (£)</b>	<b>Actual (£)</b>
Staff salaries	181,006	160,147
Commissioners' fees	24,000	23,253
Accommodation	12,650	9,707
Administration	19,578	7,774
Mapping	39,848	39,000
Travel and subsistence	2,070	956
Review costs	242,000	87,536
<b>Total</b>	<b>521,152</b>	<b>328,373</b>

### 7.1 Staff salaries

Salary costs are determined by the pay arrangements for our staff, who are employees of the Scottish Government. The underspend during 2011-12 on staff salaries arose from the lower than expected public response to our Initial Proposals. As a result, when staff vacancies have occurred, we have not filled those posts immediately.

### 7.2 Commissioners' fees

Commissioners' fees are determined by the Secretary of State for Scotland and cover attendance at all of our scheduled meetings and associated preparation, meetings held with other UK Boundary Commissions and ad hoc meetings held with other bodies. Commissioners' fees are paid on a per diem basis. The fee rate for Commissioners from 1 April 2011 has been unchanged from the previous year as £505.50 per day.

### 7.3 Accommodation

We share accommodation with the Local Government Boundary Commission for Scotland. The figures shown in the above table in respect of accommodation reflect our share of rent, business rates, utilities and services such as insurance, management fees and office cleaning.

### 7.4 Administration

Administration costs include office equipment and furniture, stationery and other consumables, telephone, facsimile and email, publications and advertising, staff and Commissioner training, computer software maintenance, support and licence fees. We had anticipated renewing our main computer server during this year, but have deferred this.

## 7.5 Mapping

Mapping costs cover data licences and consumables. The chief item under this heading is the Secretariat's contribution to a collective licence between Scottish public bodies and Ordnance Survey for the use of its spatial data products.

## 7.6 Travel and subsistence

Travel and subsistence includes rail, air and car-hire costs incurred by the Secretariat and Commissioners in the course of official business. Travel and subsistence costs are paid at rates determined by the Scotland Office.

## 7.7 Review costs

Review costs cover those items directly attributable to the conduct of our boundary reviews, and include newspaper advertising and printing. For this review, we have re-examined our past practice in placing public notices in newspapers, and concluded that smaller public notices are sufficient. This has resulted in a substantial saving in advertising costs. Our Public Hearings were each completed within 1 day, when we had budgeted for 2 days each. This resulted in significant savings, particularly in the preparation of transcripts of the proceedings. This item also includes the software cost of the consultation website which we put in place for our current review.

# 8 Work programme for 2012-13

Our planned activities for 2012-13 are set out in our Corporate Plan for the period 2012-15 which is available on our website. Those activities are summarised here:

### United Kingdom Parliament Reviews

We will continue to progress the Sixth Review of UK Parliament Constituencies, on which we started work in March 2011. During 2012-13, we expect to:

- consider the evidence submitted during the public consultation on the Initial Proposals;
- develop Revised Proposals for constituencies;
- publish Revised Proposals for consultation;
- consider the evidence submitted during the public consultation on the Revised Proposals; and
- develop our Final Recommendations for constituencies, and start drafting the report of the review.

### Scottish Parliament Reviews

No activity expected.

### Other activity

During the year, the Secretariat will continue to carry out a range of activities in support of our role, including:

- facilitating our boundary reviews;
- dealing with the everyday administrative matters relating to our business such as finance, purchasing and accommodation;
- liaising with other UK Boundary Commissions and government departments with an interest in boundary matters;
- maintaining contact with Ordnance Survey and other relevant bodies on boundary related issues;
- maintaining links with organisations involved with electoral matters;

- improving and extending our published information explaining our work;
- responding to correspondence on our work and constituency boundary issues;
- providing ongoing training as appropriate to meet staff and review requirements; and
- continuing to meet all financial and other requirements of our Financial Memorandum and other key sponsorship documents.

## **9 Further information**

If you have a query which cannot be answered by this report or our website ([www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk)) please do not hesitate to contact us either by email, telephone or in writing.







Boundary Commission for Scotland  
Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HD  
0131 538 7510  
[enquiries@scottishboundaries.gov.uk](mailto:enquiries@scottishboundaries.gov.uk)