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## **LOCAL INQUIRY RELATING TO THE SECOND REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES**

**Report by Director Corporate Governance**

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### **SCOTTISH BORDERS COUNCIL**

**14 December 2023**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 The purpose of this report is to advise Members that Boundaries Scotland have arranged for the holding of a Local Inquiry into its provisional proposal regarding a Clyde Valley and Tweeddale Constituency. It also seeks the appointment of Elected Members to attend that Local Inquiry to represent the views of the Council.**
- 1.2 Boundaries Scotland is conducting its second review into Scottish Parliamentary Constituencies. It published its provisional proposals for new constituency boundaries on the 17<sup>th</sup> of May 2023. At that time, it opened a one month public consultation on the proposals it had published. That consultation ran until the end of Saturday 17 June 2023. The length of consultation is set by law.
- 1.3 At its meeting on the 25<sup>th</sup> May 2023, Scottish Borders Council received a report which invited Members to consider what, if any, response they wished to make to that consultation. In response, Members agreed to:
- “delegate authority to the Chief Executive to make a submission to Boundaries Scotland, in consultation with the Members Sounding Board, where all issues and options would be discussed.”**
- 1.4 Thereafter a Members Sounding Board was convened and a response was agreed. This was issued by the Chief Executive and is attached as the Appendix to this report.
- 1.5 Boundaries Scotland have now announced the holding of a number of Local Inquiries into their proposals. Of particular relevance to Scottish Borders Council is the fact that such a Local Inquiry will be held regarding the proposed Clyde Valley and Tweeddale Constituency. It will be held at the Peebles Hydro on the 11<sup>th</sup> January 2024. SBC is not legally obliged to attend this Local Inquiry, but this report invites Members to appoint Members to attend to ensure that its voice is heard.

## **2 RECOMMENDATIONS**

### **2.1 I recommend that the Scottish Borders Council:-**

- (a) Agrees to appoint 1 or 2 Elected Members to represent its views at the Local Inquiry;**
- (b) Agrees who those appointees shall be;**
- (c) Instructs the Director Corporate Governance to intimate to Boundaries Scotland the details of those Elected Members so they can be allocated a slot at the Local Inquiry.**

### **3 BACKGROUND**

- 3.1 As noted in the report presented to Council in May of 2023, Boundaries Scotland is an independent advisory non-departmental public body, sponsored and funded by the Scottish Government. One of its functions is to review and make recommendations for constituencies and regions for the Scottish Parliament. As required by law, it is now engaging in its second review of Scottish Parliament Boundaries. This commenced in September 2022 and in May of this year its proposals were published.
- 3.2 There are currently two Scottish Parliament constituencies which contain parts of the Scottish Borders Council Area. They are the Ettrick, Roxburgh, & Berwickshire County Constituency, comprising SBC Council Wards 4, 6, 7, 8, 9, 10 and 11, and, the Midlothian South, Tweeddale & Lauderdale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 1, 4 and part of Ward 6 of Midlothian Council.
- 3.3 No changes are proposed to the Ettrick, Roxburgh & Berwickshire County Constituency. Changes are however proposed to the current Midlothian South, Tweeddale & Lauderdale County Constituency. It is proposed that this be replaced by a proposed Clyde Valley & Tweeddale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 2 and 3 of South Lanarkshire Council. A consultation on all of its proposals took place between the 17<sup>th</sup> May and 17<sup>th</sup> June 2023.
- 3.4 Following a decision of Council on the 23<sup>rd</sup> of May to convene an Elected Members Sounding Board to formulate a response to the Consultation, a response was sent. In that response SBC objected to the provisional proposals regarding the Clyde Valley & Tweeddale County Constituency. The full response is contained in the Appendix to this report.

### **4 Local Inquiry Process**

- 4.1 Following its consideration of initial consultation responses, Boundaries Scotland can, and in some circumstances must, arrange for Local Inquiries to be held into its proposal. Where a relevant Local Authority has objected to a proposal a Local Inquiry must be held.
- 4.4 On the 15<sup>th</sup> November 2023, it announced that it would arrange for a number of Local Inquiries to be held. Those Local Inquiries will consider the following proposals:
  - East Lothian; and Midlothian North and Musselburgh;
  - Cunninghame South; and Kilmarnock and Irvine Valley
  - Bearsden, Milngavie and Clydebank North; and Dumbarton and Helensburgh
  - Glasgow Priesthill and Giffnock; Paisley and Renfrew; Renfrewshire South; and Renfrewshire West
  - Edinburgh Forth and Linlithgow
  - Clyde Valley and Tweeddale
- 4.5 The final Local Inquiry timetabled is the one for Clyde Valley & Tweeddale. It is to be held at the Peebles Hydro on the 11<sup>th</sup> January 2024 and will be heard by Sherriff Principal Ross.

- 4.6 The Local Inquiry is not an adversarial process – that is those who attend are not questioned nor cross examined by any person or party. Instead, anyone who addresses the Inquiry is given 10 minutes slot and they simply present their views to the Sherriff Principal. While it is possible that the Sherriff Principal may need to clarify a matter with the speaker, there will be no questions posed beyond that. It is understood that if an attendee wishes to present any visual material, arrangements can be made for them to do so.
- 4.7 It is important to note that there is no legal requirement for SBC to send a representative to address the Inquiry. However, it clearly presents as a significant opportunity to add weight to the written representation which has already been made. Given this opportunity, and particularly since SBC's objection meant that a Local Inquiry had to be held, it is recommended that it does send a representative to speak to the Inquiry. That representative should be an elected Member since it was their decision to object to the proposal.
- 4.8 It is also important to note that any person can contact the Boundaries Commission and ask for a slot to address the Sherriff Principal. It may be therefore that some citizens of the Scottish Borders also chose to take the opportunity to do that themselves.

## **5 IMPLICATIONS**

### **5.1 Financial**

The only costs which might arise as a result of the recommendations are possible travelling expenses for the appointed representative. This can be met from existing budgets.

### **5.2 Risk and Mitigations**

There is a risk that if Scottish Borders Council do not attend the Local Inquiry, it will face public criticism for failing to take the opportunity to present a robust position on this matter.

### **5.3 Integrated Impact Assessment**

No IIA has been completed as this is a response by Council to a consultation.

### **5.4 Sustainable Development Goals**

This consultation has no impact on any of the UN Sustainable Development Goals

### **5.5 Climate Change**

Should the proposals for a Clyde Valley & Tweeddale Constituency go ahead, there will be an increase in distances travelled when running an election. This increase will be minimised wherever possible

### **5.6 Rural Proofing**

N/A.

### **5.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

#### 5.8 **Changes to Scheme of Administration or Scheme of Delegation**

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report..

### 6 **CONSULTATION**

6.1 The Director (Finance & Procurement), the Chief Officer Audit and Risk, the Director (People Performance & Change) and Corporate Communications have been consulted and any comments will be reported to Council.

#### **Approved by**

##### **Name**

Nuala McKinlay

##### **Title**

Director Corporate Governance

##### **Author(s)**

Name	Designation and Contact Number
Nuala McKinlay	Director Corporate Governance

##### **Background Papers:**

**Previous Minute Reference:** Scottish Borders Council Meeting 23 May 2023

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