



Angus Council Area and Dundee City Council Area

Introduction

1. Angus Council area is currently covered by 2 county constituencies, part of Angus county constituency, which covers approximately 67 per cent of the electorate, and part of North Tayside county constituency, which covers the remaining 33 per cent. Dundee City Council area is currently covered by 2 burgh constituencies, which are wholly contained within the Council area, and also by part of Angus county constituency, but only some 0.4 per cent of the total electorate of Dundee Council area is in this constituency. The electorates of these constituencies at the start and end of the previous and current reviews are shown at Appendix C.

Initial Considerations

2. In forming our initial proposals for Angus Council area and Dundee City Council area we had in mind the following considerations:

2.1 At the enumeration date of June 2001, Angus Council area contained 85,805 parliamentary electors, giving the Council area a theoretical entitlement of 1.2 seats.

2.2 At the enumeration date of June 2001, Dundee City Council area contained 111,596 parliamentary electors, giving the Council area a theoretical entitlement of 1.6 seats.

2.3 The combined parliamentary electorate of Angus Council area and Dundee City Council area was 197,401, giving a theoretical entitlement of 2.8 seats.

3. We noted that, if the theoretical number of seats was rounded down, this would result in a single constituency in Angus Council area which would deviate by +23 per cent and, if rounded up to 2, the deviation would be -39 per cent. Similarly, in Dundee City Council area the deviation from the electoral quota would be +60 per cent and -20 per cent respectively. We concluded that such significant deviations from the electoral quota were unacceptable. We also concluded that providing 3 constituencies for the combined Council areas would allow for the formulation of provisional proposals for revised constituencies which, on average, would be around 6 per cent below the electoral quota. Accordingly, we decided that the combined Council areas should be allocated 3 constituencies.

4. We examined the possibility of creating a single burgh constituency contained wholly within Dundee City Council area, comprising electoral wards which focused on the River Tay, and two county constituencies which associated parts of the remainder of Dundee Council area with adjoining parts of Angus Council area. However, after detailed consideration, we concluded that it would be more appropriate to create two burgh constituencies each of which would contain electoral wards located in Dundee City Council area and Angus Council area and a single, larger county constituency covering the remainder of Angus Council area.

5. In formulating our provisional proposals, we decided that Angus Council area ward 16, where the main communication links focus towards Dundee city, could reasonably be combined with Dundee City Council area wards 1-8, 19-23 and 26-29 to form a Dundee West burgh constituency with 67,751 electors. We decided also that the remainder of Dundee City Council area, comprising wards 9-18, 24 and 25, could be combined with Angus Council area wards 17-22 to form a new Dundee East burgh constituency with 65,059 electors.

6. We further concluded that Angus Council area wards 1-15 and 23-29 should form an amended Angus county constituency with 64,591 electors.

Provisional Proposals

7. On 7 February 2002 we published our provisional proposals for 2 burgh constituencies and one county constituency in the combined council areas of Angus and Dundee City as follows:

Constituencies	Comprising	Electorate (June 2001)
Angus CC	Electoral wards in Angus Council area	
	1 Kirriemuir West	3,294
	2 Kirriemuir East	3,064
	3 Brechin West	3,218
	4 Brechin North Esk	3,121
	5 Westfield and Dean	3,141
	6 Forfar West	2,895
	7 Forfar Central	2,962
	8 Forfar East	2,766
	9 Brechin South Esk	2,589
	10 Montrose Ferryden	2,959
	11 Montrose Central	2,817
	12 Montrose West	3,089
	13 Montrose Hillside	2,996
	14 Forfar South	2,466
	15 Letham and Friockheim	3,093
	23 Arbirlot and Hospitalfield	2,903
	24 Keptie	2,875
	25 Arbroath North	2,960

26	Brothock	2,815
27	Hayshead and Lunan	2,871
28	Harbour	2,924
29	Cliffburn	2,773
	Total	64,591

Dundee East BC

Electoral wards in Dundee City Council area

9	Claverhouse	3,612
10	Whitfield	2,796
11	Longhaugh	4,007
12	Pitkerro	3,931
13	Douglas	4,198
14	Barnhill	4,194
15	Balgillo	4,447
16	Broughty Ferry	4,308
17	West Ferry	4,009
18	Craigiebank	3,750
24	East Port	3,968
25	Baxter Park	3,804

Electoral wards in Angus Council area

17	Sidlaw East and Ashludie	3,162
18	Monifieth West	3,080
19	Monifieth Central	2,952
20	Carnoustie West	3,013
21	Carnoustie Central	2,881
22	Carnoustie East	2,947

	Total	65,059
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Dundee West BC

Electoral wards in Dundee City Council area

1	Ninewells	3,792
2	Camperdown	3,871
3	Balgay	3,976
4	Lochee West	3,536
5	Riverside	4,103
6	Brackens	4,030
7	Ardler	3,003
8	Balgowan	3,852
19	Strathmartine	3,774
20	Lochee East	3,822
21	Tay Bridges	4,373
22	Logie	3,445

23	Law	3,811
26	Hilltown	4,054
27	Bowbridge	3,597
28	Stobswell	3,776
29	Fairmuir	3,757
Electoral wards in Angus Council area		
16	Sidlaw West	3,179
	Total	67,751

Representations on Provisional Proposals

8. During the statutory consultation period, we received 383 representations, including 16 petitions with a total of approximately 6,210 names, regarding our provisional proposals. Most objections focused on the following main issues:

8.1 That the whole of Angus Council area should be represented by a single constituency.

8.2 That Perth and Kinross Council area ward 18 (East Carse) should be included in the proposed Dundee West constituency.

8.3 That Dundee City Council area ward 28 (Stobswell) and ward 29 (Fairmuir) should be moved from the proposed Dundee West constituency to the proposed Dundee East constituency.

8.4 That Angus Council area ward 20 (Carnoustie West), ward 21 (Carnoustie Central) and ward 22 (Carnoustie East) should be moved from the proposed Dundee East constituency to the proposed Angus constituency.

Local Inquiry

9. As a consequence of the objection to our proposals from the local authorities, as well as the number of electors objecting, we recognised that we had a statutory duty to hold a local inquiry. As a result of the alternative proposals received from Dundee City Council which involved the transfer of Perth and Kinross Council area ward 18 (East Carse) into a constituency largely comprising part of Dundee City, we decided to hold an inquiry which covered the 4 Council areas of Angus, Dundee City, Clackmannanshire and Perth & Kinross. At our request you agreed to appoint Sheriff Principal R A Dunlop QC, Sheriff Principal for Tayside, Central and Fife, as Assistant Commissioner at the inquiry into our provisional proposals. The inquiry was held in Perth City Hall on 29 and 30 October 2002, and in the City Chambers, Dundee, on 31 October and 1 November 2002.

10. In the period up to the start of the local inquiry, the number of representations increased to 599. All the representations were seen by the Assistant Commissioner and copies were made available at the inquiry.

11. Following the inquiry, a verbatim transcript of the proceedings and the Assistant Commissioner's Report were made available on our web site.

Assistant Commissioner's Report and Recommendations

12. In his Report to us, the Assistant Commissioner noted that, at the inquiry, the matters of contention were of 2 sorts. Firstly, there were arguments against our starting point in combining Angus Council area and Dundee City Council area. Secondly, there were arguments that broadly accepted the need to cross council area boundaries but proposed amendments to our provisional proposals.

13. The Assistant Commissioner first considered the statutory framework within which the Boundary Commission is required to operate. He noted that, with the application of the electoral quota for England, the constituency landscape would change dramatically. He considered that Rules 4 and 5 should be read together and that the general thrust of the Rules was to encourage the Commission to limit the extent to which the boundaries between Council areas were crossed.

14. The Assistant Commissioner considered that the proposal for Angus Council area to comprise a single constituency was seriously flawed. He noted that, whilst it had the merit of having regard to the boundaries of the Council area, it paid little if any regard to Rule 5 and failed to address the consequences for the design of constituencies in adjoining areas. The Assistant Commissioner acknowledged that there was a strong body of opinion from the Angus wards that to be included in the proposed Dundee constituencies would break strong ties with the rest of Angus Council area. However, he noted that the reasons relied upon in support of the objections related largely to the provision of local authority services and suggested that this did not raise any issue relevant to the design of parliamentary constituencies. The Assistant Commissioner concluded that there were other schemes, including our own, which produced a greater degree of compliance with the Rules and, in particular, achieved a much closer approximation to the electoral quota.

15. The Assistant Commissioner was satisfied that our approach in crossing the Council boundary between Angus and Dundee City was sound. He then considered the merit of crossing more than one boundary in order to accommodate the proposal that Perth and Kinross Council area ward 18 (East Carse) should be included in the Dundee West constituency. This overall scheme for Dundee City and adjoining areas also included a proposal that Angus Council area ward 20 (Carnoustie West), ward 21 (Carnoustie Central) and ward 22 (Carnoustie East) should be included in a revised Angus constituency. The Assistant Commissioner highlighted the need to balance a number of factors when deciding which wards should be associated within a Dundee constituency and considered that a balance needed to be struck between the Rules. He noted that ward 18 (East Carse) was in Perth and Kinross Council area and that the exclusion of the 3 Carnoustie wards (although partly compensated for by the inclusion of ward 18) would produce a result which did not give proper weight to the requirements of Rule 5. The Assistant Commissioner concluded that we had correctly identified the 7 Angus Council area wards that were most appropriately associated with Dundee City Council area in order to design 3 constituencies.

16. In considering which wards were to be included in the Dundee East constituency and in the Dundee West constituency, the Assistant Commissioner noted that the combined electorate of all the Dundee City Council area wards plus the Angus Council area wards 16–22 was 132,810, and that one could therefore look to design two constituencies of approximately 66,405 electors. The Assistant Commissioner acknowledged that keeping the 7 Angus Council area wards together in one constituency would reflect the current association of wards within Angus county constituency. He also considered that this would have the advantage of not splitting the village of Tealing between two constituencies.

17. In relation to the suggested amendments to our proposals within the Dundee City Council area, the Assistant Commissioner felt that there was no compelling reason why Dundee City Council area ward 28 (Stobswell) and ward 29 (Fairmuir) should be in one constituency rather than the other. He suggested that their placement should be determined by compliance with the electoral quota and considered that our provisional proposal for these wards should be confirmed. With regard to Dundee City council area ward 9 (Claverhouse), there had been a proposal that it should be transferred from our proposed Dundee East to our proposed Dundee West constituency. The Assistant Commissioner noted that the area of Fintry comprises parts of ward 9 and ward 11 (Longhaugh) and felt there was a strong case for retaining these 2 wards in the same constituency.

18. Having weighed the various arguments presented at the inquiry, the Assistant Commissioner recommended that our provisional proposals should be amended to accommodate the transfer of Angus Council area ward 16 (Sidlaw West) from Dundee West constituency to Dundee East constituency. He noted that the proposed Dundee East constituency contained a significant number of Angus Council area electors and felt that it would be appropriate for it to be named “Dundee East and Angus South” or “Dundee East and South Angus”.

Consideration of the Assistant Commissioner’s Report and Recommendations

19. On considering the Assistant Commissioner’s Report, we noted that he agreed with our decision to combine Angus Council area with Dundee City Council area to allow the design of 3 constituencies and that it was not necessary to include any other council area in order to design parliamentary constituencies which complied with the requirements of the Rules. We also noted that he concurred with our decision regarding the wards within Angus Council area that should be included with Dundee City Council area wards in order to create 2 parliamentary constituencies.

20. We particularly noted that the Assistant Commissioner had commented on how finely balanced the arguments were in relation to his recommendation that our provisional proposals be amended by transferring Angus Council area ward 16 (Sidlaw West) from the proposed Dundee West constituency to the proposed Dundee East constituency. We also noted his acknowledgement that his recommendation to include all 7 Angus Council area wards within a Dundee East constituency would produce an enlarged Dundee East constituency and a smaller Dundee West constituency that were marginally less consistent with Rule 5 than our own proposals.

21. We carefully considered all the arguments and evidence but concluded that the geography of Angus Council area ward 16 and the communication links between that area and the west of Dundee City supported our original view that it would be more appropriate to retain ward 16 within the proposed Dundee West constituency. We, therefore, decided not to amend our provisional proposals with regard to ward 16.

22. In view of our decision not to amend our provisional proposals for Dundee West constituency and Dundee East constituency, we were not persuaded to change the proposed constituency name of “Dundee East” to “Dundee East and South Angus”.

Confirmation of our Provisional Proposals

23. On 26 June 2003 we published a notice stating that, having considered the Assistant Commissioner’s Report, we had decided not to revise our provisional proposals for parliamentary constituencies in Angus Council area and Dundee City Council area. However, because the local inquiry had covered the combined areas of Angus Council, Clackmannanshire Council, Dundee City Council and Perth and Kinross Council and because we had amended our provisional proposals in respect of two constituencies in Clackmannanshire Council and Perth and Kinross Council areas, we invited representation on all of our proposals for the 4 Council areas.

Further Representations following Confirmation of our Provisional Proposals

24. Following the publication of our intention not to revise our provisional proposals for Angus Council area and Dundee City Council area, we received 91 representations (including a petition of 3,318 names). Some representations remarked on more than one aspect of our revised recommendations. The representations fell broadly into the following categories:

24.1 One representation supported our proposals.

24.2 One representation supported the inclusion of Perth and Kinross Council area ward 18 (East Carse) in the Perth and North Perthshire constituency

24.3 Two representations objected to our decision not to implement the Assistant Commissioner’s recommendations with regard to Angus Council area ward 16 (Sidlaw West).

24.4 Three representations objected to the decision not to combine Angus Council area, Dundee City Council area, Clackmannanshire Council area and Perth and Kinross Council area in order to create constituencies.

24.5 Eighty-five representations objected to the three Angus Council area wards covering Carnoustie being placed in the Dundee East constituency.

24.6 Two representations objected to the Angus Council area wards 16 (Sidlaw West) and ward 17 (Sidlaw East and Ashludie) being placed in Dundee constituencies.

24.7 Five representations proposed that Dundee East constituency should be renamed to include a reference to “Angus South”.

Consideration of Further Representations

25. With regard to the combining of Council areas, we received one representation that was of the view that the Assistant Commissioner had incorrectly interpreted Rule 4(1)b. It noted that he had accorded a particular significance to local authority boundaries, whereas in Scotland ‘having regard to’ merely means ‘having in view’.

26. The representation contended that the Assistant Commissioner, having incorrectly interpreted the Rules, then used his misinterpretation as the basis for rejecting the alternative proposals which placed Perth and Kinross Council area ward 18 (East Carse) in the Dundee West constituency. We reviewed the interpretation of the words ‘having regard to’ but concluded that the Assistant Commissioner was correct in his view that Rules 4 and 5 should be read together and that the general thrust of these rules was to encourage us to limit the extent to which the boundaries of Council areas are crossed. Further, we had made it known early in the review process that we would combine Council areas only where it was necessary to do so and that we would seek to minimise the number of Council boundaries that were crossed. In our view, constituencies could be designed within the terms of the Rules by pairing Angus Council area with Dundee City Council area and there was thus no need to cross another boundary into Perth and Kinross Council area.

27. In relation to the decision to include the three Carnoustie wards in the proposed Dundee East constituency, we acknowledged that there remained a significant number of electors who objected to this proposal. However, the representations did not add to the arguments that had been presented to the Assistant Commissioner at the local inquiry and, therefore, we were not persuaded to amend our proposals in respect of these wards.

28. Several representations objected that we had not implemented the Assistant Commissioner’s recommendation to amend our provisional proposals by transferring Angus Council area ward 16 (Sidlaw West) from the proposed Dundee West constituency to the proposed Dundee East constituency. However, the representations offered no additional evidence in support of change. Further, given the small number of representations concerning the name of the constituency, we were not persuaded to change the name.

Final Recommendations

29. On 11 December 2003 we announced that we were making no further changes to our proposals for 2 burgh constituencies and one county constituency covering Dundee City Council area and Angus Council area and that these were to be our final recommendations.

30. We accordingly recommend the adoption of our proposals for one county and 2 burgh constituencies for the combined areas of Angus Council and Dundee City Council, as set out in paragraph 7 above.

