



Midlothian Council Area

Introduction

1. Midlothian Council area is currently covered by 2 county constituencies. Midlothian county constituency lies wholly within Midlothian Council area. Tweeddale, Ettrick and Lauderdale county constituency straddles the boundary with Scottish Borders Council area and approximately 26 per cent of its electorate is in the Midlothian Council area. The electorates of the 2 constituencies at the start and finish of the previous and current reviews are provided at Appendix C.

Initial Considerations

2. In forming our initial proposals for Midlothian Council area we had in mind the following considerations:

2.1 At the enumeration date of June 2001, Midlothian Council area contained 62,787 parliamentary electors, giving a theoretical entitlement of 0.9 seats.

2.2 Scottish Borders Council area contained 86,164 parliamentary electors, giving a theoretical entitlement of 1.2 seats.

3. We considered whether Midlothian Council area should be combined with Scottish Borders Council area to form 2 constituencies - a proposed Berwickshire, Roxburgh and Selkirk constituency lying wholly within Scottish Borders Council area with an electorate of 72,430 and a Midlothian and Peebles constituency which comprised the whole of Midlothian Council area plus 5 wards in Scottish Borders Council area covering Peebles, West Linton and Innerleithen with approximately 72,500 electors. However, we concluded that combining part of Scottish Borders Council area with part of South Lanarkshire Council area and part of Dumfries and Galloway Council area produced, overall, a more appropriate constituency, which maintained the rural characteristics of the central borders area.

4. Bearing in mind the theoretical entitlement to approximately one seat in the Midlothian Council area and the requirement that we should have regard to Council boundaries, we decided to create a single Midlothian constituency comprising the whole of Midlothian Council area.

Provisional Proposals

5. On 7 February 2002 we published our provisional proposals for one county constituency comprising the whole of Midlothian Council area as follows:

Constituency	Comprising	Electorate (June 2001)
Midlothian CC	All electoral wards in Midlothian Council area	62,787

Representations on Provisional Proposals

6. During the statutory consultation period, we received 11 representations regarding our provisional proposals for Midlothian Council area. Objections to our proposals were concerned that part of Scottish Borders Council area should be included in a “Midlothian and Peebles” constituency, rather than in our proposed Peebles, Clydesdale and Annandale constituency.

Local Inquiry

7. In view of the representations which proposed that Midlothian Council area should be combined with Scottish Borders Council area, we agreed that our proposals for Midlothian Council area should be included in the deliberations of a local inquiry established to consider representations on our provisional proposals for the combined Council areas of Dumfries and Galloway, Scottish Borders and South Lanarkshire. At our request, you agreed to appoint Sheriff Principal E F Bowen QC, Sheriff Principal of Glasgow and Strathkelvin as Assistant Commissioner at the inquiry into our provisional proposals. The inquiry was held in three locations: The Council Chambers, Hamilton, on 4 and 5 November 2002; The Burgh Hall, Peebles, on 6 and 7 November 2002; and The Council Chambers, Dumfries, on 14 and 15 November 2002. We deal in this Section of our Report with issues raised at the inquiry only in so far as they concern our proposals for Midlothian Council area.

8. In the period up to the start of the local inquiry, one further representation concerning our proposals for Midlothian Council area was received. All the representations were seen by the Assistant Commissioner and copies were made available at the inquiry.

9. 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

10. In his Report to us, the Assistant Commissioner concluded that our provisional proposals for a single constituency based on Midlothian Council area ought to be adopted.

At the same time, in the wider context of the local inquiry area, he also concluded that there was a need to divide the adjoining Scottish Borders Council area, because its electorate was too large to comprise one constituency. He noted that one of the proposals which sought to achieve this division combined the whole of Midlothian Council area with wards 30–34 from Scottish Borders Council area. However, such a constituency would be above the electoral quota and he considered that the evidence in favour of a constituency comprising the whole of Midlothian Council area was formidable, as it met all the relevant criteria. Consequently, he was not persuaded by the arguments to amend our provisional proposals.

Consideration of the Assistant Commissioner’s Report and Recommendations

11. We noted the Assistant Commissioner’s deliberations regarding our provisional proposals for a Midlothian constituency, together with his wider assessment of our proposals for constituencies in Dumfries and Galloway, Scottish Borders and South Lanarkshire Council areas. We agreed with the Assistant Commissioner’s conclusions and strong recommendation regarding Midlothian Council area and, accordingly, we concluded that our provisional proposals for Midlothian Council area should be confirmed.

Confirmation of Provisional Proposals

12. On 26 June 2003 we published a notice regarding constituencies in the Dumfries and Galloway Council area, Midlothian Council area, Scottish Borders Council area and South Lanarkshire Council area, indicating that we had reviewed our provisional proposals and confirmed our proposal for a Midlothian county constituency comprising the whole of Midlothian Council area.

Further Representations

13. We received 3 representations regarding the confirmation of our proposals for Midlothian Council area. Two representations contended that there was evidence that a Midlothian and Peebles constituency would be the second preference for some of the electorate in the Peebles area if their first preference for an “all-Scottish Borders Council area” constituency was not acceptable to the Commission. One representation noted that the addition of Scottish Borders Council area wards 30-34 to Midlothian Council area would raise the electorate to a level similar to the other proposed Lothian constituencies.

14. We considered these further representations but were content that the issues raised had been fully discussed at the inquiry and, accordingly, we were not persuaded to amend our recommendations for a Midlothian constituency comprising the whole of Midlothian Council area.

Final recommendations

15. On 11 December 2003 we announced that we were making no further changes to our proposals for one county constituency and that these were our final recommendations.

16. We accordingly recommend the adoption of our proposals for one county constituency for Midlothian Council area, as set out in paragraph 5 above.

