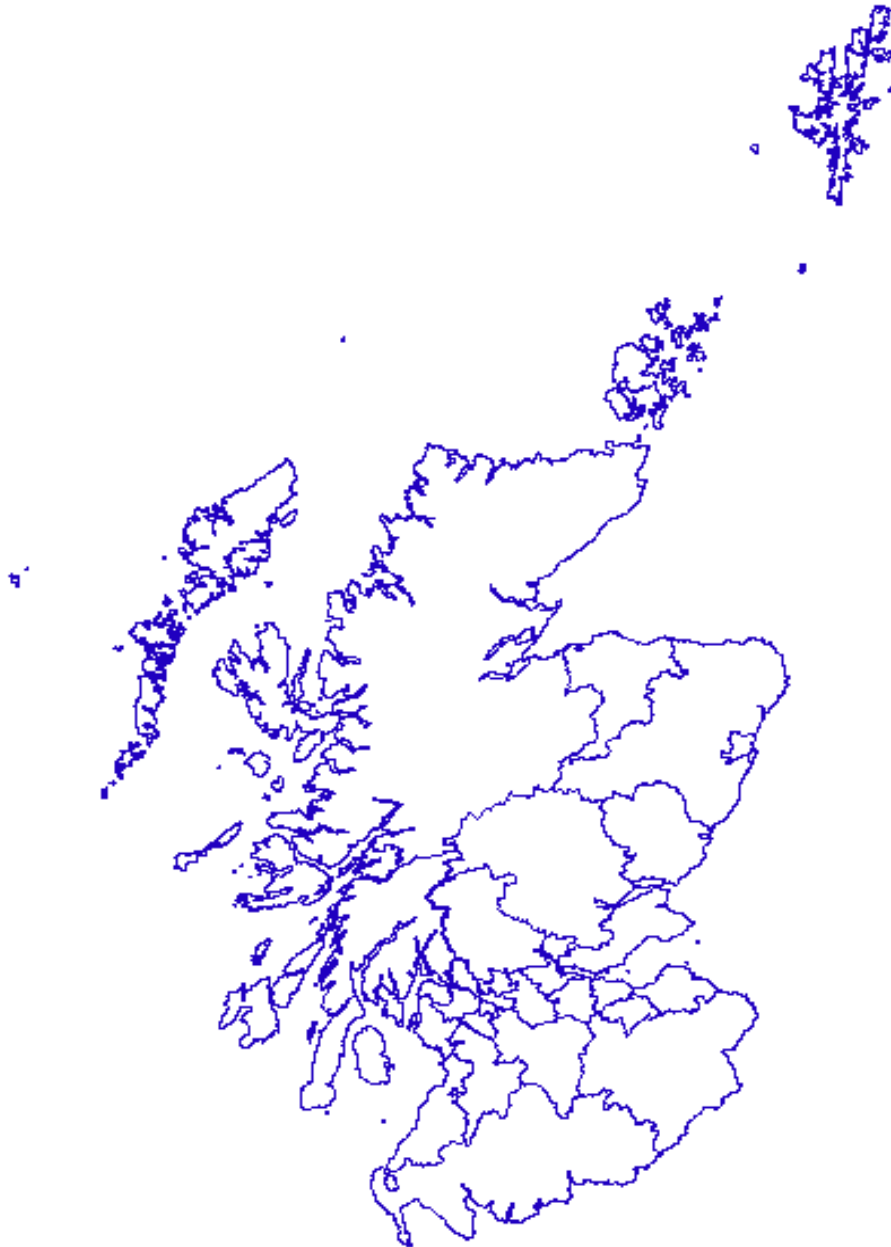


# **The Local Government Boundary Commission for Scotland**

## **Publication Scheme Under the Freedom of Information (Scotland) Act 2002**



**August 2004**

**Local Government Boundary Commission for Scotland  
Freedom of Information Publication Scheme**

**Approval to June 2011**

The Local Government Boundary Commission for Scotland prepared its Freedom of Information Publication Scheme in 2004, and the Scheme was approved by the Scottish Information Commissioner for a 4 year period.

The Scottish Information Commissioner has subsequently published a new timetable for revision of Freedom of Information Publication Schemes by Scottish public bodies. Under that timetable, the Local Government Boundary Commission for Scotland is now due to agree a revised Freedom of Information Publication Scheme with the Commissioner by June 2011.

The Scottish Information Commissioner has extended approval of the current Local Government Boundary Commission for Scotland Freedom of Information Publication Scheme until that date.

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## **Introduction**

1. The Freedom of Information (Scotland) Act 2002 (The Act) provides for the general right of access to information held by Scottish public authorities. The Act comes into force on 1 January 2005. Section 23 of the Act places a duty on Scottish public authorities to adopt and maintain a publication scheme setting out the information routinely made publicly available. The publication scheme has to be approved by the Scottish Information Commissioner, who is responsible for the enforcement of the Act. Scottish public authorities are required to review their scheme from time to time.

2. The production of the Local Government Boundary Commission's publication scheme reflects and supports the Commission's commitment to a policy adopted through the introduction of a Code of Practice for Commissioners in 1998. The Code of Practice commits the Commission, at all times, to observe stated public service values, including being accountable to the Scottish Parliament and the public more generally for its activities and for the standard of advice it provides, and to comply fully with the Scottish Executive's Code of Practice on Access to Government Information in accordance with Government policy on openness. This publication scheme is intended to demonstrate the Commission's continued commitment to openness, transparency and the public interest in the application of its statutory duties. This Commission's publication scheme sets out:

- the classes of information it publishes or intends to publish;
- how information is published; and,
- whether the information is available free of charge or on payment of a fee.

## **The Local Government Boundary Commission for Scotland**

3. The Local Government Boundary Commission for Scotland (LGBCS) is an advisory Non-Departmental Public Body (NDPB) sponsored and wholly funded by the Scottish Executive Finance and Central Services Department. The Commission was created by Section 12 of the Local Government (Scotland) Act 1973 and is an independent, non-political, and totally impartial body.

4. The Commission has responsibility for all functions conferred on it for the purpose of undertaking reviews set out in the Local Government (Scotland) Act 1973, as amended by the Local Government etc. (Scotland) Act 1994 and the Local Governance (Scotland) Act 2004. In this respect the Commission is required to conduct statutory reviews of electoral and administrative arrangements for local government in Scotland, respond to requests for ad hoc reviews of electoral and administrative arrangements and monitor electoral arrangements to identify areas where changes to the density or distribution of the electorate indicate that existing arrangements do not sufficiently comply with the requirements of the statutory rules so that the need for a review can be considered. Boundary reviews undertaken by the Commission may be the subject of direction by Scottish Ministers under Section 15 of the 1973 Act.

5. Statutory reviews of electoral and administrative arrangements are cyclical and are undertaken at 8-12 year intervals. All reviews are consultative exercises that follow internal procedures agreed by the Commission. After consulting widely and giving full consideration to all representations received in response to a review consultation process, the Commission prepares a report(s) to Scottish Ministers detailing its final recommendations. It is for Scottish Ministers to determine whether the Commission's final recommendations (with or without amendments) should be adopted or rejected. A Secretariat (presently consisting of 4.2 officers), headed by a Secretary, supports the Commission.

6. The Commission consists of a Chairperson, Deputy Chairperson and up to a maximum of four Commissioners who are appointed on a term basis with posts filled through open advertisement using the procedures laid down by the Commissioner for Public Appointments (Code of Practice for Ministerial Appointments to Public Bodies can be viewed on the Internet at [www.ocpa.gov.uk](http://www.ocpa.gov.uk) and clicking on Code of Practice link on the Home page). Appointments are confirmed by Scottish Ministers following consultation with the principal political parties in Scotland.

## **GENERAL INFORMATION RELATING TO SCHEME AND ITS ADMINISTRATION**

### **Aim and Purpose**

7. This publication scheme supports the Scottish Ministers' policy that facts and analysis of the facts, which they consider relevant and important in framing their major policy proposals and decisions, are made public. It also has regard to the public interest in the disclosure of factual information which will help to provide an informed background to the policies and decisions of Scottish Ministers. Therefore, the scheme is designed to be as inclusive as possible and is intended to be flexible to allow for future expansion and/or revision. The Commission is therefore open to suggestions that will make information more accessible, and we will work to comply with the spirit, as well as the letter of the Act, wherever possible.

### **Administration of Scheme**

8. Responsibility for the overall running of the Commission's publication scheme is held by Andrew Inglis. If you have any queries regarding the scheme please contact him. His details are:

Andrew Inglis  
Casework Manager  
The Local Government Boundary Commission for Scotland  
3 Drumsheugh Gardens  
Edinburgh  
EH3 7QJ  
Tel. No: 0131-538-7516      Fax No: 0131-538-7511  
E-mail: [andrewinglis@lgbc-scotland.gov.uk](mailto:andrewinglis@lgbc-scotland.gov.uk)

9. The General Office Manager holds responsibility for the day-to-day administration of the publication scheme. Details are:

General Office Manager  
The Local Government Boundary Commission for Scotland  
3 Drumsheugh Gardens  
Edinburgh  
EH3 7QJ  
Tel. No: 0131-538-7510      Fax No: 0131-538-7511  
E-mail: [secretariat@lgbc-scotland.gov.uk](mailto:secretariat@lgbc-scotland.gov.uk)

## **Records Management and Archiving Policy**

10. The small size of the Commission makes it impractical for it to have its own Code of Practice or Action Plan for Records Management. However, the Commission's Secretariat adopts or closely follows many of the Scottish Executive's administrative processes and procedures.

11. The Commission will, therefore, follow the terms of the Code of Practice on Records Management published by the Scottish Executive and use the Generic Model Action Plan produced by The National Archives of Scotland as a basis for creating, keeping, managing and finally disposing of LGBCS records. The Code of Practice can be downloaded or printed in a PDF format at [www.scotland.gov.uk/about/FCSD/MCG-NW/00018022/s61code.pdf](http://www.scotland.gov.uk/about/FCSD/MCG-NW/00018022/s61code.pdf). The Generic Model Action Plan can be downloaded or printed in a PDF format at [www.nas.gov.uk/foi.htm](http://www.nas.gov.uk/foi.htm). If necessary, paper copies of both publications can also be requested from the Commission's General Office Manager at the address on page 3. Where necessary, the Commission will approach the Scottish Executive's Qualified Records Manager, for advice and assistance on matters that arise relating to the management of the Commission's records.

12. To comply with Public Records legislation, the Commission follows the same Record Retention and Disposition Schedules (RRDS) used by the Scottish Executive in respect of all documents that it creates and holds. These RRDS set out the length of time for which all types of documents must be held. This means that, whilst the Freedom of Information (Scotland) Act 2002 is retrospective, it will only be possible to provide copies of Commission documents that are still in existence. A copy of the RRDS can be requested from The General Office Manager.

## **Your Comments on Scheme**

13. The Commission would find it helpful to receive comments from users about their experience in accessing information under the publication scheme (both positive and negative). The Commission would be particularly interested to learn how easy it is for individuals to locate and use the publication scheme and whether there is additional information that they would like. Comments received by the Commission will be considered when it next reviews how the publication scheme is working. Comments should be forwarded to Andrew Inglis at the address on page 3.

## **Complaints Procedure**

14. Complaints relating to the Commission's publication scheme should, in the first instance, be addressed to Andrew Inglis at the address on page 3. Should the matter not be resolved to the satisfaction of an individual, a complaint should be sent to the Secretary, Local Government Boundary Commission for Scotland, 3 Drumsheugh Gardens, Edinburgh, EH3 7QJ.

15. If the matter still cannot be resolved, the individual may wish to direct a complaint to the Scottish Information Commissioner, The Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS. Approaches to the Scottish Information Commissioner should not be made until all other avenues have been exhausted.

## SCOPE OF INFORMATION AVAILABLE UNDER SCHEME

### Exemptions

16. It is the aim of the Commission to be as open as possible. However, information may be withheld from any of the classes of information listed below where it is considered that disclosure may seriously prejudice law enforcement, legal proceedings, our regulatory or enforcement activity, or where the law otherwise prohibits disclosure. The Commission may also withhold information which may seriously prejudice the commercial interests or confidentiality of any person or organisation. Further, the Commission may withhold information which is personal information under the Data Protection Act 1998.

17. In such cases, the Commission will withhold the information and indicate why the information is being withheld. If you wish to complain about information which is being withheld from you, please refer to the complaints procedure section above.

### Copyright

18. Information produced by the Commission is subject to Crown copyright, which is administered by the Queen's Printer for Scotland. The material listed in this publication scheme is Crown copyright unless stated otherwise. Publishing and Copyright Guidance Notes relating to Crown copyright material can be found at [http://www.oqps.gov.uk/copyright/pubcopyright\\_gn.htm](http://www.oqps.gov.uk/copyright/pubcopyright_gn.htm). Details, of arrangements for re-using Crown copyright material can be found on HMSOnline in the Click-Use Licences section ([www.hmso.gov.uk/copyright/licences/click-use-home.htm](http://www.hmso.gov.uk/copyright/licences/click-use-home.htm)) or by contacting OQPS at:

OQPS Licensing Division  
St Clements House  
2-16 Colegate  
Norwich  
NR3 1BQ

Tel: 01603 621000  
Fax: 01603 723000

E-mail: [oqpslicensing@cabinet-office.x.gsi.gov.uk](mailto:oqpslicensing@cabinet-office.x.gsi.gov.uk)

**Where the Crown is not the sole copyright owner you must seek permission from the other copyright holder(s) before using the information. Also, if the Crown does not own the copyright at all you must seek permission from the appropriate copyright holder before using the information.**

## **Policy on Charging for Information Requested**

19. Information on the Commission's web site will be available free of charge (i.e. there is no charge by us, although the user would of course have to meet any charges by their Internet service provider, personal printing costs, etc).

20. For those without access to the web site a single print-out as on the web site (or a hard copy of the document except where indicated) can be requested. These will be provided free of charge except where indicated.

21. Requests for multiple print-outs of material on the web site or for multiple hard copies may attract a charge for the cost of administration, printing, photocopy, postage etc.

22. Although we will normally provide a single copy free of charge we may also charge where a substantial number of multiple documents are required to respond to a request.

23. If charges are to be made you will be told at the time of your request and these would be payable in advance.

24. The policy on charging for information will be subject to review, in the light of experience, once the publication scheme is operational.

# THE LOCAL GOVERNMENT BOUNDARY COMMISSION'S PUBLICATION SCHEME

## How to Access Information

Online: visiting [www.lgbc-scotland.gov.uk](http://www.lgbc-scotland.gov.uk) and clicking on the appropriate link for publications can access most information listed in the Commission's publication scheme. The relevant document can then be selected, downloaded or printed. Some documents are available in HTML and PDF formats, where as others are only available as zipped PDF files (you can download a program to read PDFs free at [www.adobe.com](http://www.adobe.com)). Where necessary statistical information will be provided in an active spreadsheet format.

E-mail: if the information you require is not available on the Commission's website, but is listed in the Commission's publication scheme, the information can be requested by using the e-mail link facility on the Home page or by e-mailing [secretariat@lgbc-scotland.gov.uk](mailto:secretariat@lgbc-scotland.gov.uk). Where practicable the requested information will be forwarded by e-mail in a suitable downloadable format.

Telephone: to request information by phone it will be necessary to provide a postal or e-mail address to enable the Commission to forward the information to you. A telephone number will also be requested so that the Commission can clarify any details, should this be necessary.

Post: most textual information listed in the Commission's publication scheme is also available in a paper copy form. When requesting information as hard copy, on 3.5 inch discs or on CD ROM, please provide your name, address, details of the information or documents required and the preferred media. Requests should be forwarded to The General Office Manager (contact details provided on page 3).

Other: in exceptional circumstances, where it is not possible to provide the requestor with the information in any of the above formats, the Commission may offer to arrange an appointment for the requestor to view the information at the Commission's offices at 3 Drumsheugh Gardens, Edinburgh. It should however be noted that normally the offices of the Commission are not open to the general public.

In the event of experiencing difficulty in determining or locating information, please contact The General Office Manager who will be happy to try and give you assistance.

## **Information Available Under the Scheme**

Listed below are the classes of information which the Commission publishes or intends to publish. The structure is split into the following general classes of information, some of which are further broken down into sub classes.

*Class 1: Publication of Provisional Proposals and Final Recommendations During Electoral or Administrative Reviews.*

*Class 2: Published Reports.*

*Class 3: Agendas, Discussion Papers and Minutes of Commission Meetings.*

*Class 4: Extracts of Legislation Governing the Activities of the Commission.*

*Class 5: Human Resources Information Relating to Commissioners and the Secretariat.*

*Class 6: Extant Internal Guidance Used by the Commission.*

*Class 7: Archive Material.*

All information listed under the above classes is available under this publication scheme. If it appears that information is not included in the publication scheme you may submit a written request to The General Office Manager (contact details provided above). Your request will be responded to in accordance with the Code of Practice on Access to Scottish Executive information (until 31 December 2004) and the Freedom of Information Scotland) Act 2002 (from 1 January 2005).

## **CLASSES OF INFORMATION**

### **Class 1: Publication of Proposals During Reviews**

**Purpose:** the Commission publishes provisional proposals and final recommendations during reviews in order to consult widely. This involves notification to interested parties, Statutory Notices placed in national and locally read newspapers and publication on the Commission's website.

Arrangements are made with Local Authorities to display details of the Commission's proposals, including maps, in Headquarters Buildings and local Council offices, illustrating the proposals for their local government areas. When provisional proposals are published comments are invited and welcomed from any interested parties. Representations received are fully considered by the Commission in the determination of its final recommendations.

**Format:** maps depicting provisional proposals and final recommendations are available as paper copies for inspection at a number of locations within each local government area. They are also available on the Commission's web site in formats which can be viewed and, if required, downloaded and printed. In exceptional circumstances the Commission will consider allowing access to its Edinburgh office to view the above information.

Maps produced by the Commission are subject to Crown copyright. Further information regarding maps can be obtained from:

Customer Service  
Ordnance Survey  
Romsey Road  
SOUTHAMPTON  
SO16 4GU  
Tel. No: 08456 050505  
E-mail: [customerservices@ordnancesurvey.co.uk](mailto:customerservices@ordnancesurvey.co.uk)

Accompanying documents are available at the same locations within each local government area where mapping is displayed and electronically through the Commission's web site in formats which can be viewed and, if required, downloaded and printed. Paper copies can also be requested from The General Office Manager.

## **Class 2: Published Reports**

**Purpose:** the Commission is required by statute to prepare and publish reports of its final recommendations following the completion of all electoral or administrative reviews. The last statutory review completed by the Commission was the third statutory review of electoral arrangements, which was completed in 1998. A report of its final recommendations for each of the 32 unitary authorities was prepared for the then Secretary of State for Scotland and published at that time. Subsequently, reports of the Commission's final recommendations in respect of four adhoc administrative reviews were prepared for Scottish Ministers and published on 1 January 2001. No other reports have been published since. Steps are being taken to make available on the web site, reports of all electoral and administrative reviews dating back to the establishment of this Commission in 1974 (see also Class 7 below).

The Commission publishes an Annual Report, for the public's information, providing details about the Commission, its personnel, objectives, performance and expenditure over the past financial year, and its work programme for the forthcoming financial year.

**Format:** administrative review reports published on 1 January 2001 and reports in respect of the third statutory review are available electronically from the web site in formats which can be downloaded and printed. These reports are also available as paper copies on request to The General Office Manager.

Annual Reports for 2002/2003 and 2003/2004 are available electronically from the web site in formats which can be downloaded and printed. These are also available as paper copies on request to The General Office Manager. Previous Annual Reports dating back to 1999/2000 are available in paper form on request to The General Office Manager. 1999/2000 was the first year that the Commission was obliged to produce an Annual Report.

### **Class 3: Agendas, Discussion Papers and Minutes of Commission Meetings**

**Purpose:** much of the Commission's business is presented to Commissioners at regular meetings in the form of discussion papers. Following consideration, the conclusions of the Commission are recorded in the minutes of meetings. From January 2005 the Commission will make available agendas, discussion papers and minutes within three months of the meeting taking place.

**Format:** agendas, discussion papers and minutes of Commission meetings will be made available on the Commission's web site at appropriate intervals in formats which can be downloaded and printed. They will also be available as paper copies on request to The General Office Manager.

These documents will also be added to the archive of previous meetings' minutes etc held on the Commission's web site. Steps are presently being taken to also place agendas, discussion papers and minutes from previous reviews onto the Commission's web site (see also Class 7 below).

## **Class 4: Extracts of Legislation Governing the Activities of the Commission**

**Purpose:** extracts from the Local Government (Scotland) Act 1973 detailing the legislative provisions under which the Commission operates, can be accessed through the Commission's website and clicking on the legislation tab on the Home page. Steps are being taken to add relevant extracts from the Local Government etc (Scotland) Act 1994, Local Governance (Scotland) Act 2004 and the Local Government Area Changes (Scotland) Regulations 1977 to the Commission's web site.

**Format:** extracts are available electronically through the web site as formats which can be downloaded and printed. Paper copies can be purchased through Her Majesty's Stationery Office:

Enquiries  
HMSO  
71-73 Lothian Road  
EDINBURGH  
EH3 9AZ

Tel: 0870 6065566  
e-mail: [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)  
online ordering: [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop)

## **Class 5: Human Resources Information**

**Purpose:** in the creation of the Commission's web site Commissioners agreed to provide their own short biographical career summaries for publication on the site. This was seen as a helpful aide to those wishing to find out about the membership of the Commission. Commissioners accepting a position at the Commission are required to comply with the Code of Practice for Commissioners and complete the Register of Interests by declaring any financial, other business, or personal interests which may conflict with the duties and responsibilities set out in the Commission's Code of Practice.

The Commission's Secretariat support is provided by staff assigned from the Scottish Executive who are subject to the same terms and conditions of employment as other Scottish Executive staff. Human Resources information relating to the staff of the Commission's Secretariat is therefore covered by the Scottish Executive's publication scheme.

**Format:** the above information relating to Commissioners is available electronically through the web site in formats which can be downloaded and printed. It can also be requested in paper form from The General Office Manager.

Information relating to Secretariat officials falls within the scope of the Scottish Executive's publication scheme. How to access this information, the formats in which it is available and any charges that might be applicable are stated within the Scottish Executive's publication scheme. Visiting [www.scotland.gov.uk](http://www.scotland.gov.uk) and clicking on the link on the Home page to Freedom of Information can access the Scottish Executive's publication scheme.

## **Class 6: Extant Internal Guidance Used by the Commission**

**Purpose:** the small size of the Commission makes it impractical for it to produce its own guidance and procedures for all of its functions. Internal Scottish Executive Guidance is followed in the execution of many of the Commission's functions. The internal Scottish Executive Guidance is produced to assist Scottish Executive staff in undertaking various processes and procedures that they may be required to complete in the execution of their duties. These are wide ranging and are only used by the Commission's Secretariat when the appropriate circumstances arise. The internal Scottish Executive Guidance can be broken down into the sub-classes below:

- (a) Financial Guidance;
- (b) Procurement Information;
- (c) Human Resources Information;
- (d) Ministers, Legislation and the Scottish Parliament;
- (e) Constitutional Guidance;
- (f) Europe;
- (g) Information Management.

The Commission has produced certain internal guidance of its own, including:

- (a) Administrative Review Outline Procedure;
- (b) Information Technology Code of Conduct;
- (c) Fraud Procedures.

**Format:** information relating to internal Scottish Executive Guidance falls within the scope of the Scottish Executive's publication scheme. How to access this information, the formats in which it is available and any charges that might be applicable, are stated within the Scottish Executive's publication scheme. Visiting [www.scotland.gov.uk](http://www.scotland.gov.uk) and clicking on the link on the Home page to Freedom of Information can access the Scottish Executive's publication scheme.

The Commission's own internal guidance and procedures are available on request to The General Office Manager and will be provide in the format requested, wherever it is practicable and possible.

## **CLASS 7: Archive Material**

**Purpose:** over the longer term, the Commission aims to produce an archive of past reviews of electoral and administrative arrangements within local government in Scotland since the changes introduced by the Local Government (Scotland) Act 1973. This will provide a valuable historical record of previous local government electoral and administrative arrangements.

Currently, boundary information is available as textual descriptions or maps within Statutory Instruments, Ministerial Directions and Schedules to Acts. The Commission is in the process of digitising the boundaries of past administrative and electoral arrangements dating back to the establishment of the Commission in 1974. Once completed, map images will be published on the Commission's web site. Electronic versions of the boundaries will also be available to bodies or persons holding an appropriate Ordnance Survey licence.

Past agendas and discussion papers of Commission meetings dating back to its establishment in 1974 are in the process of being added to the Commission's web site.

**Format:** past boundaries are contained within Statutory Orders as written textual descriptions or maps. Where the relevant Statutory Instrument number is known, these can be purchased from HMSO through the details provided on page 13. It is hoped, sometime in the future, to provide mapped images of all local government boundaries in force at any time since 1974 on the Commission's web site. Maps at appropriately detailed scales will be available in formats which can be downloaded and printed.

Past agendas and discussion papers considered at Commission meetings dating back to 1974 shall be added to the Commission's web site when the information has been assembled in image formats which can be downloaded and printed. Past agendas and discussion papers are currently available electronically in a PDF format or as hard copies. Requests should be addressed to The General Office Manager.