

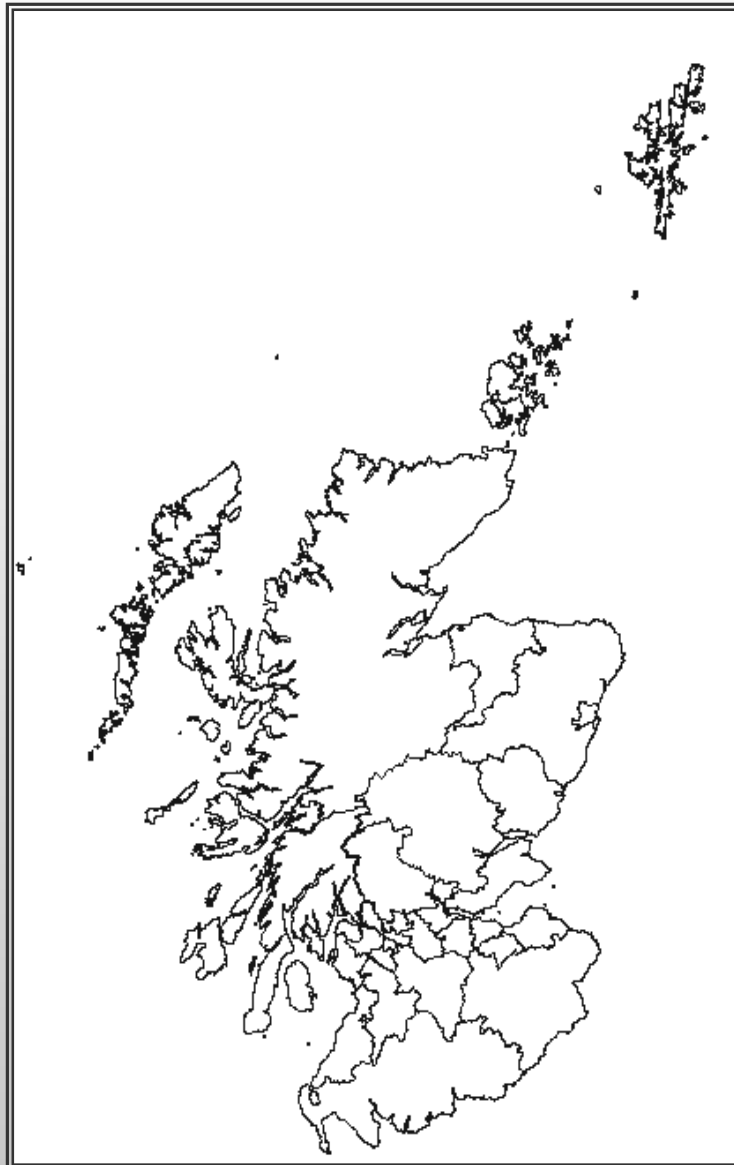


Local Government Boundary Commission for Scotland

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Annual Report 2008-09



www.lgbc-scotland.gov.uk

established by Parliament to advise Ministers on local government boundaries

Local Government Boundary Commission for Scotland Annual Report 2008-09

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This report covers the period 1 April 2008 to 31 March 2009. Copies are available from the Commission's website www.lgbc-scotland.gov.uk, or by request from the Commission.

Chairman's foreword

In the last year the Commission has got back to work on reviewing administrative boundaries after some years when it was pre-occupied with the major changes of electoral boundaries which came into effect in 2007.

We welcomed Ministers' decision to allow us to consider slightly more populous areas than hitherto for adjustments to administrative boundaries. Typically these are needed when new residential development crosses an existing local government boundary and we have to consider whether a formal boundary change is needed in the interests of "effective and convenient" local government. In the Direction made in April 2008, Ministers authorised us to conduct reviews which potentially directly affect not more than 300 electors. While the Commission would have preferred to be able to conduct a review without restriction on the numbers affected - on the basis that the larger the electorate affected, the larger the problem to be resolved - we welcome the increase from the previously prevailing figure of 50 electors.

At the same time (see 3.2 below), Ministers required us in a separate Direction to review an area containing more than 300 electors at Cardowan near Stepps. We published our recommendations to Scottish Ministers on this in March this year.

At the time of writing we are conducting two administrative reviews (see 5.1.2 and 5.1.3) under the terms of the first Direction. It is clear from these that many householders do not appreciate that our only statutory concern is to have regard to the need to secure "effective and convenient" local government. We only therefore take account of any alleged impact on house prices, or differences in the quality of existing local government services as between one authority or another to the extent that they affect effective and convenient local government. Nor, for administrative boundary reviews, do we give weight to possible impacts on community spirit or coherence beyond their effect on effective and convenient local government. We are considering how we might make these restrictions clearer to those who might be affected by any changes we might consider.

Brian Wilson, our Deputy Chairman, retired during the year after nearly 10 years as a Commissioner. We greatly valued his judgement and advice, drawn from a working lifetime's experience of local government, with many years as a chief executive. He will be missed. We were however delighted when Scottish Ministers appointed Bill Magee in his place. Bill too has the extensive experience of local government at a senior level which we believe it is essential to have represented on the Commission. He will be a worthy successor to Brian Wilson. We also said good bye, with thanks, to Richard Millham, who retired as a Commissioner in May 2008.

We have continued to have excellent service from our small Secretariat, headed by Dr Hugh Buchanan. As paragraph 2 shows we are supported by seven people who also service the Boundary Commission dealing with parliamentary elections. Our demands on them are the equivalent of barely two full time posts, but we expect that this will suffice for the work envisaged. However, Commissioners welcome the

recognition in the Health Boards (Membership and Elections) (Scotland) Bill (see 3.1) of the expertise which the Commission's staff have on boundary and election matters, and look forward to the Secretariat being recognised increasingly by the Scottish Government and others as a centre of excellence and expertise on boundaries, available for formal and informal advice.

Peter Mackay CB

Chairman

Local Government Boundary Commission for Scotland

April 2009



The Commission

1.1 Background

The Local Government Boundary Commission for Scotland was established by the Local Government (Scotland) Act 1973, and its constitution and work is governed by that Act as amended.

The Commission is required to

- conduct periodic reviews of local government administrative areas and electoral arrangements
- consider requests for ad hoc reviews of administrative areas and electoral arrangements

The Commission is an advisory Non-Departmental Public Body (NDPB) sponsored and wholly funded by the Scottish Government: responsibility for the Commission within Scottish Government lies with the Referendums and Elections Division.

The Commission is an independent and non-political body.

1.2 Membership

The 1973 Act specifies that the Commission's membership comprises a Chairman, Deputy Chairman and up to four further Commissioners.

Members are appointed on a term basis and posts are filled through open competition using the procedures laid down by the Office of the Commissioner for Public Appointments in Scotland. Appointments are made by Scottish Ministers.

1.2.1 Chairman

The Chairman of the Commission is Peter Mackay, CB who took up post on 1 November 2007, appointed for a 3 year term until 31 October 2010.

1.2.2 Deputy Chairman

The Deputy Chairman is William Magee, OBE who was appointed with effect from 1 September 2008 for a 4 year term ending on 31 August 2012. He succeeds Brian Wilson, OBE who served as Deputy Chairman from 1 October 1999 until 31 May 2008.

1.2.3 Commissioners

There are currently 3 Commissioners in addition to the Chairman and Deputy Chairman.

- Kenneth McDonald was re-appointed for a second 4 year term ending on 23 May 2012, having been initially appointed for a 4 year term on 24 May 2004;
- Professor Brian Clark was appointed on 1 November 2007 for a 3 year term ending on 31 October 2010.
- Paula Sharp was appointed on 1 November 2007 for a 3 year term ending on 31 October 2010;

Richard Millham completed his service as a Commissioner during the year, having been appointed for a 4 year term which ended on 23 May 2008.

1.3 Meetings

The Commission met on 5 occasions in 2008-09.

Peter Mackay, Bill Magee and Ken McDonald attended the Annual Meeting of the UK Boundary Commissions in London on 31 March and 1 April 2009. The meeting provides a valuable opportunity for the Commissions to exchange ideas and learn from each other's experience. Peter Mackay reported to the meeting on the current work of the Commission.

1.4 Code of Practice

The Commission has a Code of Conduct issued in 2006 by Scottish Ministers under the Ethical Standards in Public Life etc (Scotland) Act 2000. In May 2008, the Commission agreed and published a Supplementary Code on Roles and Responsibilities which expands on certain areas in the Code of Conduct in the light of the Commission's role, and provides guidance to Commissioners.

The Code of Conduct and the Supplementary Code on Roles and Responsibilities are available on the Commission's website (www.lgbc-scotland.gov.uk), or a copy can be provided on request.

1.5 Register of Commissioners' Interests

The Commission maintains a Register of Interests of Commissioners, in accordance with the Commissioners' Code of Conduct. The Register of Interests is available on the Commission's website (www.lgbc-scotland.gov.uk), or a copy can be provided on request.

2 Secretariat

Support to the Commission is provided by a small Secretariat. The work of the Secretariat includes:

- facilitating boundary reviews;
- dealing with the everyday administrative matters relating to the Commission's business such as finance, purchasing, 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 to the Commission from the Scottish Government. The number of staff assigned to the Commission 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 2008-09 support to the Secretariat was provided by staff deployed as follows:

Post	Full-time equivalent
Secretary	0.5
Casework Manager	0.2
Casework Officer	0.2
IT Manager	0.5
General Office Manager	0.5
General Office Assistant	0.2
Total	2.1

Staff members are employed on a full-time basis, with their time allocated between support for the Local Government Boundary Commission for Scotland and for the Boundary Commission for Scotland which is responsible for reviewing constituency boundaries for the Westminster Parliament and constituencies and regions for the Scottish Parliament. The Secretariat is funded separately by the Scotland Office for that work.

3 Governance

3.1 Legislation

The work of the Commission is governed by sections 12 to 28 and Schedules 4 to 6 of the Local Government (Scotland) Act 1973 as amended. There were no amendments to that legislation during the year. The text of the legislation is available on the Commission's website.

During the year, the Health Boards (Membership and Elections) (Scotland) Bill was passed by the Scottish Parliament. The Bill makes provision for direct election of members of Health Boards in Scotland, and accordingly amends the National Health Service (Scotland) Act 1978, and adds Schedule 1A to that Act. Schedule 1A sets out requirements for elections to Health Boards, including the provision that if a Health Board area is to be divided into electoral wards for these elections, then Scottish Ministers must consult with the Local Government Boundary Commission for Scotland, and the Commission must provide advice to Ministers about ward boundaries. Elections are expected to be introduced on a pilot basis for some Health Boards only, and it is not yet known if the elections in pilot areas will require the creation of electoral wards.

The Local Democracy, Economic Development and Construction Bill was introduced in the Westminster Parliament in December 2008. If passed, part of that Bill will repeal provisions made under the Political Parties, Elections and Referendums Act 2000 which could have transferred the work of the Local Government Boundary Commission for Scotland to a Boundary Committee of the Electoral Commission. Those provisions have never been brought into force, and their repeal would remove the possibility of this happening in the future.

3.2 Direction from Ministers

Scottish Ministers issued 2 Directions to the Commission which came into force on 1 April 2008. The first of these Directions instructs the Commission not to undertake a review of any local government area between 1 April 2008 and 31 March 2011, other than a review which potentially directly affects not more than 300 electors, unless directed by Ministers to do so. The second Direction requires the

Commission to carry out a review of the local authority boundary between Glasgow City and North Lanarkshire council areas at Cardowan by Steps.

These Directions replace earlier Directions which prevented the Commission from undertaking any review which potentially directly affected not more than 50 electors.

3.3 Outcome based approach

In line with the Scottish Government's intention that all public bodies should align the outcomes of their activity with the Government's stated Purpose, the Commission has reviewed the associated National Outcomes, and concluded that its work should contribute to the following National Outcomes:

- *NO10 – We live in well-designed, sustainable places where we are able to access the amenities and services we need.*
- *NO11 – We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.*
- *NO14 – We reduce the local and global environmental impact of our consumption and production.*
- *NO15 – Our public services are high quality, continually improving, efficient and responsive to local people's needs.*

NO10 and NO11 reflect the desired result from successful definition of local government boundaries where access to services is supported, and communities feel that boundaries support and reflect their communities of interest.

NO14 reflects the environmental desirability of effective use of resources.

NO15 reflects the way in which well-designed administrative boundaries support the effective delivery of local government services. In addition, it reflects the aspiration of the Commission to conduct its work efficiently and effectively, and in a way which involve the public.

3.4 Equality issues

During the year, the Commission has published an Equality Statement setting out its approach to equality and diversity issues. The Statement is available on the Commission's website (www.lgbc-scotland.gov.uk), or a copy can be provided on request.

4 Enquiries and public information

The Commission uses its website in order to inform the public about its work. In addition, the Secretariat responds to requests for information made by email, letter or phone.

During the year, the Commission has expanded and developed its series of Information Papers on its area of expertise. There are currently 4 Information Papers in the series, entitled:

- Local government area boundaries in Scotland: 1995 onwards
- Local government electoral arrangements in Scotland: 1995 onwards
- Local government area boundaries in Scotland: 1974-1996
- Local government electoral arrangements in Scotland: 1974-1996

The Information Papers are all available on the Commission's website.

The Commission has a publication scheme under the Freedom of Information (Scotland) Act 2002. The scheme was approved by the Scottish Information Commissioner in 2004 for 4 years, and that approval has been extended by the Scottish Information Commissioner to June 2011. The Commission reviews the scheme from time to time to ensure it remains relevant. The Scheme is available on the Commission's website (www.lgbc-scotland.gov.uk), or a copy can be provided on request. During 2008-09, the Secretariat received and responded to 12 requests made under the terms of the Act, most of which related to the Commission's administrative area review at Robroyston.

5 Review activity

5.1 Administrative area reviews

5.1.1 Cardowan

The Commission agreed to conduct a review of the administrative area boundary between Glasgow City and North Lanarkshire council areas at Cardowan by Stepps in April 2008. The need for a review arose because of housing development which had taken place across the local authority boundary, dividing a number of individual houses. The Commission agreed its initial proposals for the area in May 2008, and submitted these to the two affected local authorities, asking for their views. The Commission considered those views at its meeting in October 2008, and subsequently published its provisional proposals for public consultation for a period of 3 months. Having considered representations made during that consultation, the Commission agreed its final recommendations in February 2009, and submitted its report to Scottish Ministers in March 2009. If implemented, the Commission's recommendations will result in the boundary being realigned along the edge of the housing development, and the transfer of around 170 homes from Glasgow City Council area to North Lanarkshire Council area.

Scottish Ministers will decide whether to implement the Commission's recommendations, and make any necessary Orders.

5.1.2 Fithiebank

The Commission announced that it was conducting a review of the administrative area boundary between Angus and Dundee City council areas at Fithiebank in December 2008. The need for a review has arisen because of housing development which has taken place across the local authority boundary, dividing a number of individual houses. The Commission submitted its initial proposals to the two affected local authorities in January 2009, and expects to complete the review during 2009-10.

5.1.3 Greenacres, Robroyston

The Commission announced that it was conducting a review of the administrative area boundary between East Dunbartonshire and Glasgow City council areas at Greenacres, Robroyston in December 2008. The need for a review has arisen because of housing development which has taken place across the local authority boundary, dividing a supermarket and number of individual houses. The Commission submitted its initial proposals to the two affected local authorities in January 2009, and expects to complete the review during 2009-10.

5.2 Electoral reviews

The Commission has not undertaken any reviews of electoral arrangements during 2008-09.

In October 2008, Scottish Ministers made an Order (Scottish Statutory Instrument 2008/325) which amended the name of Ward 13 of Dumfries and Galloway Council from Annandale East to Annandale East and Eskdale.

6 Objectives and performance

6.1 Membership of the Commission

Objective: Enable newly appointed Chair and Commissioners to become fully conversant with and confident in the work of the Commission. Support Scottish Government in selecting and appointing a new Deputy Chair.

Performance: As reported above, during the year William Magee was appointed as Deputy Chairman. Newly appointed Commissioners have been encouraged to attend "On Board" training run by CIPFA in Scotland.

6.2 Administrative area reviews

Objective: Conduct reviews of local government areas where requests have previously been made, operating within Directions to the Commission from Scottish Ministers. Similarly, consider any new requests for ad-hoc reviews.

Performance: As reported above, a small number of administrative area reviews have been commenced during the year. No new requests for administrative area reviews have been received during the year.

6.3 Electoral reviews

Objectives: Monitor changes in electorate in wards in Scotland, and keep ward boundaries in Scotland under review, in accordance with section 16(3) of the Local Government (Scotland) Act 1973. Consider ad-hoc reviews of electoral ward boundaries in response to requests.

Performance: The Secretariat has compiled electorate data for all of Scotland, and will present results of an assessment of current ward electorates to the Commission during 2009. A request for a review of a small section of electoral ward boundary at New Horndean Farm, Scottish Borders was received and considered. The Commission has judged that the resources required to conduct a review would be disproportionate to the likely benefit.

6.4 Information about our work

Objectives: Raise public awareness of the work of the Commission. Maintain and improve existing website with agreed minutes and discussion papers on a rolling basis. Develop common website portal and email address for both Scottish Boundary Commissions. Add past Commission documents from past reviews to the website in a suitable format.

Performance: A short article explaining the Commission's work appeared in COSLA Connections of August 2008. The Information Papers (see section 4 above) provide a useful resource explaining the Commission's work.

Secretariat staff now use email addresses in the domain scottishboundaries.gov.uk. This change was made to help reduce confusion about the distinction between the work of this Commission and the Boundary Commission for Scotland which makes recommendations concerning parliamentary boundaries. The corresponding

website www.scottishboundaries.gov.uk provides links to the websites of each Commission.

The Commission's website now contains copies of all the Commission's reports since its establishment in 1973 as PDF files, as well as the associated legislation implementing the reports' recommendations. In addition, the website also contains full details of the electoral arrangements implemented by Ministers on the formation of new local authorities in 1974 and 1995.

The Search facility on the website has been updated allowing visitors to enter a postcode and find out which council area and wards that postcode lies in.

6.5 Liaison with others

6.5.1 Scottish Government

The Commission continues to have regular contact and dialogue with the Scottish Government as its sponsoring department.

6.5.2 Ordnance Survey

Objectives: Maintain contact with Ordnance Survey on boundary related issues. Continue to assist each other in identifying more effective and efficient ways of conducting the boundary making process that have mutual benefits.

Performance: This has continued, ensuring that the Secretariat has access to the optimum set of mapping data products to support its work; to receive technical advice in the deployment of those products; and to ensure that the Secretariat and Ordnance Survey work together to ensure the smooth flow of accurate information from Commission decisions to Ordnance Survey's boundary products. The Secretariat has continued during the year to be licensed to use Ordnance Survey products through the Pan-Government Agreement which covers a wide range of government organisations.

6.5.3 Office for National Statistics

Objective: Continue with input to the group led by the Office for National Statistics on statistical geographies.

Performance: This has continued by email correspondence through the year, including input on naming conventions, and the ONS catalogue of geographic datasets.

6.5.4 Other organisations

Objective: Maintain and further develop contacts with the Association of Electoral Administrators, Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) and the Society of Local Authority Chief Executives (SOLACE), Electoral Commission and other UK Boundary Commissions.

Performance: Contact has been maintained 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. As noted above a meeting of all the UK Boundary Commissions took place in March 2009, and also in March, we received a visit from the Local Government Boundary Commission for Wales to discuss aspects of their forthcoming reviews of electoral arrangements.

7 Expenditure

The Commission's expenditure for the year 2008-09 is set out under broad headings in the table below. After setting the initial budget, the Secretariat re-forecasts expenditure during the year, so that the sponsor department is aware of the likely expenditure for the year.

Budget and Outturn Performance April 2008 - March 2009		
	Expenditure	
	Budget (£)	Actual (£)
Staff Salaries	108,000	67,780
Commissioners' Fees	13,000	8,433
Accommodation	51,000	48,384
Administration	29,000	20,572
Mapping	55,000	44,785
Travel and Subsistence	5,000	999
Review costs	4,000	3,568
Total	265,000	194,521

7.1 Staff salaries

The Scottish Government determines staff salaries. The significant underspend arose as a result of a greater than expected proportion of staff time being spent on parliamentary boundary work, and unfilled vacant posts.

7.2 Commissioners' fees

Commissioners' fees are determined by the Scottish Government and cover attendance at all scheduled Commission 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 daily basis for each meeting. The fee rates during the year 2008/09 for Commissioners were:

Chairman	£347 per day
Deputy Chairman	£250 per day
Commissioner	£217 per day

7.3 Accommodation

The Commission shares accommodation with the Boundary Commission for Scotland, which is responsible for advising the Secretary of State for Scotland on matters relating to parliamentary constituency boundaries. The figures shown in the above table in respect of accommodation reflect the Local Government Boundary Commission's 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 e-mail, publications and advertising, staff and Commissioner training and computer software maintenance, support and licence fees.

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 government 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, such as site visits required in conjunction with administrative review activities. Travel and subsistence costs are paid at the same rate that applies to staff of the Scottish Government.

7.7 Review costs

Review costs cover those items directly attributable to the conduct of reviews by the Commission, and include newspaper advertising and printing.

8 Work programme for 2009-10

The Commission's planned activities for 2009-10 are set out in its Corporate Plan for the period 2009-12 which is available on the website, and are summarised here.

8.1 Review activity

Administrative area reviews

The Commission expects to conclude the reviews of sections of local authority boundaries at Fithiebank and Robroyston where recent housing development traverses the local authority boundaries during 2009-10.

Electoral reviews

The Commission intends to assess current ward electorates to examine changes since the Fourth Statutory Reviews of Electoral Arrangements in order to discover how accurate its forecasts of electorate during those Statutory Reviews were, and to determine whether any interim electoral reviews are required.

8.2 Other activity

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

- considering the outcome of the internal review of IT provision, and if appropriate migrating to a centrally managed service;
- recruiting permanent staff to fill posts currently occupied by temporary staff;
- reviewing accommodation arrangements in the light of the fact that the current lease on office accommodation ends in January 2010;
- reviewing the Commission's Risk Management Scheme which was implemented in late 2006;
- improving and extending the Commission's published information explaining its work;
- developing a new recording system for inquiries received by the Secretariat;
- liaising with other UK Boundary Commissions, including hosting the annual liaison meeting;
- providing ongoing training as appropriate to meet staff and review requirements;
- maintaining contact with Ordnance Survey and other relevant bodies on boundary related issues;

- maintaining links with organisations of those involved with electoral matters; and
- continuing to meet all financial and other sponsorship requirements as required under 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.lgbc-scotland.gov.uk) please do not hesitate to contact us either by e-mail, telephone or in writing. Please see the back page of this report for our contact details.

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