

# **Administrative Boundary Review: Argyll & Bute Council Area/West Dunbartonshire Council Area at Ardoch Sewage Works**

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# **Administrative Boundary Review: Argyll & Bute Council Area/West Dunbartonshire Council Area at Ardoch Sewage Works**

## **Introduction**

1. The Commission has a statutory obligation to consider ad hoc requests for changes to boundaries of administrative areas within Scotland received from Councils, members of the public or other interested parties.

## **Origin and Commencement of the Review**

2. The Commission is required under section 14 (3) of the Local Government (Scotland) Act 1973 to consider a request from a local authority, or any other person, to conduct a review under 14 (2) of the Act. Section 14 (2) enables the Commission at any time to review all or any part of the local government areas in Scotland for the purpose of considering whether to make proposals to The Scottish Ministers, subject to direction made under section 15 of the Act. Where the Commission considers that it is desirable in the interests of effective and convenient local government to effect changes, it may make proposals to The Scottish Ministers under section 13 of the Act.
3. On 7 June 1999, the Secretary of State for Scotland issued a Direction under section 15(3) of the Act. The Direction stated:

‘In exercise of his powers under section 15(3) of the Local Government (Scotland) Act 1973, and all other powers enabling him in that behalf, the Secretary of State hereby directs the Local Government Boundary Commission for Scotland not to undertake a review of any local government area between one day after the date of this direction and 1 April 2004, other than a review which potentially directly affects not more than 50 electors.’

Post-devolution, the functions of the Secretary of State for Scotland under the 1973 Act were transferred to The Scottish Ministers by section 53 of the Scotland Act 1998.

## **Background**

4. Argyll and Bute Council area and West Dunbartonshire Council area were defined in the Local Government etc (Scotland) Act 1994. Schedule 1 to that Act describes West Dunbartonshire Council as comprising an area of Clydebank District Council plus Regional Electoral Divisions 6 and 8 of Strathclyde Region, (except for that part of RED 8 which was included in Argyll and Bute Council area).

5. The 1994 Act required Ordnance Survey to mere the boundaries of the new authorities and we understand that this process involves verifying that the textual descriptions reflect ground features which the administrative boundary follows. In completing this exercise for Argyll and Bute and West Dunbartonshire Council areas, OS appeared to have referred to the then current textual description for the former District Council areas and, where necessary, the descriptions of the Regional Electoral Divisions. The description for the boundary at Ardoch Sewage Works, which had been in place and unchanged since the First Statutory Review of Electoral Arrangements, referred to the western extent of Ardoch Sewage Works. Since the reorganisation of local government in 1973 there had been no proposals to change the Regional Electoral Division boundary in the area of Ardoch and the description of the boundary had simply been carried forward - other than in terms of minor presentational changes. However, the area covered by the sewage works had extended westward, although this change was not apparent on the OS maps available to the Commission at either the Second or Third Statutory Reviews of Electoral Arrangements. Indeed, on its maps of electoral arrangements the Commission reflected the Council boundary as designated on maps provided by the authorities.
6. It became apparent that, in relating the textual descriptions to ground features, Ordnance Survey had considered that it would be incorrect to follow the western extent of the sewage works (i.e. the line as then plotted on official maps). This resulted in a revised line being plotted to the western extent of the sewage works and the Chief Executives of both Councils in their capacity as 'Proper Officers' agreed to the revised plot. However, the line as revised had the effect of moving the boundary westwards and, as a consequence, transferring an area of land and a number of residential properties from Argyll and Bute Council area to West Dunbartonshire Council area. Although this change in the boundary took place prior to the Third Statutory Review of Electoral Arrangements, the Commission was not informed of the realignment. It would appear also that officials in both Councils and the Electoral Registration Officer had not appreciated that a change to the mapped boundary of the Council areas had been made following the OS exercise.
7. The issue of where the boundary lay arose because West of Scotland Water sought planning permission to complete water treatment facilities at Ardoch Sewage Works required under a European Commission Directive. In December 1998, Argyll and Bute Council and West Dunbartonshire Council approached The Scottish Executive Development Department (SEDD) to seek clarification of the administrative boundary between the two authorities at the sewage works. Clearly, the boundary description fitted the line now plotted by Ordnance Survey. However, because both Councils could not agree where the boundary lay, planning permission for the proposed water treatment facilities had been delayed. In order to clarify the position and firmly establish the boundary between the Councils at Ardoch, Solicitor's advice was that a review would have to be conducted.

## **The Commission's Provisional Proposals**

8. Having considered the circumstances that had led to the uncertainty surrounding the alignment of the administrative boundary, we agreed that clarification of the line was necessary. We believed also that, administratively, it would probably be more effective and convenient if the works lay wholly within a single council area. A number of alternative boundary lines were examined and we concluded that a line suggested by officials from both Councils and discussed during an earlier site visit by our Secretary produced a well-defined boundary.
9. Because of the Direction limiting the Commission to undertaking administrative reviews in areas directly involving 50 electors or fewer, we established from the Electoral Registration Officer that, according to the 1999 Register of Electors, only 15 electors would be affected by the proposed change. A review under the terms of the Secretary of State's Direction was, therefore, possible and we agreed that our provisional proposals should be published.

## **Publication of Commission's Provisional Proposals**

10. Public notice of our provisional proposals was given in the Dumbarton Reporter, Helensburgh Advertiser and Lennox Herald newspapers from 21 March 2000. Argyll & Bute and West Dunbartonshire Councils were asked to make available for inspection at three council offices copies of the provisional recommendation and illustrative maps. Additionally, copies of our proposals were sent to the Electoral Registration Officer for Argyll & Bute, East Dunbartonshire and West Dunbartonshire, MPs and MSPs for the affected area, the Scottish Headquarters of the political parties, editors of local newspapers, Ordnance Survey, and Dumbarton West and Cardross Community Councils. We asked that any comments should be made to us by 2 May 2000.

## **Representations**

11. Five representations were received:
  - **West Dunbartonshire Council** wrote to say that it supported the Commission's provisional proposals.
  - **Helensburgh and Lomond Area Committee of Argyll & Bute Council** wrote supporting the affected electors within Ward 36 of Argyll Council who wished to remain within that Council area. The Area Committee considered that it was logical to revise the administrative boundary so that Ardoch Sewage Works was located in West Dunbartonshire Council area, but maintained that the households on the south side of the A814 should remain within Argyll & Bute Council area (see illustrative map at Appendix D).

- **Cardross Community Council** accepted the wishes of the two Councils to resolve the boundary problem, but unanimously opposed the Commission's provisional proposals on historical grounds. The Community Council stated that the area had always been closely connected with the village of Cardross and that the parish had always included all of the landward area east of the village up to the Dumbarton boundary. The Community Council believed that there were no reasons for departing from this long-standing arrangement. It considered that any housing development should remain in Argyll and Bute Council area and that the boundary of West Dunbartonshire should not be extended to encompass it.
- **Councillor Kinloch** wrote in support of the representation received from the 15 electors affected by the Commission's provisional proposals. He stated that the properties involved have always been within the parish of Cardross and the residents have always voted in the Cardross ward of Argyll & Bute Council. The Councillor suggested that the proposed line for the boundary should be revised so that the sewage works was located within West Dunbartonshire Council area but that the houses of the 15 electors remained within Argyll & Bute Council area.
- A letter signed by all 15 electors residing in the affected area was forwarded expressing strong opposition to the Commission's provisional proposals. The letter suggested that all 6 affected properties should remain within Ward 36 of Argyll & Bute Council. It was stated that all of the affected properties have been located within the parish of Cardross from at least the early 1980s and the residents saw no reason for change. The residents concluded that, if the purpose of the review was to ensure that the whole of the sewage works was located in West Dunbartonshire, this could be achieved without having to transfer their properties to West Dunbartonshire Council area. An alternative line for a revised boundary was proposed (see illustrative map at Appendix D).

12. Ordnance Survey advised that it had no comment to make on the proposed new boundary alignment.

## **Consideration of Representations**

13. We considered the representations received and the alternative proposal submitted by the 15 electors resident in the affected area, which was supported by Helensburgh and Lomond Area Committee of Argyll & Bute Council, Councillor Kinloch and Cardross Community Council. We noted the close proximity of Dumbarton to the affected houses and that a new housing development within West Dunbartonshire Council area was planned on the north side of the A814. We noted also that none of the representations received suggested that the provision of local government would be more effectively or conveniently provided under the alternative proposal, and that

the alternative proposal was being submitted on the grounds that the area had an historical association with Cardross.

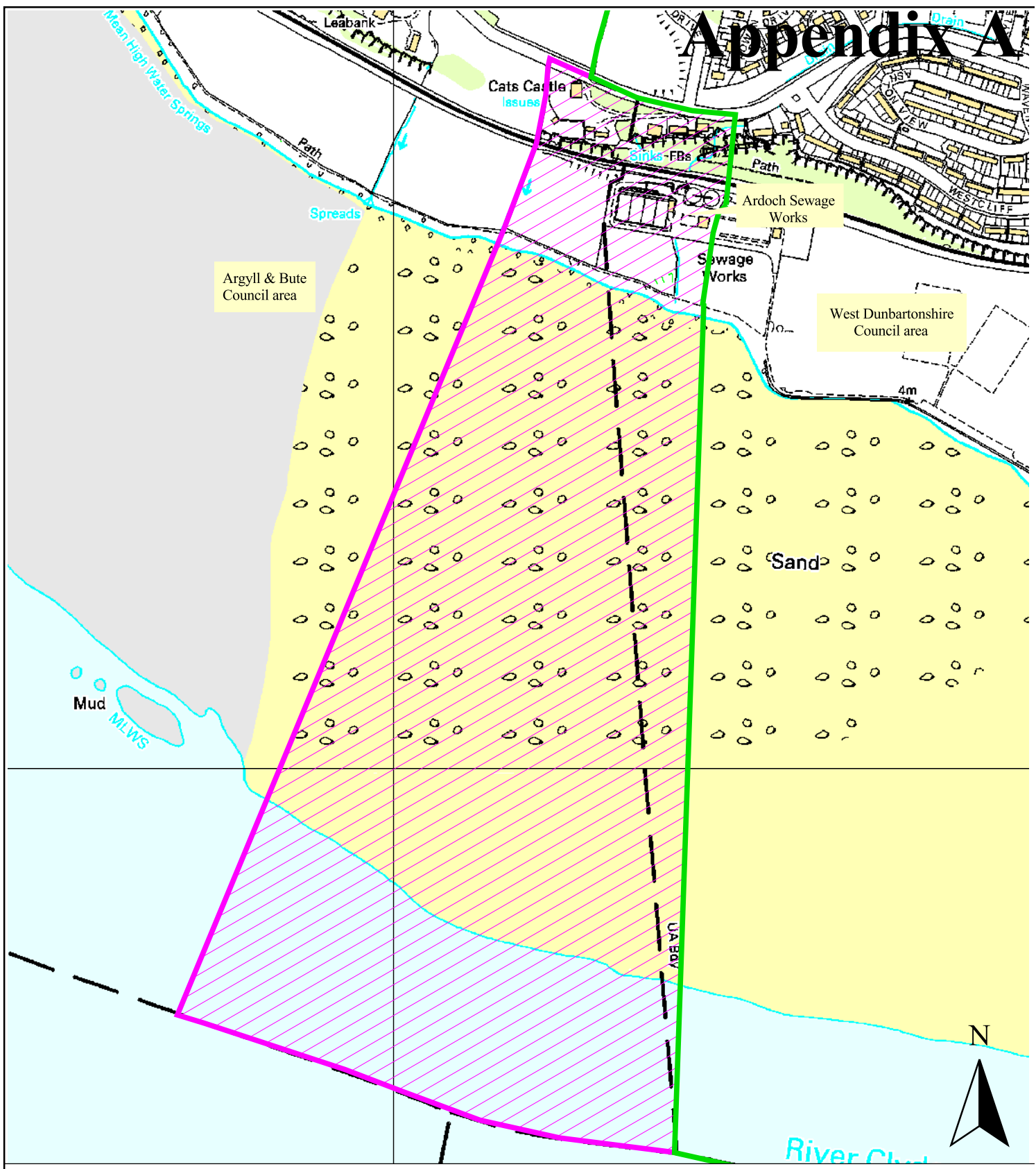
14. We concluded that historical considerations could not unduly influence the outcome of requests for reviews of administrative boundaries under the provisions set out in statute. We concluded also that the boundary line published as our provisional proposals produced a better defined boundary than did the proposed alternative. We noted the objections to our provisional proposals which associated a small number of properties presently lying within Argyll and Bute Council area with nearby housing and facilities within West Dunbartonshire Council area, but agreed that they should be accepted as the Commission's final recommendation.

### **Final Recommendation**

15. We **recommend** that the area shown on the map at Appendix A, the boundaries of which are described at Appendix B, should be transferred from Argyll & Bute Council area to West Dunbartonshire Council area. We propose that, as a consequence of the transfer, alterations should be made to the electoral wards of Argyll & Bute Council and West Dunbartonshire Council as specified in Appendix C.

16. We make our recommendation on the grounds that the proposed revision to the boundary clearly and unambiguously delineates the boundary between Argyll and Bute and West Dunbartonshire Councils in the vicinity of Ardoch Sewage Works and places matters affecting the sewage works wholly within the jurisdiction of West Dunbartonshire Council.

# Appendix A






**Local Government Boundary Commission for Scotland**

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Review of the local government administrative boundary between Argyll & Bute Council and West Dunbartonshire Council at Ardoch Sewage Works.

- Index to map
-  Existing administrative boundary (disputed)
  -  Proposed revision
  -  Area of transfer



## **Appendix B**

### **Description of boundary of area of proposed transfer between Argyll & Bute Council and West Dunbartonshire Council at Ardoch Sewage Works**

Commencing on the existing administrative boundary between Argyll & Bute Council and West Dunbartonshire Council at a point NG Ref NS 3726 7591 on the A814; then generally south eastward and southward along the said administrative boundary to the centreline of the Firth of Clyde; then north westward along the centreline of the said firth to an undeterminable point in line with a drain to the west of Ardoch Sewage Works at NG Ref NS 3714 7570; then north eastward in a straight line to and north eastward and northward along the said drain to a field boundary at NG Ref NS 3719 7583; then northward along the said field boundary and its prolongation in a straight line to the A814; then south eastward along the said road to the point of commencement.

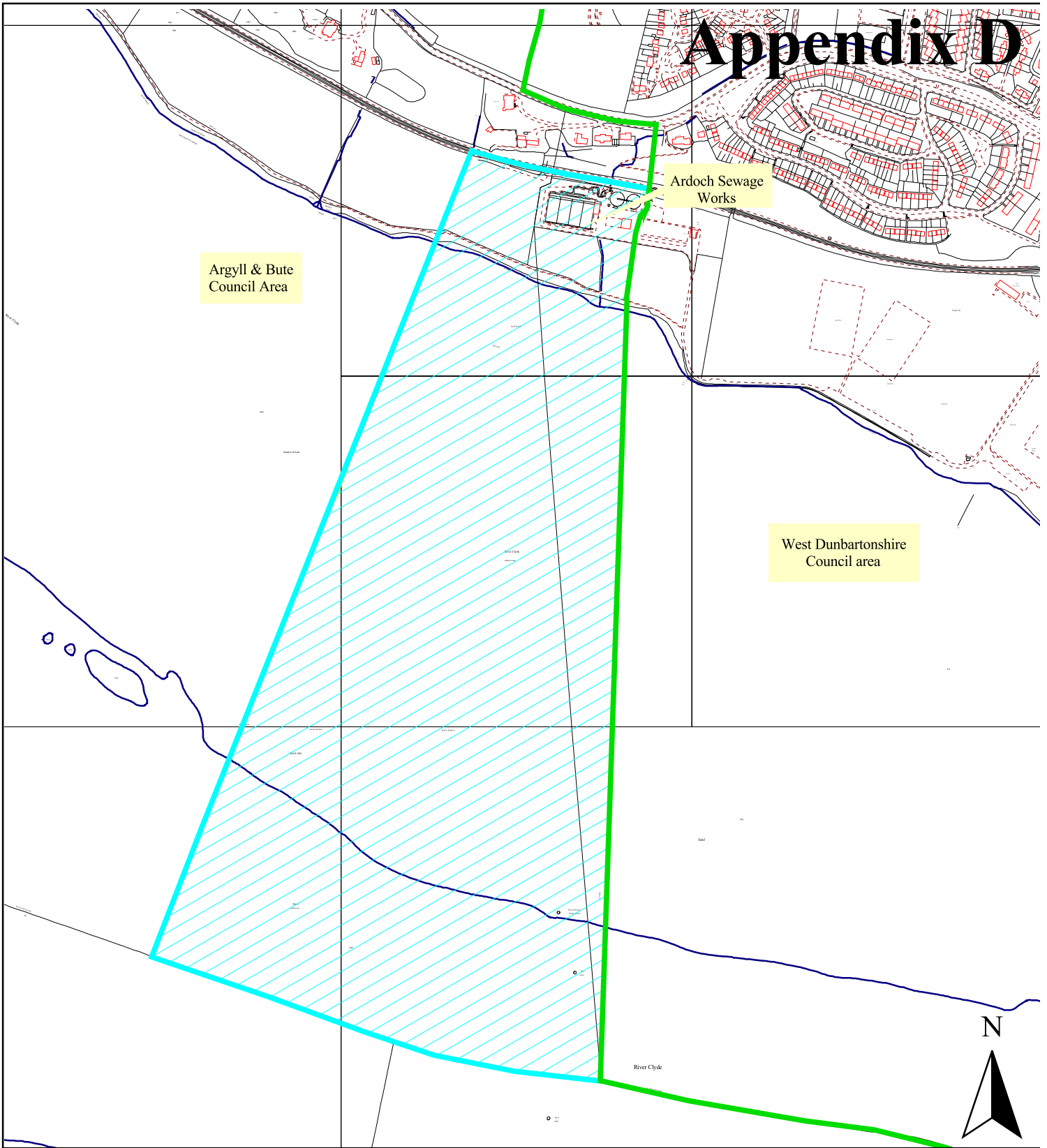
## Appendix C

### Boundary between Argyll & Bute/West Dunbartonshire Councils at Ardoch Sewage Works: Review of Administrative Boundary under the Provisions of Section 14 (2) of the Local Government (Scotland) Act 1973

#### Consequential alterations to Electoral Ward 36 (Cardross) of Argyll & Bute Council and Electoral Ward 16 (Dumbarton West) of West Dunbartonshire Council.

Council	Electoral Ward	Proposed Alteration	Electorate at 1999	
			Before Alteration	After Alteration
a	b	c	d	e
Argyll & Bute	36	The shaded area shown on the map at Appendix A and described at Appendix B to this report shall cease to be part of this ward.	1,877	1,862
West Dunbartonshire	16	The area shown on the map at Appendix A and described at Appendix B to be transferred from ward 36 of Argyll & Bute Council to this ward.	3,386	3,401

# Appendix D



**Local Government Boundary Commission for Scotland**




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Map showing alternative realignment suggested in response to Commission's provisional proposals

Index to map

-  Existing administrative boundary (disputed)
-  Local residents alternative
-  Area of transfer

