

Local Government Boundary Commission for Scotland

Fourth Statutory Review of Electoral Arrangements

Dumfries and Galloway Council Area

Constitution of the Commission

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Report Number E06006
June 2006

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Local Government Boundary Commission for Scotland

Mr Tom McCabe MSP
Minister for Finance and Public Service Reform

We, the Local Government Boundary Commission for Scotland, present our proposals for future electoral arrangements for Dumfries and Galloway Council area resulting from our review of local government electoral arrangements as required by section 4 (1) of the Local Governance (Scotland) Act 2004.

In accordance with the provisions of section 18(3) of the Local Government (Scotland) Act 1973, as amended, copies of our report, together with illustrative maps, are being sent to Dumfries and Galloway Council with a request that the report and maps are made available for public inspection at their offices. In addition copies of our report and maps in the form of PDF images on CDROM are being sent to those who received a copy of our consultation letter. Further, those who made representations during the 12-week public consultation exercise have been informed that the report has been published.

Notice is being given in newspapers circulating in the Dumfries and Galloway Council area that the report has been made and that interested parties may inspect the report and maps at offices designated by the Council throughout its area or by accessing these documents on our web site.



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June 2006



Summary

The review was called for by section 4 of the Local Governance (Scotland) Act 2004.

Part 1, paragraph 1

The first Commencement Order, which signalled the start of the review process, was dated 20 August 2004.

Part 1, paragraph 5

Directions from the Scottish Ministers were issued to the Commission on 30 August 2004.

Part 1, paragraph 6

Our review of electoral arrangements was announced in a letter dated 6 September 2004 sent to each Chief Executive of the 32 Councils.

Part 1, paragraphs 10 – 16

The ward boundaries proposed by our review are based on topographical identifiers contained in the Ordnance Survey MasterMap large-scale digital plans.

Part 1, paragraphs 19 – 24

The July 2004 electoral register provided the base electorate for the review.

Part 1, paragraphs 25 – 26

Our first meeting with Dumfries and Galloway Council took place on 7 October 2004 at the Council headquarters in Dumfries.

Part 2, paragraphs 1 – 3

The concluded view of the Council following our first meeting was received by us on 4 November 2004.

Part 2, paragraph 5

We provided the Council with our initial proposals for 13 wards in Dumfries and Galloway Council area on 7 March 2005 and asked that a response be made within 2 months.

Part 2, paragraphs 14 – 15

The Dumfries and Galloway Council response to our initial proposals.

Part 2, paragraphs 16 – 17

We published our provisional proposals for 13 wards electing 47 Councillors on 30 June 2005 and asked that representations be made to us by 22 September 2005.

Part 2, paragraphs 19 – 23

We received 163 representations during the statutory consultation period of 12 weeks.

Part 2, paragraph 24

Our consideration of representations.

Part 2, paragraphs 25 – 35

We published our revised proposals for Wards 1 - 8 on 12 January 2006 and asked that representations be made to us by 9 February 2006.

Part 2, paragraph 36 – 37

We received twenty-five representations during the statutory consultation period of 4 weeks.

Part 2, paragraph 38

Our consideration of representations on revised proposals.

Part 2, paragraphs 39 – 44

We recommend 5 x three member wards and 8 x four member wards for Dumfries and Galloway Council area thereby returning a total of 47 elected members.

Part 3, paragraph 1

Part 1 Background

Origin of the Review

1. The Local Governance (Scotland) Act 2004 introduced proportional representation for local authority elections. As a consequence, we were required to review electoral arrangements for all local authorities in Scotland for the elections due to take place in May 2007. This Report presents our findings and recommendations resulting from the review of Dumfries and Galloway Council area called for by section 4(1) of the 2004 Act.

The Local Governance (Scotland) Act 2004

2. The 2004 Act made a number of changes to the existing legislation, the Local Government (Scotland) Act 1973, as amended. These changes are set out at Appendix A. However, some of the changes have a particular impact on the review process and it is perhaps worth noting the following provisions:

- at least 2 months before taking any steps to inform other persons of our draft proposals, or any interim decision not to make proposals, we should inform the Council of our proposals (or any decision not to make proposals); and
- before informing any other person of our initial draft proposals, we should take into consideration any representation made by the Council during the period of 2 months beginning on the day on which the Council was informed of our initial draft proposal.

3. Schedule 6 to the 1973 Act, as amended, was further amended by the 2004 Act so that:

- at 1(2), the number calculated by dividing the number of local government electors in each electoral ward of a local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same; and
- at 1(3)(b), any local ties which would be broken by the fixing of any particular boundary but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.

4. The full text of the Schedule 6 rules as amended is set out at Appendix D.

Commencement of the 2004 Act

5. The Minister for Finance and Public Services signed the first Commencement Order in relation to the Local Governance (Scotland) Act 2004 on 19 August 2004. As a consequence, Sections 4(1) to (4), 5(a) to (c) and (f) (Reviews of electoral arrangements) and Section 6 (Interpretation of Part 1) of the 2004 Act came into force on 20 August 2004. The Commencement Order also stated that, in exercising the functions conferred under the provisions referred to above, Scottish Ministers and the Commission should act on the assumption that the provisions of Part 1 of the 2004 Act are in force for all purposes.

Directions from Scottish Ministers

6. On 30 August 2004, Scottish Ministers issued Directions to us in exercise of the powers conferred by Section 18(2A) and 18(2B) of the Local Government (Scotland) Act 1973, as amended. The Directions apply during the current review to any consultation conducted by us in accordance with Section 18(2)(a) of the 1973 Act, with the Council of any local government area affected by a review under Part II of that Act. A copy of these Directions is at Appendix B.

7. Amongst other things, the Directions required us to inform each Council, within 14 days of the date of the Directions, in writing, in a letter sent by recorded delivery addressed to the Chief Executive, of the:

- timetable we proposed for the consultation;
- timetable we proposed for the review;
- general approach we proposed to adopt in formulating proposals for ward boundaries;
- information we would like to have available to use in formulating our proposals;
- assistance which each Council would be asked to render to us in the process of review; and
- such other matters we felt appropriate.

8. On 30 August 2004, Scottish Ministers similarly issued Directions to Councils that they should cooperate with us in the conduct of our review and, in particular, that they should:

- establish and maintain an ongoing dialogue which, where appropriate, may include meetings with us;
- take all reasonable steps to ensure that any views expressed, or purporting to be expressed, by or on behalf of the Council to us are accurate;
- provide us with all such information as we may reasonably request; and
- provide us with all such information that the Council considered relevant, including any proposals or ideas a Council may have in relation to new ward boundaries, or otherwise in relation to the formulation of our proposals.

9. A copy of the Directions to Councils is set out at Appendix C.

Announcement of our Review

10. We announced the start of our review of electoral arrangements in a letter to the Chief Executive of Dumfries and Galloway Council dated 6 September 2004. With regard to our initial consultation, we informed the Chief Executive that paragraph 7 (subject to paragraph 9) of the Ministerial Directions to us mentioned above stipulated that we should meet with the Council no later than 12 weeks from the date of our letter. We were required to offer each Council two dates for such a meeting and that such a meeting should take place during the Council's ordinary working hours.

11. We proposed that our meeting with Dumfries and Galloway Council should take place on either 06 October 2004 at 10:00 hrs or 07 October 2004 at 10:00 hrs. We asked the Council to inform us of any other dates within the 12-week period determined by the Directions which should be avoided in the event of our initial dates being unsuitable. We noted that we expected that meetings would be held at the Council's offices but offered, if necessary, to accommodate a meeting at our offices in Edinburgh.

12. With regard to the proposed meeting, we informed the Chief Executive that we would be represented by a Commissioner accompanied by a member or members of our Secretariat. We asked for facilities to be made available which would allow us to make a short presentation to provide background information and to illustrate how we proposed to undertake the review.

13. With our letter we enclosed an outline timetable (Appendix E) which set out the main stages for our review. We also set out details of the general approach which we intended to adopt in considering how revised electoral wards suitable for returning 3 or 4 elected members might be constructed within the terms of the statutory rules, whilst seeking better to reflect local perceptions of natural communities where possible and practicable to do so. We set out our proposal to use information from the July 2004 electoral register as the base electorate for our review and our intention to make available to the Council geographic information systems (GIS) data files containing counts of electors for each postcode within the Council area which would facilitate spatial analysis of these data.

14. Bearing in mind the importance we attached to perceptions of community focus and our concept of the contribution that this focus might make to the delineation of more stable boundaries in the longer term, we asked the Council to identify and map what it considered to be the boundaries between communities within its area. We made it clear that we were particularly interested in such boundaries being identified within contiguous built-up areas, such settlements, or groups of settlements, being likely to merit more than one multi-member ward. We also asked for information which would allow us to make a forecast of the electorate within the Council area at 2009, as required by the legislation.

15. We asked the Council to nominate an official as the recognised point of contact so that the close working relationship necessary to conduct a successful review could be established. We asked if the Council would confirm whether the locations used at the last review in 1996/1998 to deposit material for public consultation remained appropriate and if they would provide details of alternatives where necessary. We also asked for a list of the newspapers circulating within the Council area normally used for the publication of Statutory Notices.

16. We asked the Chief Executive if, prior to our proposed meeting, we could be informed of any particular issues that the Council might wish to discuss with us.

General Issues

17. Three developments have made it possible for us to reconsider the process and practices of reviewing local government electoral arrangements and of accurately defining the boundaries of proposed wards. Firstly, the availability of computer-based geographic information systems (GIS) provides us with the ability to analyse a variety of localised data and then to develop and explore options for revised electoral ward geography. Secondly, the GIS technology, used in conjunction with Ordnance Survey (OS) large-scale digital data also allows for the boundaries of wards to be more precisely defined than has hitherto been possible – thus obviating the need for written boundary descriptions. Thirdly, the Representation of the People (Scotland) (Amendment) Regulations 2002 provide us, for the first time, with formal access to information contained in electoral registers and,

importantly, allow us to obtain that information in an electronic format which can be managed and spatially examined by means of our GIS facilities.

18. Use of the GIS technology, large-scale digital mapping and electoral register data in examining, reviewing and defining ward boundaries is outlined below.

Definition of Electoral Ward Boundaries

19. Defining ward boundaries can raise particular difficulties in areas where changes to the built geography are not reflected on available paper maps. In many parts of Scotland such changes are now occurring more rapidly than in the past, with considerable consequences for our boundary review work.

20. The introduction of OS MasterMap® large-scale digital mapping affords the opportunity for the first time for electoral ward boundaries to be defined by means of unique topographical identifiers (TOID®s) which accurately identify the position of the natural and built features depicted by the large-scale digital data. Accordingly, it is possible to identify the boundaries of electoral wards electronically by directly linking the line of any boundary to, for the most part, the OS TOID®s.

21. All Councils in Scotland now have full access to OS MasterMap®, as do all central government bodies, agencies and government-sponsored organisations with GIS facilities. Generally, all such bodies using large-scale digital mapping have a preference for boundary information to be defined against that background.

22. As a consequence:

- all of the proposed ward boundaries we recommend are directly related to digital information contained in the Topography layer of OS MasterMap®, which was supplied to us by OS in July 2004, except where circumstances demand that a line between 2 unconnected TOID®s is necessary, for example, in crossing a road or river;
- where part of a ward boundary and the boundary of the Council area are coterminous, that part of the ward boundary is the boundary of the Council area as depicted in the Administrative Boundaries theme of the Topography Layer of OS MasterMap® as supplied to us by OS in July 2004; and
- where applicable, the coastal boundary of a ward is defined by means of the low water mark springs as depicted in a large-scale digital data set (prepared on our behalf by OS from its large-scale digital information) except in areas where, historically, all or part of the Council's seaward boundary presently has a recognised off-shore definition.

23. We are aware that, at the time of this review, OS is undertaking a Positional Accuracy Improvement initiative (PAI) and that it does not expect to complete this work in Scotland until March 2006. Further, the results of the PAI will not be fully incorporated into the OS large-scale digital maps until later in that year. Even after this detailed work by OS, the position of residential property existing at the time of our review will remain within the ward as defined by our review. This provides better long-term accuracy than would be provided by written boundary descriptions.

24. Drawing these matters together, we have worked on the reasonable assumption that the boundaries of wards will be more accurately defined than has been possible at previous reviews

and that any future dispute over the line of a particular boundary will be capable of resolution by reference to deposited copies of the ward boundaries in digital form in conjunction with deposited copies of the OS MasterMap® data (Topography layer and Administrative Boundaries theme of the Topography layer and coastline data) mentioned at paragraph 22 above.

Electorate Data used in the Review

25. As mentioned at paragraph 17 above, in preparation for this review, we investigated and tested the potential offered by GIS technology in the preparation of proposals for revised electoral arrangements. To make fullest use of GIS systems in our review activities it is necessary to have the basic numerical data, for the most part electorate information, in a format which allows them to be directly associated with digital mapping showing the underlying geography to which it relates. Ideally, our preference would have been to link addresses in the electoral register directly to the background geography by means of a geo-referenced address database. However, in the absence of a definitive national address database, and being aware of the shortcomings of available address-based GIS databases, we researched the potential for making use of postcode geography maintained by the General Register Office for Scotland (GRO(S)) as a means of identifying the number of electors on the electoral register at a level of resolution low enough for us to develop and consider proposals for the boundaries of revised electoral wards. Initial tests, involving matching the postcodes for addresses on the electoral register with the GRO(S) postcode geography files, indicated that we could successfully identify electors on the electoral register at the small-user postcode which contained their address and, as a consequence, establish accurate counts of electorate for these postcodes.

26. The availability of up-dated electoral register information on a monthly basis allowed us to associate information on the electoral register at July 2004 with the most up-to-date postcode geography available from GRO(S) (August 2004) thus minimising the potential for mismatches between the two data sets. As a consequence, at the start of our review in Dumfries and Galloway Council area, of the 115,141 electors on the register at July 2004, 115,136 (99.99 percent) could be identified within the postcode geography held in our GIS. The residual number of 5 electors were contained in 3 postcodes which, as far as we could ascertain, were newly allocated by the Post Office and, as such, had not yet appeared in the latest Post Office Address Files which GRO(S) uses to update and maintain its postcode geography system. We were, therefore, confident that postcoded electorate data for Dumfries and Galloway Council area could be used as the initial building blocks for reviewing electoral arrangements in that area.

Part 2 The Review in Dumfries and Galloway Council Area

Meeting with Dumfries and Galloway Council

1. Our initial meeting with Dumfries and Galloway Council took place on 7 October 2004 at 10:30 hrs at the headquarters offices of the Council at Dumfries. We were represented at that meeting by Mr Kenneth McDonald who was accompanied by Andrew Inglis from our Secretariat.
2. We made a short illustrated presentation which set out the background to the review and the nature of our GIS systems, which provided us with the facility quickly and accurately to prepare proposals and examine alternatives. We demonstrated that the GIS allowed us to look closely at relevant matters such as the geography and topography, settlement patterns and communication links within Council areas. We explained that, as required by the Schedule 6 Rules, we needed information from the Council on house building, demolitions and known institutional development for the 5-year period to 2009 in order to form a view on the number of electors in the Council area at that time. We also invited Councils to provide information which would help us define areas recognised locally as communities. We set out our proposed timetable for the review, which envisaged 7 stages with completion by August 2006. A copy of the outline timetable is set out at Appendix E.
3. Following our presentation, we answered some general questions on matters relating to the review process. We also invited, and took careful note of, various views expressed in relation to the review in the Council area.

Concluded View of the Council

4. The Ministerial Directions (Appendix B) issued on 30 August 2004 stated that each Council should, if it so desired, submit its concluded views on review matters to the Commission within one month of the date of our initial meeting. Dumfries and Galloway Council submitted its concluded view to us on 4 November 2004 which included:
 - a list of clusters of communities with brief details of their characteristics together with small-scale map images overlaid with schematics loosely indicating the focus of each cluster; and
 - details of forecast new-build.

Aggregation of Existing Wards

5. In compliance with the legislation as amended, our Secretariat set out for us options for creating new 3 or 4 member wards by combining existing single member wards. We noted that aggregations of existing wards resulted in divisions within several of the principal settlements and created anomalous ward geographies. Further, the wards produced did not best reflect the current distribution of electorate, the clusters of communities set out by the Council in its concluded view, forecast housing development, and locally defined geographies such as the areas covered by Community Councils.

6. After consideration of these and all the other relevant matters, we were not persuaded that our initial proposals should be based on a configuration dictated by a simple aggregation of existing wards. We, therefore, decided not to continue with that approach because if we adopted a more flexible approach:

- account could be taken of the current distribution of electorate and the forecast location of new-build housing;
- options could be developed with the aid of local geographies, such as Community Council areas, which better reflected the clusters of communities identified by the Council;
- with the likely exceptions of Dumfries and Stranraer, urban areas could be contained wholly within wards; and
- boundaries could be consistently defined with reference to features clearly recognisable on the ground.

7. As a consequence of our decision, our Secretariat then moved to consider alternative designs for revised wards using the methodology made known to the Council and in particular bearing in mind the information on communities provided to us in its concluded view.

Initial Proposals

8. We noted that our Secretariat's proposals were firmly based on the clusters of communities identified by the Council and made considerable use of Community Council geography. However, it would be necessary in some instances to diverge from the clusters in order to comply with the requirements of the statutory rules.

9. With the above in mind, we accepted that, in order to accommodate Stranraer within a single ward, it would be necessary to associate the town with the northern part of The Rhins and link the southern part of the Rhins with The Machars. Similarly, we considered the divergence from parity in our Secretariat's proposals for the ward centring on Annan to be high but agreed that, given the strong transport links between Eastriggs and Annan, it was appropriate for the two settlements to be in the same ward. We also accepted that Caerlaverock Community Council area should be associated with Dumfries because of both its proximity and transport links.

10. We noted that the proposed ward containing Newton Stewart extended over a considerable area, which, while connected in terms of transport links, included part of the Council's Nithsdale community grouping.

11. With regard to Dumfries, we noted that the Lincluden district was placed in the ward covering the Nithsdale area. We agreed that, had the legislation permitted wards returning 5 members, an alternative configuration would have allowed that part of Dumfries west of the River Nith to be incorporated in a single ward. However, we accepted that because the proposed wards for Dumfries met with the requirements of the legislation with regard to parity, generally reflected local Community Council geography, and were aligned to clearly identifiable ground features, they should remain unaltered.

12. Having considered the proposed ward geography, we concluded that our Secretariat's proposals should be adopted, subject to minor amendments, as our initial proposals. In the course of our deliberations we took fully into account the Schedule 6 rules, and the requirement placed upon us that

we make recommendations which, in our view, are in the interests of effective and convenient local government.

13. Following full discussion it was agreed that our initial proposals for Dumfries and Galloway Council area should comprise 13 electoral wards of which 5 were 3-member wards and 8 were 4-member wards as follows:

Ward Number a	Forecast Electorate b	Number of Elected Members c	Average Electorate per Member d	Divergence from Parity (%) e
1	10,980	4	2,745	8
2	7,250	3	2,417	-5
3	7,490	3	2,497	-1
4	10,390	4	2,598	3
5	9,750	4	2,438	-4
6	7,240	3	2,413	-5
7	7,180	3	2,393	-6
8	9,910	4	2,478	-2
9	10,140	4	2,535	0
10	10,510	4	2,628	4
11	11,000	4	2,750	9
12	10,410	4	2,603	3
13	6,850	3	2,283	-10

Informing the Council of our Initial Proposals

14. We submitted our initial proposals to Dumfries and Galloway Council on 7 March 2005 illustrated by maps showing the boundaries of the proposed wards. We also provided details of the forecast of electorate for each ward at 2009, a GIS file containing the boundaries of each ward and a CDROM containing maps of the proposed ward boundaries in PDF image format. (A GIS file containing the GRO(S) postcode geography showing the 2004 electorate together with the expected new build/demolition etc data and the electorate for each postcode at 2009 arising from these components of change was also available to the Council to assist with the review process.)

15. We asked the Council to provide its views on our initial proposals within two months as specified in the legislation. Contact was maintained with the Council at officer level throughout this initial consultation period.

Dumfries and Galloway Council Response

16. We were told that an Ad Hoc Modernising Sub-Committee had been formed by the Council to consider its response to our initial proposals; and that that group wished to know whether we would be prepared to accept three alternative proposals as put forward by Political Groups and extended an offer to meet with us to discuss boundary issues. We informed the Council that under the terms of the Directions only representations made by the Council could be considered during this initial consultation. Our Secretariat informed the Council that a delegation from the Ad Hoc Modernising Sub-Committee would be welcome at our headquarters in Edinburgh, where full use could be made

of our geographic information systems to explore the alternative geographies. The Council did not, however, provide a formal response to our initial proposals.

17. The Council subsequently forwarded details of the alternative proposals.

Consideration of the Council Response to the Initial Proposals

18. In the absence of any formal response by the Council we agreed to publish our initial proposals as our provisional proposals. For the purposes of publishing our provisional proposals we agreed a list of ward names and an appropriate ward numbering sequence with officials of the Council.

Provisional Proposals

19. Our provisional proposals for revised electoral arrangements in Dumfries and Galloway Council area made provision for a Council of 47 elected members in 5 wards each returning 3 members and 8 wards each returning 4 members as follows:

Ward		Forecast Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity(%)
Number a	Name b				
1	Ryan	10,980	4	2,745	8
2	Luce	7,250	3	2,417	-5
3	Kells	7,490	3	2,497	-1
4	Dee	6,850	3	2,283	-10
5	Carlingwark	7,240	3	2,413	-5
6	Urr	7,180	3	2,393	-6
7	Dumfries	10,510	4	2,628	4
8	Nithsdale	10,140	4	2,535	0
9	Lochar	9,910	4	2,478	-2
10	Nith	10,410	4	2,603	3
11	Annandale South	11,000	4	2,750	9
12	Annandale North	10,390	4	2,598	3
13	Annandale East	9,750	4	2,438	-4

20. We published our provisional proposals for revised electoral arrangements in Dumfries and Galloway Council area on 30 June 2005. These differed from our initial proposals in that they contained minor changes necessary to fix the proposed boundaries to the OS MasterMap® TOID®s (see Part 1 paragraphs 19-24).

21. A statutory notice, detailing where our provisional proposals had been deposited for the public consultation and setting out the arrangements we had made for receiving representations, was published in the Stranraer and Wigtownshire Free Press, The Galloway Gazette, The Galloway News, Dumfries and Galloway Standard, Upper Nithsdale News, Dumfriesshire Newspaper Group and the Eskdale and Liddesdale Advertiser. Copies of the documents and maps deposited for the public consultation were also placed on our web site. A short news release was issued on 29 June 2005. The Council was also provided with copies of the documentation and maps on CDROM which it was

free to distribute on a wider basis. Further, we provided the Council with GIS files containing the proposed ward boundary details.

22. All MPs and MSPs with a constituency interest were provided with copies of our provisional proposals on CDROM as were the headquarters organisations of the political parties represented at the Scottish Parliament. We also informed the Scottish Parliament Information Centre, Community Councils, Electoral Registration Officers and the Electoral Commission of our provisional proposals.

23. We asked that representations should be made to us within the 12-week period ending on 22 September 2005. We informed all concerned that representations could be made by writing to our Secretary at 3 Drumsheugh Gardens Edinburgh, EH3 7QJ, by email at dumfries.galloway@lgbc-scotland.gov.uk, by fax at 0131 538 7511, or by using the representations pro forma accessible on our web site at www.lgbc-scotland.gov.uk. Those making representations were asked to provide their full postal address including postcode.

Representations

24. We received 163 representations during the statutory public consultation. The main points raised by these parties are summarised below:

The Council

Dumfries and Galloway Council submitted alternative proposals which it considered better reflected the community information it provided and also forwarded the views of the 7 Area Committees.

Councillor

Councillor Cameron objected not only to our proposals but also to those of the Council and put forward an alternative configuration consisting of existing wards intended to respect the integrity of Dumfries. Support for this configuration was received from Lochside and Woodlands Community Council and 5 other representations.

Political Parties

The Liberal Democrat Group on Dumfries and Galloway Council broadly agreed with our proposals. However, they objected to Kells ward due to its extent and the inclusion of three distinct community areas. They proposed including Moniaive and Tynron in Ward 8 and the rural area west of Dunscore in Ward 5.

Local Conservative Associations generally supported our proposals in terms of balancing electoral parity and community focus. However, for reasons of geography and local ties, they felt that Moniaive and Tynron polling districts should be included in Ward 8 and that Dunscore polling district should also be wholly within Ward 8. In addition, an adjustment was requested between Wards 10 and 11 for reasons of geography and local ties. Alternative names were suggested for Wards 3, 7 and 10 (Mid Galloway, Maxwelltown and Dumfries) respectively.

Local Scottish National Party organisations objected to the extent of the Kells ward, in particular the separation of Kirkcowan, Newton Stewart and Minnigaff from the Machars of Wigtownshire and their inclusion with The Glenkens, which focused on Castle Douglas.

It was suggested that 3*2-member wards rather than 2*3-member wards would allow for more effective representation. Concern was also expressed that the new system would be difficult to administer due to non-alignment with Westminster and Holyrood boundaries.

Community Councils

Ae Community Council requested that Ae polling district should be included in Ward 8 rather than Ward 12 as the area had strong social and economic links with Mid and Upper Nithsdale.

Balmaclellan Community Council supported the Council's proposals and objected to the proposed Kells ward because it included 3 distinct geographic areas. Concern was expressed that The Glenkens might not be represented by any local councillor.

Balmaghie Community Council supported the Council's proposals, objected to the extent of the proposed Kells ward, and expressed concern regarding the level of councillor involvement with small rural communities and that local service boundaries and networks had been ignored.

Carsphairn Community Council objected to associating The Glenkens with Moniaive and Newton Stewart because our proposals did not reflect local ties nor the geography and community associations of the area.

Cree Valley Community Council urged reconsideration of the geographically unmanageable Kells ward which had no regard for current or previous administrative and social links and consisted of an unwieldy collection of communities.

Crossmichael and District Community Council objected to the new electoral system and expressed concern that it would result in the further marginalisation of their rural voice.

Dalry Community Council expressed concern regarding the geographic extent of the Kells ward noting the close social and economic links between Dalry and Castle Douglas.

Dundrennan Community Council objected to our proposals for wards in the Stewartry area and considered that Kells ward ignored natural communities by connecting three geographic areas which were poorly linked in terms of transport. Concerns were also expressed about how the new arrangements might affect local administrative boundaries.

Dunscore Community Council requested that, for reasons of geography and local ties, the western part of its area should be transferred to the proposed Nithsdale ward.

Garlieston Community Council objected to our proposals.

Glencairn Community Council requested that the Moniaive and Tynron polling districts should be located in the Nithsdale ward for reasons of geography and local ties.

Keir Community Council expressed support for the proposals of its local Area Committee which located Dunscore, Moniaive and Tynron in the Nithsdale ward and Lincluden within Dumfries.

Kirkconnel and Kelloholm Community Council objected to the current electoral review, emphasised its historical and economic attachments to Mid and Upper Nithsdale rather than Ayrshire, and supported the proposals of its Area Committee.

Kirkcowan Community Council objected to our proposals as they took no account of the connections between the various communities in the Council area.

Kirkmahoe and Locharbriggs Community Council requested that Duncow School should be placed in Ward 9 which included the majority of its catchment area.

Kirkmaiden Community Council expressed concern about our proposals in respect of The Rhins peninsula considering that the historic, social and administrative links of The Rhins and Glenluce, centring on Stranraer, should be acknowledged.

Lochside and Woodlands Community Council objected to the proposals for North West Dumfries for reasons of community and local service provision and also requested that Barnhill should be included in the new ward. The Community Council supported the proposal put forward by Councillor Cameron.

Parton Community Council objected to the association of The Glenkens with Nithsdale and Mid Galloway, thereby cutting through traditional north/south links based on river valleys, and requested that The Stewartry be retained as a basis for the new wards.

Portpatrick Community Council expressed concern that by being amalgamated with Stranraer, Portpatrick would lose its identity. Consideration should be given to the effect of such changes on rural communities with the 3 existing rural wards and the 3 for Stranraer adequately suiting the area's differing needs.

The Royal Burgh of Annan Community Council considered that our proposals would be detrimental to local communities because the new wards would have little geographical or historical connection to the existing wards. Concerns were also expressed regarding the practical operation of the new arrangements.

Sanquhar and District Community Council objected to the proposals for Nithsdale because they disregarded historic and social ties and the established identity of the area. Full support was given to the local Area Committee response.

The Stewartry Convention of Community Councils objected to the proposed Kells ward due to: geographic extent; transportation difficulties; the ignoring of local service delivery boundaries and community associations; and the potential for representation by geographically distant councillors. The Convention suggested the revision of the Urr and Dee wards and a new Mid Stewartry ward as proposed by the Council.

Stoneykirk Community Council objected to associating the historically separate areas of The Rhins and The Machars, and to rural villages such as Lochans and Portpatrick being amalgamated with Stranraer. The formation of 2*3-member wards was suggested, one for Stranraer and the other to include the existing Rhins South, Rhins North and Luce wards.

Torthorwald Community Council objected to the introduction of STV, the association of areas with little in common, and considered that the disparate nature of Ward 9 would lead to poorer representation of rural areas.

Tynron Community Council urged acceptance of the local Area Committee proposal but, failing this, requested that for reasons of geography, communication links and local ties its own Community Council area be located in the Nithsdale ward.

Other Organisations

Building Healthy Communities expressed concern that separating Lincluden and Barnhill from the rest of North West Dumfries would have a detrimental effect on its work.

Dumfries and Galloway NHS Board expressed concern that the separation of Lincluden and Barnhill from North West Dumfries would detrimentally affect its work in the community.

The Evergreen Club objected for reasons of community to the proposals for North West Dumfries and the Barnhill area.

Laurieknowe Out of School Scheme Ltd expressed concern regarding the implications of our proposals on the North West Resource Centre, particularly in respect of funding, and also requested that the Barnhill area be included in the ward.

Lincluden Baby and Toddler Group objected to the division of North West Dumfries and the exclusion of Barnhill.

Little Gems expressed concern regarding the division of the North West Dumfries community and the exclusion of Barnhill.

Little Stars Playcare considered that our proposals could be seen as a barrier to use of the North West Resource Centre.

Maxwelltown Umbrella Group expressed concern regarding the segregation of Lincluden as the North West Resource Centre was based there. The 4 wards in the north-west of the town were a natural community and the exclusion of Lincluden and Barnhill created artificial barriers.

North West Dumfries Citizens Advice Bureau expressed concern regarding the segregation of Lincluden from the 3 other wards which together formed a natural community focussing on the North West Resource Centre. The proposals would create artificial boundaries, be detrimental to what had been achieved, and increase political complexity due to the number of councillors involved.

The North West Resource Centre considered that our proposals divided the North West Dumfries community and would make political and community action complex due to the number of councillors involved. The area was clearly defined for purposes of social and economic support and the exclusion of Lincluden would create an artificial barrier.

Stakeford Tenants and Residents Association objected to the proposals for North West Dumfries which were a retrograde step for local communities and services. New build at Barnhill should also be included in the new ward.

Summerhill Community Centre Management Committee objected to our proposals for North West Dumfries for reasons of community and provision of local services. New build at Barnhill should also be included in the new ward.

Other Representations

A letter objected to our proposals, particularly regarding the location of Lincluden, Moniaive, Dunscore and Clarencefield.

A letter objected to Kells ward because The Glenkens associated with Castle Douglas rather than the Cree Valley and, given the distribution of electorate, the area might not be represented by a local councillor.

A letter objected to: splitting the community of The Rhins; associating The Rhins and The Machars in the Luce ward (the geographic extent of the proposed ward would make effective representation difficult); and dividing The Machars and incorporating unconnected communities across a large geographic area in the proposed Kells ward.

A letter objected to Kells ward because it disregarded local ties between The Glenkens and Castle Douglas and, in covering three different areas, could result in representation by councillors with little local knowledge. Support was given for the Council's own proposals.

A letter stated that Heathhall, Locharbriggs and Marchfield should be placed in the same ward.

A letter objected to the arbitrary separation of the natural and historic communities in The Glenkens and expressed concern about the effect of our proposals, which cut across three natural communities and would impact on local administrative arrangements in The Stewartry. Support was given for the Council's alternative proposals.

A letter objected to our proposals particularly in respect of the division of the identifiable community of North West Dumfries. Existing wards should be amalgamated within the existing Area Committee boundaries.

A letter expressed concern in respect of The Glenkens and the proposed Kells ward which associated disparate localities in an artificial administrative area disregarding natural lines of connection and local ties.

A letter objected to the extent of the proposed Kells ward and our disregard for local ties between Dalry and Castle Douglas.

A letter objected to our proposals in respect of Kells ward due to: geographic size and associated issues of communication and transport logistics; potential quality of representation over such a disparate area; disregard of the area's traditional and natural links; practical issues of effective representation; and the potential marginalisation of rural areas.

A letter objected to our proposals in respect of The Glenkens as they disregarded the natural boundaries created by the glens and their local community relationships.

One hundred and three pro forma responses were received objecting to our proposals in respect of the North West Dumfries community and the exclusion of Lincluden.

A petition containing 49 signatures called for a public inquiry because the proposed wards did not take in to account established local communities and that boundaries calculated by statistics did not ensure access to proper representation for everyone.

Consideration of Representations

25. We examined the Council's alternative structure of wards together with the minutes of the various Area Committees with which we had been provided. We observed that the proposals produced a greater divergence from parity than our own, did not reflect adequately the community clusters identified earlier by the Council and created apparently arbitrary associations within Dumfries. We agreed that the revision offered did not fully satisfy the requirements of the statutory rules and offered no overall improvement in comparison to our proposals and, therefore, it should not be adopted.

26. We noted the petition and its call for a public inquiry but agreed that we had sufficient information to allow full consideration of all the substantive issues raised.

27. We considered the proposals put forward by Councillor Cameron and found that the wards significantly diverged from parity, were at variance with the identified communities submitted by the Council, did not produce strong boundaries, and did not address the knock on issues arising from electorate displaced by the proposed aggregations. Accordingly, we agreed the proposals could not be accepted.

28. We concluded that the proposed amendment to the boundary between Wards 10 and 11 involved few electors, better reflected local ties and resulted in an easily identifiable boundary. Accordingly, we agreed to the alteration.

29. We agreed that Duncow School should be contained within Ward 9.

30. We considered representations regarding Lincluden and the developments at Barnhill and, while accepting that both areas would focus on Dumfries, noted that the built-up part of the town west of the River Nith had sufficient electorate to justify 5 councillors.

31. We were sympathetic to the community based arguments raised by organisations connected to the North West Resource Centre, but agreed local funding arrangements, administration and area status were not matters that could decisively influence our considerations. We examined the representations in respect of the boundaries and constitution of the Nithsdale ward and had some sympathy for the arguments in favour of a revision based on geography and local ties. We examined representations regarding the proposed Kells ward and noted the perceived disregard of the area's natural geography, recognised communities and local ties. We also considered representations in respect of the The Rhins, the concerns expressed regarding the proposed association of communities, and the suggestion that 2*3-member wards would better reflect the urban/rural division of the area

32. Bearing the above in mind we considered a revision of the Nithsdale ward which allowed for the inclusion of Tynron, Glencairn, Dunscore and Ae Community Council areas. We found that this would reduce divergence from parity in the Annandale North ward and better acknowledge local ties as reflected in the representations made to us. We also concluded that the reconfiguration enabled a revised North West Dumfries ward incorporating Lincluden and the Barnhill developments. We noted, however, that the Troqueer area of Dumfries would be associated with Dalbeattie, observing that, although not ideal, this arrangement met the requirements of the statutory rules in terms of parity and retained Troqueer in a predominantly urban ward with strong transport links between the 2 main communities. This significant reconfiguration of our proposals also enabled The Glenkens to be associated with Castle Douglas and Newton Stewart to be associated with The Machars.

33. In light of the above we also reconsidered our proposals for the Stranraer area and concluded that the most appropriate arrangement would be to divide the town between 2*3-member wards each containing a balance of rural and urban electorates.

34. We noted in passing the concerns expressed in several representations regarding operational issues arising from the single transferable voting system new electoral arrangements. These were issues we could not consider.

35. Overall, we agreed that the revision we proposed better reflected electoral parity, the community aspirations expressed in the majority of representations received in response to our public consultation and produced easily identifiable boundaries. We also agreed that for those areas where significant change had been decided upon, revised proposals should be published with representations invited within a period of 4 weeks.

Revised Proposals

36. Our revised proposals for electoral arrangements in Wards 1-8 of Dumfries and Galloway Council area were set out as follows:

Ward		Forecast Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity(%)
Number a	Name b				
1	Stranraer and North Rhins	7,780	3	2,593	2
2	Wigtown West	7,100	3	2,367	-7
3	Mid Galloway	7,560	3	2,520	-1
4	Dee	7,630	3	2,543	0
5	Castle Douglas and Glenkens	7,930	3	2,643	4
6	Abbey	9,740	4	2,435	-4
7	North West Dumfries	10,510	4	2,628	4
8	Mid and Upper Nithsdale	9,480	4	2,370	-6

37. We published our proposals for Wards 1-8 on 12 January 2006, generally following the procedures adopted for the publication of our provisional proposals. We asked that representations on our revision should be made to us within the four-week period ending on 9 February 2006.

Representations on Revised Proposals

38. Twenty-five representations were received. The main points raised are summarised below:

The Council

Dumfries and Galloway Council requested that the community of Troqueer be removed from Ward 6, which would reduce to 3 members, and be included as part of one of the Dumfries town centre wards. The Council appreciated that consequential adjustments would be required to Wards 7, 8 and 9. The Council also requested an alternative division within Stranraer, the inclusion of Portpatrick in Ward 2 rather than Ward 1 and the transfer of Port William to Ward 3. The Council noted the revisions made regarding Ae and Duncow school and acknowledged the changes in respect of Kells ward and the inclusion of all North West Dumfries within the town.

Councillors

Councillor Bell objected to our proposals which by associating Troqueer with Dalbeattie connected two historically separate areas and which administratively would double the workload of local councillors. Support was given to the Council's proposals.

Councillors Hannay, McBurnie, McKie and Nicholson noted the recognition given to the North West Dumfries area but requested that Troqueer, as in the Council's proposals, be incorporated within the boundaries of Dumfries.

Councillor Little objected to our proposals, particularly as they concerned the existing Caerlaverock ward, because they did not reflect the differing needs of rural and urban communities.

Councillor McAughtrie objected to the inclusion of Troqueer in the proposed Abbey ward as the area had no links with Dalbeattie and was an historic part of the built up area and community of Dumfries. Our proposals would double the workload for Abbey ward councillors due to local administrative boundaries. Support was given to the Council's proposals as these respected the community of Dumfries and took in to account local development projects.

Community Councils

The Mid and Upper Nithsdale Association of Community Councils (MUNACC) fully endorsed our revisions for Nithsdale.

Sanquhar and District Community Council fully endorsed our revisions for Nithsdale.

Portpatrick Community Council considered that our changes did not go far enough in reflecting the views of the local community which had little connection with Stranraer and should be transferred to another ward.

Troqueer Landward Community Council objected to our proposals in respect of Troqueer, Cargenbridge, Islestepps and Terregles as these settlements looked to Dumfries administratively rather than Dalbeattie. Further, our proposals did not consider the differing issues affecting rural and urban areas or the increased workload placed on local councillors.

Other Organisations

Troqueer Tenants & Residents Association, with support from 11 pro forma responses, objected to our proposals in respect of the Troqueer ward as, in terms of history and local administration there was no linkage between Troqueer and Dalbeattie. Full support was given to the Council's proposals in respect of Dumfries.

Other Representations

A letter objected to the association of Troqueer with Dalbeattie because there was no connection between the 2 communities, and Troqueer was part of Dumfries. Support was given for the Council's proposed configuration.

A letter objected to our proposals regarding Troqueer and expressed concern that Dalbeattie's prominence in the Abbey ward would lead to changes in policy in Troqueer regarding issues such as licensing, education and planning.

A letter objected to our proposals in respect of Dumfries for reasons of history and community association and supported the Council's proposals for the town.

A letter objected to the association of the Troqueer area with Dalbeattie and expressing concern regarding the potential workload of councillors in the Abbey ward given the local administrative boundaries. Support was given for the Council's proposals.

Consideration of Representations on Revised Proposals

39. We considered the representations received in respect of the Troqueer area noting that issues arising from operational aspects of the single transferable voting system were not matters that we could address. In considering the position of Troqueer, we recalled the outcome of consultations on our provisional proposals in which we had agreed to reconfigure wards around Dumfries in a way that enabled us to include Lincluden in a ward associated with the town. As a consequence we concluded that it was not possible also to include Troqueer within a ward associated with Dumfries because of the significant adverse affect that this would have on electoral parity. Overall, we found that our proposals had the advantages of not splitting the community of Troqueer, used a boundary proposed by the Council and followed the line of the River Nith, an existing Community Council boundary and one of the historical divisions in the Council area. Accordingly, on balance, we agreed that no amendment should be made. We noted, however, that had the legislation allowed for 5-member wards the issue could have been resolved.

40. We examined the Council's revised proposals for Wards 1 and 2 and were in no doubt that, because of the significant divergence from parity in both wards, this alternative should not be adopted.

41. We considered the transfer of Port William but agreed that, because of the divergence from parity in Ward 2, no amendment should be made.

42. We examined the issues in respect of the transfer of Portpatrick and noted the small improvements in terms of divergence from parity. However, the proposal increased the already extensive eastern ward and the area continued to be associated with much of Stranraer. Accordingly, we agreed that our proposals should not be further revised in this area.

43. We noted the representations received in support of our proposals.

44. We noted the representation concerning the current Caerlaverock ward but agreed that, because this area was outwith the consultation process regarding our revised proposals, it could not be considered.

Part 3 Final Recommendation

1. Having conducted the fourth statutory review of electoral arrangements for Dumfries and Galloway Council area in accordance with the procedures described in Parts 1 and 2 above, we recommend that future electoral arrangements for the said Council area should provide for a Council of 47 elected members in 5 wards each returning 3 members and in 8 wards each returning 4 members as follows:

Ward		Forecast Electorate	Number of Elected Members	Average Electorate per Member	Divergence from Parity(%)
Number a	Name b				
1	Stranraer and North Rhins	7,780	3	2,593	2
2	Wigtown West	7,100	3	2,367	-7
3	Mid Galloway	7,560	3	2,520	-1
4	Dee	7,630	3	2,543	0
5	Castle Douglas and Glenkens	7,930	3	2,643	4
6	Abbey	9,740	4	2,435	-4
7	North West Dumfries	10,510	4	2,628	4
8	Mid and Upper Nithsdale	9,480	4	2,370	-6
9	Lochar	9,910	4	2,478	-2
10	Nith	10,430	4	2,608	3
11	Annandale South	10,980	4	2,745	8
12	Annandale North	10,300	4	2,575	2
13	Annandale East	9,750	4	2,438	-4

2. The boundaries of the proposed electoral wards are described in the form of digital data as set out at Part 1 paragraph 22 of our report. These data files, which have been securely stored on magnetic media at the date of publication of our report, comprise GIS files in shapefile format containing the features copied from the OS MasterMap®, large-scale digital data as supplied to us at July 2004. A full copy of the OS MasterMap®, Topography Layer, the Dumfries and Galloway Council area boundary depicted in the Administrative Boundaries theme and the low water mark ordinary springs large-scale digital data (prepared on our behalf by OS from its large-scale digital information) has similarly been secured on magnetic media. These secured data files ensure that the proposed ward boundary polyline shapefiles data can be verified against the July 2004 version of the large-scale base mapping from which the proposed ward boundaries are derived.

3. A statutory notice, detailing where our report has been deposited for inspection was published in the Stranraer and Wigtownshire Free Press, The Galloway Gazette, The Galloway News, Dumfries and Galloway Standard, Upper Nithsdale News, Dumfriesshire Newspaper Group and the Eskdale and Liddesdale Advertiser. A news release announcing the publication of our report was also issued.

4. Maps at the print size and scale set out below have also been deposited for public inspection at the locations set out in the statutory notice:

- Dumfries and Galloway Council area A0 scale 1:140,000
- Dumfries and surrounding area A2 scale 1:25,000

5. Our report and the maps detailing the recommended ward boundaries, together with individual maps of each of the recommended wards, are available on our web site at www.lgbc-scotland.gov.uk and can be viewed or downloaded free of charge within the constraints imposed by Crown copyright.

Appendices

- Appendix A Extract from Local Governance (Scotland) Act 2004
- Appendix B Direction Under Section 18(2A) of The Local Government (Scotland) Act 1973
- Appendix C Direction Under Section 18(2A) of The Local Government (Scotland) Act 1973
- Appendix D Local Government (Scotland) Act 1973, as amended
Schedule 6 – Rules to be observed in considering electoral arrangements
- Appendix E Review Timetable
- Appendix F Illustrative Maps

Appendix A

Extract from Local Governance (Scotland) Act 2004

4 Reviews of electoral arrangements

- (1) As soon as practicable after the commencement of this section the Boundary Commission shall-
 - (a) review the electoral arrangements for all local government areas for the purpose of considering future electoral arrangements for those areas, and
 - (b) formulate proposals for those arrangements.
- (2) Part II of the 1973 Act applies to a review under subsection (1) as it applies to a review under section 16 of that Act except that section 17 of that Act has effect as if it required-
 - (a) the Boundary Commission to submit a report on any review before such date as the Scottish Ministers may direct, and
 - (b) the Scottish Ministers to make an order under section 17 giving effect to the proposals of the Commission under subsection (1) (whether as submitted to them or with modifications).
- (3) The Boundary Commission shall, when complying with section 18(2)(aa) of the 1973 Act on a review under subsection (1), also inform the council of the reasons for any differences between-
 - (a) their draft proposals, and
 - (b) the draft proposals which would have been made had they been formulated on the basis that each electoral ward of a local government area is to consist of a combination of existing electoral wards (the rules set out in Schedule 6 to that Act having been disregarded in so far as those rules conflicted with that basis).
- (4) The Boundary Commission shall disregard subsection (3) when formulating proposals for future electoral arrangements under subsection (1).
- (5) The 1973 Act is amended as follows-
 - (a) in section 16(2) (duty of Boundary Commission to carry out periodic reviews of electoral arrangements), for “Schedule 5 to this Act” substitute “section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9)”,
 - (b) in section 18 (procedure for reviews)-
 - (i) in subsection (2), after paragraph (a) insert-

- “(aa) at least two months before taking any steps under paragraph (b) below to inform other persons of any draft proposals or any interim decision not to make proposals, inform the council of any local government area affected by the review of those proposals or that decision;
- (ab) before taking any such steps, take into consideration any representation made to them by such a council during the period of two months beginning on the day on which the council is informed under paragraph (aa);”,
- (ii) after subsection (2) insert-
 - “(2A) The Scottish Ministers may give directions to-
 - (a) the Boundary Commission,
 - (b) the council of any local government area affected by a review, in relation to consultation under subsection (2)(a) above.
 - (2B) Such directions may be given generally or in relation to particular reviews or particular aspects of reviews.”,
- (c) section 20 is repealed,
- (d) in subsection (1) (interpretation) of section 28, in the definition of “electoral arrangements”, after “councillors”, where second occurring, insert “, the number of councillors for each electoral ward”,
- (e) in subsection (2) (review of electoral arrangements to be carried out in compliance with certain enactments) of that section-
 - (i) after “Act”, where first occurring, insert “or section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9)”, and
 - (ii) for “section 5 of the Local Government etc. (Scotland) Act 1994” substitute “section 1 of the Local Governance (Scotland) Act 2004 (asp 9)”,
- (f) Schedule 5 is repealed,
- (g) in sub-paragraph (2) of paragraph 1 of Schedule 6, for the words from “of”, where fourth occurring, to the end of that sub-paragraph substitute “calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.”, and
- (h) at the end of sub-paragraph (3) of that paragraph insert-

“but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.”

Appendix B

DIRECTION UNDER SECTION 18(2A) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

1. The Scottish Ministers, in exercise of the powers conferred by section 18(2A) and (2B) of the Local Government (Scotland) Act 1973 (“the Act”), and of all other powers enabling them in that behalf, hereby give the following directions to the Local Government Boundary Commission for Scotland (“the Commission”).
2. These directions apply in relation to any consultation carried out by the Commission, in accordance with section 18(2)(a) of the Act, with the council of any local government area affected by a review under Part II of the Act (“the council”).
3. In carrying out any such consultation, the Commission shall comply with the requirements set out in paragraphs 4 to 12 below.

Information to be provided by the Commission

4. The Commission shall, within 14 days of the date of this Direction, inform the council in writing, by letter, by recorded delivery, addressed to the Chief Executive of that council of the following–
 - (a) the timetable proposed by the Commission for that consultation;
 - (b) the timetable proposed by the Commission for the review to be conducted by the Commission under section 4(1) of the Local Governance (Scotland) Act 2004;
 - (c) the general approach the Commission proposes to adopt in formulating its proposals for ward boundaries;
 - (d) the information the Commission would like to have available to use in formulating those proposals;
 - (e) the assistance which that council would be asked to render to the Commission in the process of the review; and
 - (f) such other matters as the Commission considers appropriate.

Process of consultation with the council

General

5. The Commission shall take all reasonable steps to establish and maintain an ongoing dialogue with the council for the purposes of the review. That dialogue may be conducted in person, orally, in writing or otherwise.

6. In the course of the consultation, the Commission shall encourage the council-
 - (a) to establish, and communicate to the Commission, any proposals or ideas that the council may have in relation to new ward boundaries, or otherwise in relation to the formulation of the Commission's proposals; and
 - (b) to provide such factual information held by the council as the Commission or the council think relevant in relation to the formulation of the Commission's proposals.

Meeting with the council

7. Subject to paragraph 9, the Commission shall meet with the council no later than twelve weeks after the date of the letter sent in terms of paragraph 4.
8.
 - (1) The Commission shall propose to the council 2 dates, and the times on those dates, on which that meeting might take place.
 - (2) Where the council indicates that those proposals are unsuitable then the Commission shall offer 2 further dates, and the times on these dates, on which the meeting might take place.
 - (3) All of the dates and times proposed by the Commission under this paragraph shall be within the ordinary working hours of the council.
 - (4) Nothing in this paragraph shall prevent the Commission and the council meeting at any time which is not within the ordinary working hours of the council where the Commission and the council so agree.
9. The Commission is not required to meet with the council where-
 - (a) the council indicates that it does not wish to meet the Commission; or
 - (b) the council fails to respond to any proposal made under
 - (i) paragraph 8(1), during the period of 14 calendar days beginning with the day on which the council received that proposal; or
 - (ii) paragraph 8(2), during the period of 7 calendar days beginning with the day on which the council received that proposal.

Formal written views of the council

10.
 - (1) The Commission shall take all reasonable steps to ensure that they have received the concluded view of the council in writing on the matters raised in the consultation by no later than-
 - (a) the end of the period of four weeks beginning with the date of any meeting held in accordance with paragraph 7; or

- (b) in the event that, in terms of paragraph 9, no meeting took place between the Commission and the council, the end of the period of four weeks beginning with -
 - (i) the date on which the council indicated that it did not wish to meet the Commission; or
 - (ii) the date on which the period referred to in paragraph 9(b)(i), or if applicable, 9(b)(ii) ends,whichever may apply.

- (2) Where the Commission have not received the concluded view referred to in sub-paragraph (1), within the timescale provided for in that sub-paragraph, the Commission may disregard any conflict in the views that have been expressed by, or purportedly by, the council where, in the opinion of the Commission, those views conflict.

11. Where the Commission is of the opinion that it has not received the concluded view of the council it shall notify the council of that fact no fewer than 7 calendar days before the end of the consultation.

12. For the purposes of these directions, the Commission shall assume that a view expressed as being the concluded view of the council is the concluded view of the council if that view is expressed in a letter from the Chief Executive of the council to the Commission.

Andrew P Kerr

A member of the Scottish Executive

Edinburgh
30th August 2004

Appendix C

DIRECTION UNDER SECTION 18(2A) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

1. The Scottish Ministers, in exercise of the powers conferred by section 18(2A) and (2B) of the Local Government (Scotland) Act 1973 (“the Act”), and of all other powers enabling them in that behalf, hereby give the following directions.
2. These directions apply in relation to any consultation carried out by the Local Government Boundary Commission for Scotland (“the Commission”), in accordance with section 18(2)(a) of the Act, with the council of any local government area affected by a review under Part II of the Act (“the council”).
3. In taking part in such a consultation, the council shall comply with the requirements set out in paragraph 4 below.
4. For the purposes of enabling the Commission to exercise the functions conferred upon them by virtue of section 18(2)(a) of the Act, as read with the Scottish Ministers’ direction to the Commission dated 30th August 2004, the Council shall co-operate with the Commission and shall in particular:-
 - (a) establish and maintain an ongoing dialogue which, where appropriate, may include meeting with the Commission;
 - (b) take all reasonable steps to ensure that any views expressed, or purporting to be expressed, by it or on its behalf to the Commission are accurate;
 - (c) provide the Commission with all such information as the Commission may reasonably request; and
 - (d) provide the Commission with all such information as the Council considers relevant, including any proposals or ideas the Council may have, in relation to new ward boundaries, or otherwise in relation to the formulation of the Commission’s proposals.

Andrew P Kerr

A member of the Scottish Executive

Edinburgh
30 August 2004

Appendix D

Local Government (Scotland) Act 1973, as amended Schedule 6 – Rules to be observed in considering electoral arrangements

1. (1) This schedule applies to the consideration by Scottish Ministers or the Boundary Commission of electoral arrangements for election of councillors of local government areas.
 - (2) Having regard to any change in the number or distribution of electors of a local government area likely to take place within the period of five years immediately following the consideration, the number calculated by dividing the number of local government electors in each electoral ward of that local government area by the number of councillors to be returned in that ward shall be, as nearly as may be, the same.
 - (3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to-
 - (a) the desirability of fixing boundaries which are and will remain easily identifiable;
 - (b) any local ties which would be broken by the fixing of any particular boundary but if, in any case, there is a conflict between those criteria, greater weight shall be given to the latter.
2. The strict application of the rule stated in paragraph 1(2) above may be departed from in any area where special geographical conditions appear to render a departure desirable.

Appendix E

Review Timetable

Stage 1: Initial consultation with Councils and the early establishment of an ongoing dialogue between the Commission and Councils for the purpose of the Review.

Councils are given full opportunity to communicate to the Commission any proposals or ideas that they may have in relation to the design of new wards. The Commission outlines the methodology underlying its intended approach to the Review.

Clarification of general review issues, both technical and administrative. Exchange of factual information between the Commission and Councils relevant to the design of proposed wards.

Discussion/exchange of information for any areas of concern.

12 weeks

Stage 2: Development of initial proposals by the Commission for each Council area with ongoing consultation between the Commission and Councils as necessary on emerging issues.

Preparation of maps, supporting documentation and GIS files of proposed ward boundaries for Councils once the Commission has completed drafting its initial ward schemes.

10 weeks

Stage 3: Initial proposals released to Councils. Two months allowed for the Council to comment on proposals, offer amendments and or alternatives. Further discussions with Council as required throughout this stage to clarify emerging issues relating to the initial proposals.

9 weeks (2 months)

Stage 4: Full consideration by the Commission of issues arising through stage 3 which might lead to revision/adjustment of initial proposals. Further liaison with Councils taken forward on a needs basis

8 weeks

Stage 5: Publication of the Commission's provisional proposals as part of the statutory public consultation process. Analysis of representations received. Seek Council views on aspects of representations and the impact they have on the provisional proposals as required.

12 weeks

Stage 6: Full analysis of representations received by the Commission.

Commission determines where a need has arisen for local inquiries, organises and conducts inquiries and reviews its provisional recommendations in light of inquiry reports.

Publication of revised recommendations where the Commission makes significant changes to its provisional proposals.

Consider representations received within 1 month.

Move to final recommendations where possible.

20 weeks

Stage 7: Complete final recommendations for all Council areas.

Complete review process, write and submit reports.

Appendix F

Illustrative Maps

Ward 1 – Stranraer and North Rhins

Ward 2 – Wigtown West

Ward 3 – Mid Galloway

Ward 4 – Dee

Ward 5 – Castle Douglas and Glenkens

Ward 6 – Abbey

Ward 7 – North West Dumfries

Ward 8 – Mid and Upper Nithsdale

Ward 9 – Lochar

Ward 10 – Nith

Ward 11 – Annandale South

Ward 12 – Annandale North

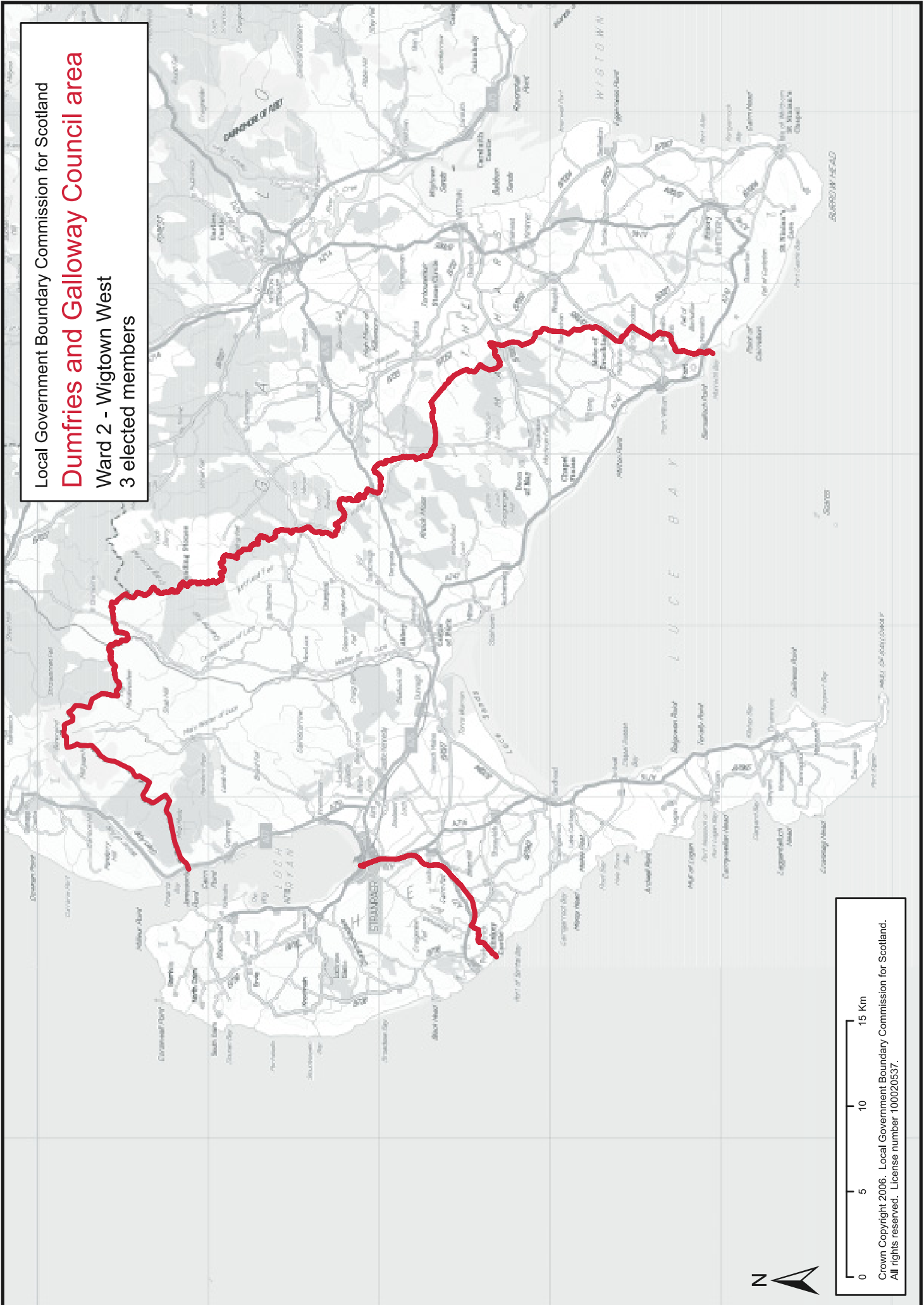
Ward 13 – Annandale East

Local Government Boundary Commission for Scotland
Dumfries and Galloway Council area
Ward 1 - Stranraer and North Rhins
3 elected members



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Local Government Boundary Commission for Scotland
Dumfries and Galloway Council area
 Ward 2 - Wigton West
 3 elected members

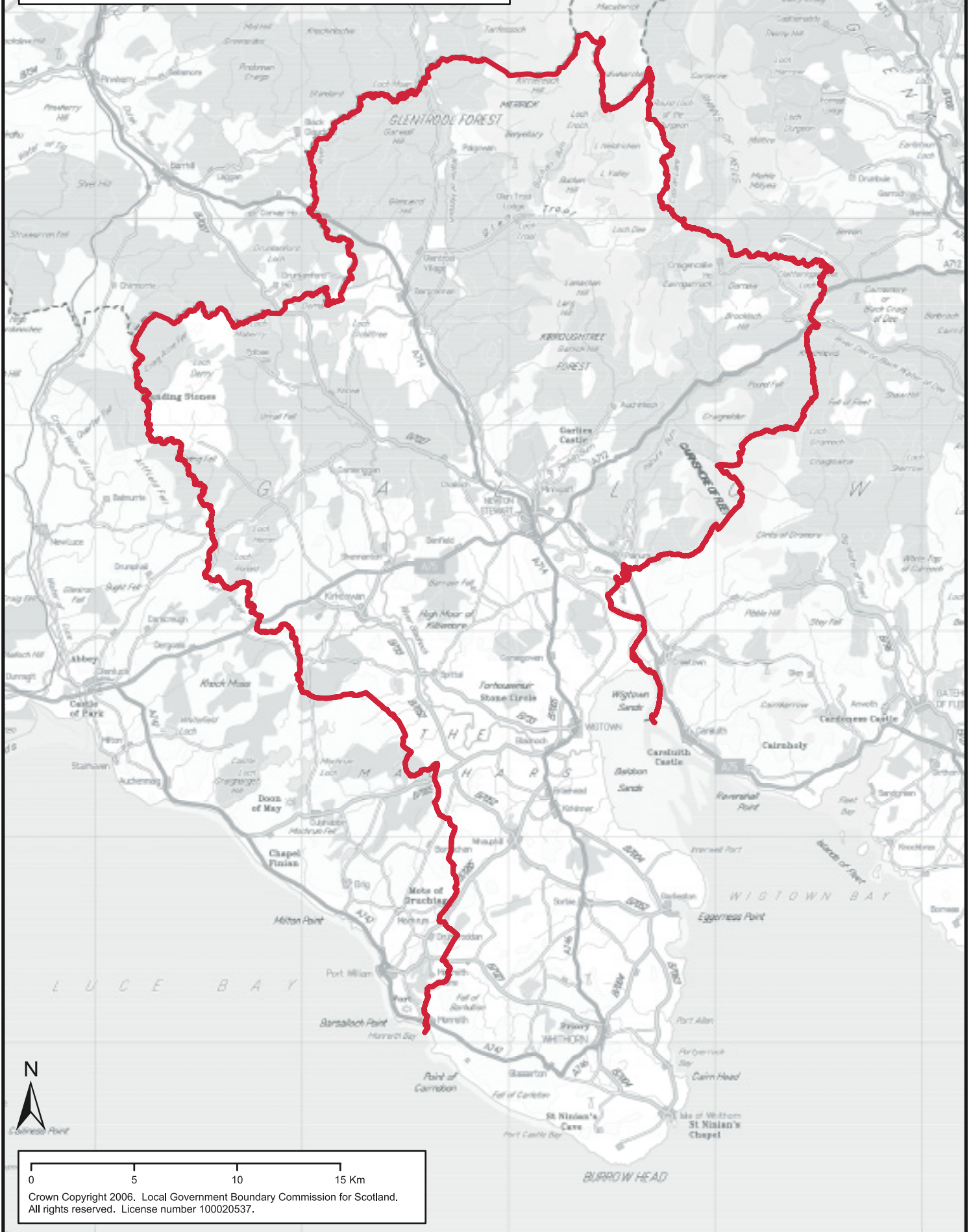


Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 3 - Mid Galloway

3 elected members



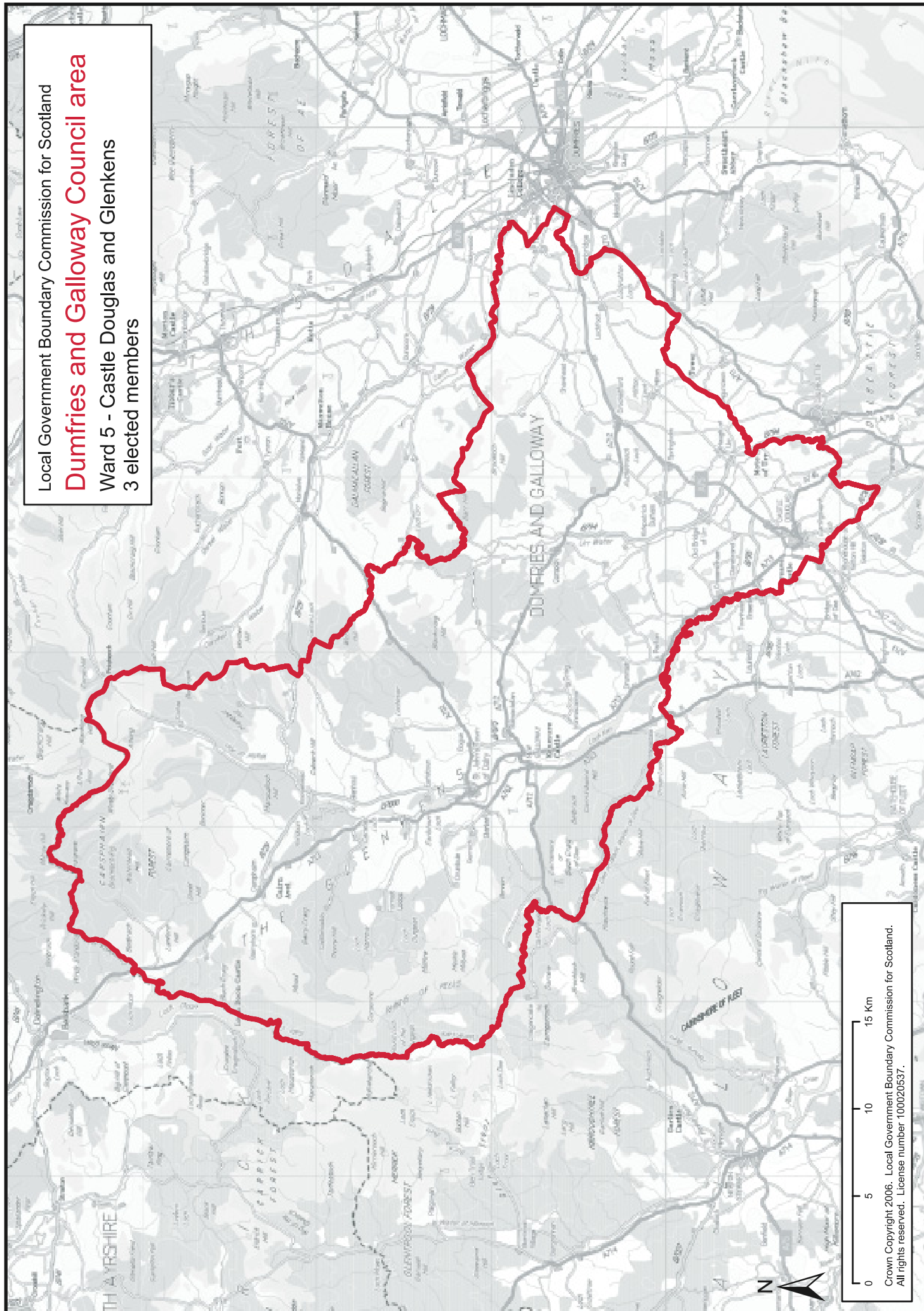
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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 5 - Castle Douglas and Glenkens

3 elected members



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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 6 - Abbey

4 elected members



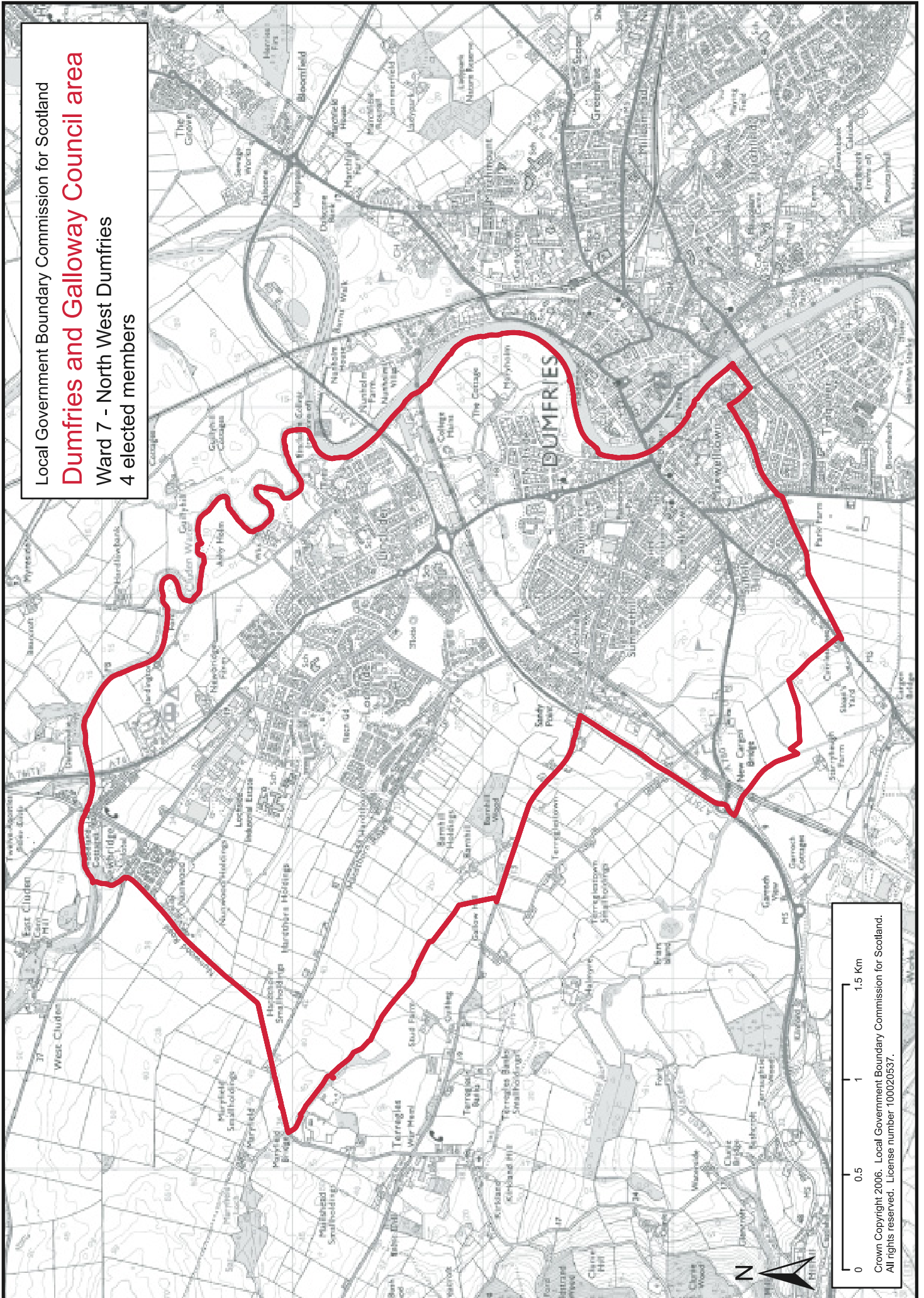
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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 7 - North West Dumfries

4 elected members



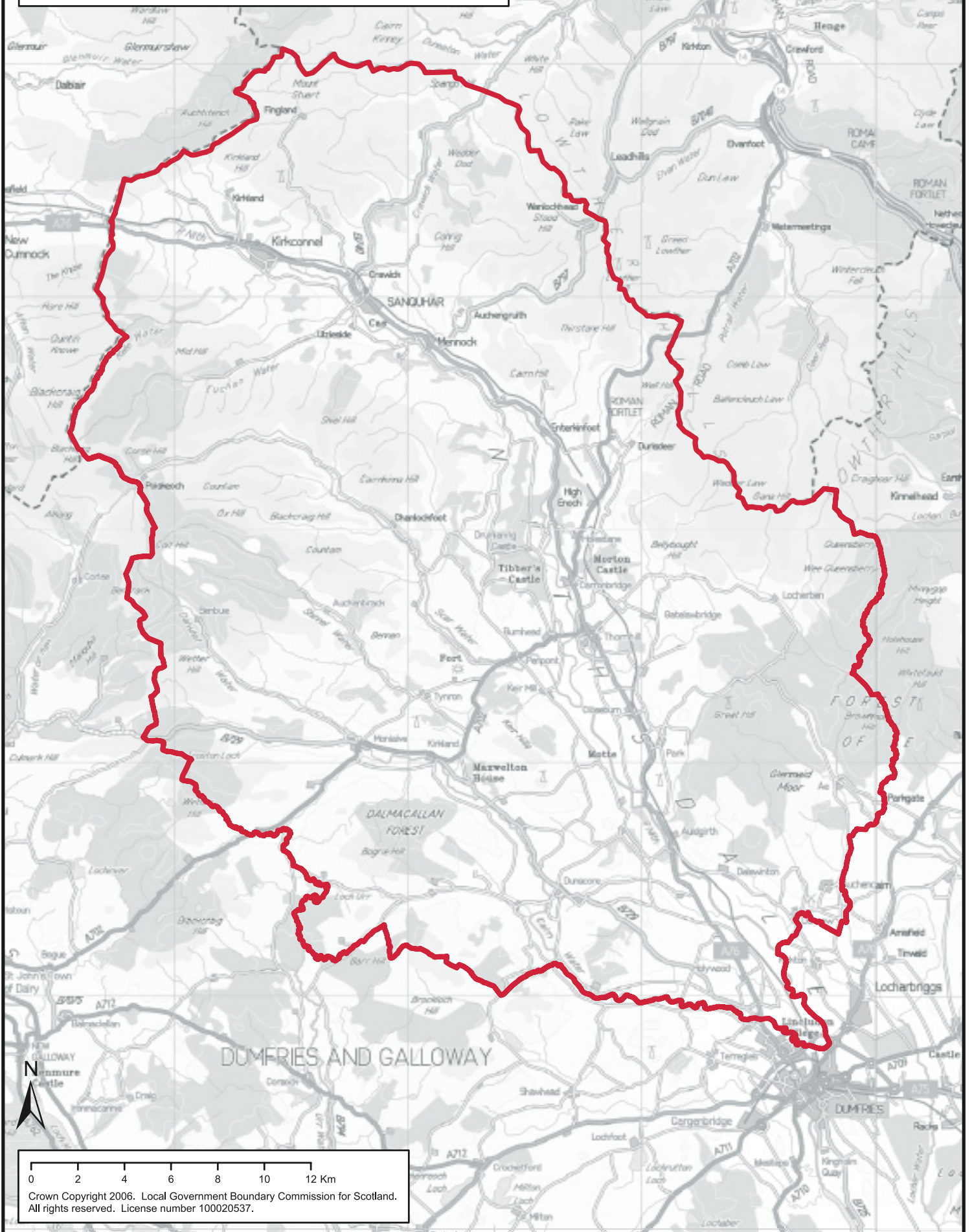
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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 8 - Mid and Upper Nithsdale

4 elected members



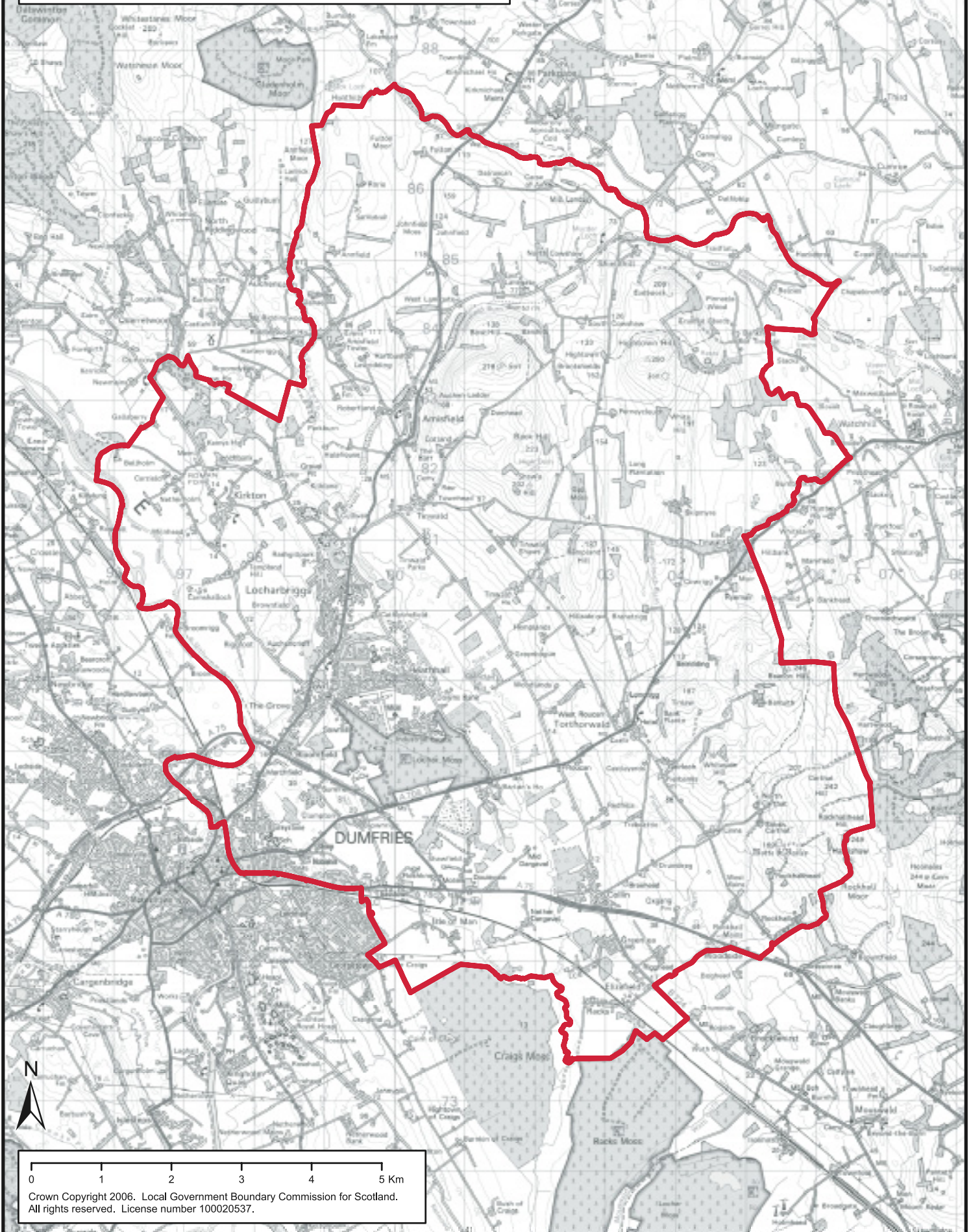
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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 9 - Lochar

4 elected members



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Local Government Boundary Commission for Scotland
Dumfries and Galloway Council area
Ward 10 - Nith
4 elected members

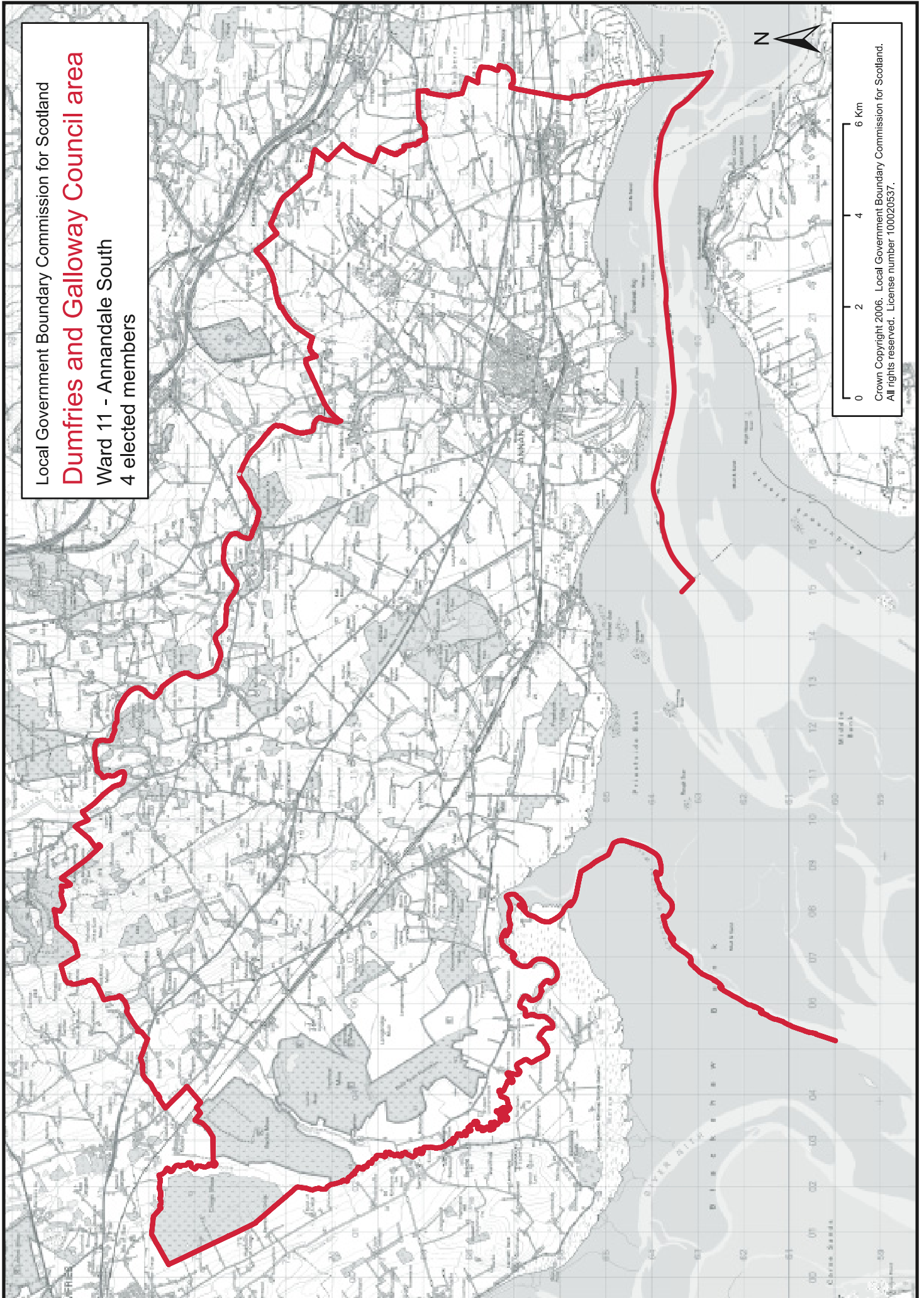


Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

Ward 11 - Annandale South

4 elected members



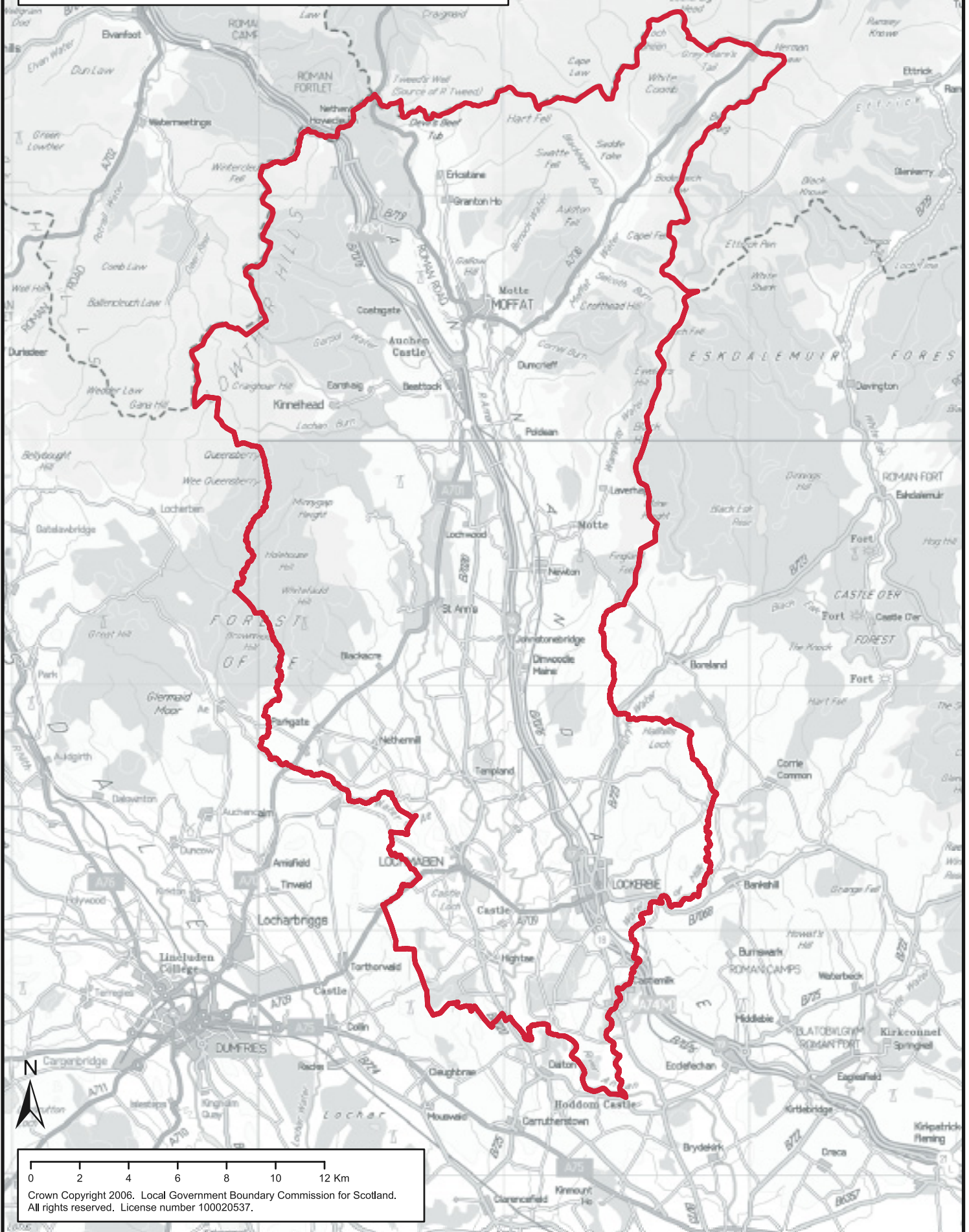
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Local Government Boundary Commission for Scotland

Dumfries and Galloway Council area

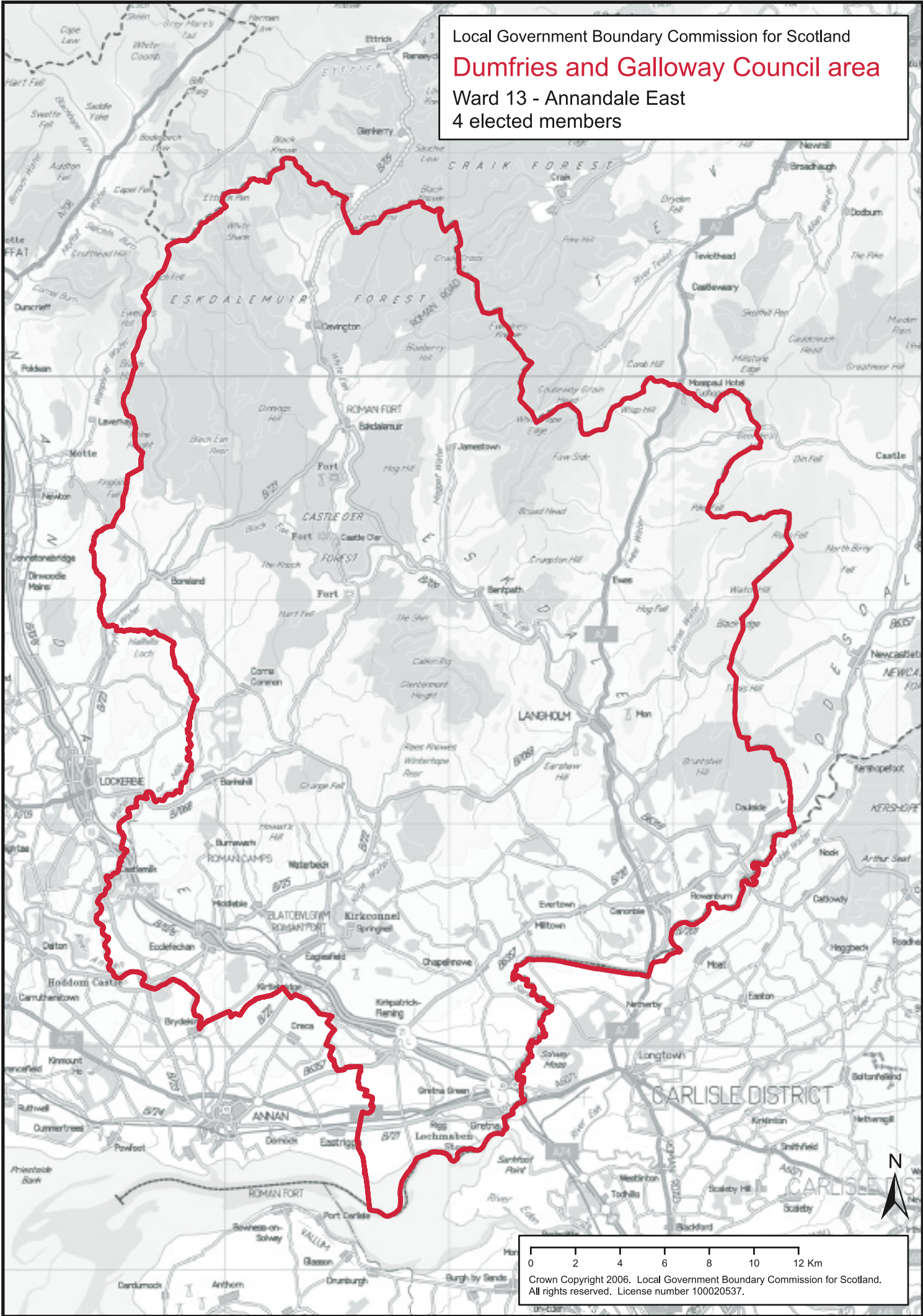
Ward 12 - Annandale North

4 elected members



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Local Government Boundary Commission for Scotland
Dumfries and Galloway Council area
 Ward 13 - Annandale East
 4 elected members



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